



## **Planning Board Minutes – September 12, 2017**

A meeting of the Town of Freetown **Planning Board** was held on September 12, **2017** at the Freetown Town Hall, 3 N. Main St. Assonet, MA **Present:** Keven Desmarais, Mark Rogers, Deb Robbins, Nicolas Velozo, and Robert Jose

### **A. Public Hearing for Clermont Way Extension Subdivision (off 32 Middleboro Rd)**

The Chairman called the hearing to order at 6:05 PM. The applicant requested a continuance<sup>1</sup> to the next meeting. Motion to continue to 9/26/17 at the Freetown Elementary School at 6 PM: Mark Rogers; Second: Robert Jose; all in favor.

### **B. Discussion of work remaining at Holly Ridge subdivision**

Developer Al Endruinas approached the Board to state that his crew is installing the top coat of pavement on Saturday, and is raising structures to grade, and working on the punchlist, including installing street signs. He is looking to get the roads accepted at this coming Town Meeting. Environmental Partners Group (EPG) inspected the gravel subbase of Christopher Drive as a section of pavement was removed, and was satisfied with the condition. Mr. Endriunas states that there were earlier problems of water runoff and pooling and that is why the subbase was inspected, but since they installed subdrains last year the problems have subsided; he states the As Built plans will be available soon. The Chairman inquired as to a reported small depression in the pavement in the sidewalk over the culvert; Mr. Endriunas states that this area has been cut out and redone. EPG will be on site to witness the top coat paving. Mr. Jose asked if the Town is in receipt of plans or schematics on the culvert that was repaired last year; Mr. Endriunas states that he met with EPG on site and he used their calculations and suggestions relative to pipe sizing, to their satisfaction. He has done testing on walls throughout the development, using 28 test holes. The Chairman states that EPG's punchlist must be satisfied before the Board will recommend for acceptance, and that in order to make Town Meeting the work would need to happen very quickly. Mr. Jose states that there may be a Town Meeting this winter if this is not ready for Fall Town Meeting. Mr. Endriunas states that he believes the physical work can be done by the end of the month. The Chairman requested that he update the Board on the meeting of 9/26/17.

### **C. Continuation of a public hearing for a subdivision located off 64 Howland Rd.**

The Chairman called the hearing to order at 6:15 PM; Mark Rogers recused himself. This is the opening of this hearing, since there was not quorum enough to hold it at the last meeting. Atty. William Rounds approached the Board to present the plan. This is a proposed 2 lot subdivision of a parcel of land with frontage on Howland Rd, however, the lot is 3 ft short of the required frontage to undergo a Form A. The applicants were granted a variance for frontage from the ZBA, but have been directed to go to the Planning Board for a Form C. The plan shows the lot with the existing home lacking the required 3 ft of frontage; the other lot is compliant, and there is a parcel of remaining land with no frontage in the back. Atty. Rounds stated that the typical Form C would depict a roadway, but the topography of the site drops off dramatically, and to install a roadway would require very difficult and expensive filling. Atty. Rounds states they are requesting a waiver from frontage pursuant to subdivision control law. Nick Dufresne of Thompson Farland produced a map showing the topography of the lot. <sup>2</sup>

Discussion ensued regarding the process the applicants had to go through to obtain permission to divide the lot; the Chairman stated that after the applicants had received the variance from the ZBA, he instructed the Planning Technician to research which parties should sign the resulting plan, which he had assumed would be an ANR plan. In researching the ANR and in consultation with Town Counsel, case law has established that obtaining a variance from the ZBA alone does not absolve the applicants from the need to seek approval through subdivision control law. A waiver for the frontage must be obtained through the Form C public hearing process. The Chairman stated he could not see why the applicants could not depicted a roadway, that in essence, would be a gravel driveway, and request waivers from construction. He asked the

<sup>1</sup> Email sent to Planning Office dated 9/12/17

<sup>2</sup> Illustration depicting topography received by the Planning Board 9/12/17

Board if they thought the applicants should depict a roadway on the plan. After much discussion, the consensus of the remainder of the Board was such that the applicants have already obtained the variance from the ZBA and by outlining all their waivers requested on the plan, the applicants will have satisfied their obligations. The applicants will return with waivers listed on the plans. Motion to continue to Freetown Elementary School on 9/26/17 at 6 PM: Robert Jose; Second: Nicolas Velozo; motion carries.

**D. Discussion of documents related to King Philip's Cave at the Washburn Rd Solar Project Site**

David Albrecht of Borrego Solar approached the Board with a Form A plan to separate the lot out for King Philip's Cave away from the remainder of the larger parcel. Motion to endorse the Form A: Mark Rogers; Second: Debra Robbins; all in favor.

He also approached the Board to discuss proposed minor modifications to the site plans that came about as a result of discussions with archeological consultants P.A.L. and Native American tribal representatives. The changes were outlined on handout<sup>3</sup> from Borrego Solar. Mr. Albrecht stated that he expected a letter from MHC granting project approval shortly. Representatives from the Acushnet Fairhaven Land Trust as well as Freetown Historical Commission stated that they have yet to see the P.A.L. report. After much discussion, the Board consensus was that they were generally in favor of the proposed minor modifications to the plan, but could not officially vote or sign off on them until evidence is presented that MHC is satisfied.

**E. Continuation of Public Hearing for Fall Brook Subdivision**

The applicants had requested a continuance of the public hearing, and also submitted a letter requesting another 60 extension of the Board to render a decision, the new deadline would be November 14, 2017. Motion to continue to 9/26/17 at the Freetown Elementary School at 6:00 PM: Robert Jose; Second: Nicolas Velozo; all in favor.

**F. Discussion of Housing Production Plan with SRPEDD Representatives**

Sandy Conaty and Eric Arbeene of SRPEDD approached the Board. District Local Technical Assistance funding has been granted to the Town in order to produce a Housing Production Plan (HPP). As recently as 2011, there had been a draft HPP composed by former Planning Office staff, but Mr. Arbeene has updated with the most current census data. SRPEDD reps explained the HPP to the Board and discussed preliminary findings and needs. It was the consensus of the Board that housing for working families and seniors should be taken into consideration. It was determined that the plan will be worked on a section at a time with Mr. Arbeene working with the Planning Technician to get the Board's approval for each section. The Chairman stated that we could have Mr. Arbeene return for a meeting on October 4<sup>th</sup>.

**G. Discussion of Special Town Meeting Articles**

The Planning Technician composed articles for the Board's review. Proposed as follows:

- Changes to the Site Plan Review bylaw clarifying vehicular trips as well as setting the appeal period for a period of 20 days rather than 30 (similar to special permit and subdivision appeal periods)
- Changes to the Parking Bylaw, allowing the Planning Board to waive any of the requirements in addition to allowing for a space reduction for projects undergoing special permit and/or site plan review.
- Adding "truck stop" and "Truck terminal" definitions to the bylaw as well as table of use; further, the adoption of an MGL statute that would enable the town to license and regulate "open air parking spaces". The intention is to curb the use of empty lots for truck parking and idling in town
- Adding "Recreational Marijuana Establishments" as a use within the Medical Marijuana Overlay District.
- Protective Bylaw that would regulate Noise

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<sup>3</sup> Letter addressed to Conservation Commission, dated 8/25/17 revised 9/12/17 entitled RE: 2,7964.800kW (DC) Ground Mounted PV Facility, 30 Washburn Road, Freetown, MA

- Protective Bylaw requiring the registration of foreclosed/bank owned properties and set minimum maintenance requirements.

After some discussion, the Board declined to submit the bylaw regulating noise; all other articles to be submitted.

Motion to adjourn 8:45 PM

Respectfully Submitted,  
Lauren Moreau, Planning Technician

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