



Planning Board Minutes – August 15, 2017

A meeting of the Town of Freetown **Planning Board** was held on August 15, **2017** at the Freetown Senior Center, 227 Chace Rd Freetown, MA **Present:** Keven Desmarais, , Mark Rogers, Deb Robbins **Absent:** Robert Jose, Nicolas Velozo

The Chairman opened the meeting at 6:07 PM

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

Motion to waive the reading of the hearing notice: Mark Rogers; Second: Debra Robbins; all in favor. The Chairman announced that the hearing was being recorded. Mike Pimental and Brian Wallace of JC Engineering approached, proposing to subdivide an 18 acre parcel into 8 lots; 1 with an existing home, and 7 new lots. This site is an older subdivision, Clermont Way is a basic road leading to a paper cul de sac; the new plan proposes paving and extending the way to terminate in cul de sac. The Right of Way coming in from Middleboro Road is 40' wide, the new plan would improve this section, and widen to a 50' Right of Way at the point of the extension, forward into the cul de sac; pavement width will be 24' along the entirety. A sidewalk is proposed on the southern side of the roadway from Middleboro Rd to the cul de sac. Mr. Pimental states that wetlands bisect the existing road, which has a culvert; two additional 18" dia. pipes are proposed. A detention basin will be placed over 3 lots with an easement; the peak rate of runoff shall be less than existing conditions. Drainage structures will be installed along the roadway and directed toward the main basin. The Chairman opened the hearing up for questions.

Frank Ashley stated that there is currently a 24" pipe going into his detention pond, with an addition 3' pipe coming out of the pond. He states that these structures become inundated when it rains, and water slopes down on to his property, and is wary of how additional water will affect the situation. Frank Ashley Jr. stated he is concerned that overflow from the proposed basin will spill into his cranberry bog and affect the crop and his livelihood. The Chairman stated that the project will be sent out for peer review, and part of that process is the examination of stormwater runoff; the project must meet state regulations and demonstrate that the amount of water runoff is less at post-development. The Chairman stated that the office can relay these specific concerns to the reviewing engineer, who will also be consulted as part of the Conservation Commission process.

Debra Robbins inquired about the project hooking up to a water line; the Chairman stated that the subdivision regulations call for projects within 400' of a main to install a dry line. The city of New Bedford has a main nearby, but the applicants were denied the ability to tie in. The Chairman states that the next closest access is a Freetown main located near Pinewood Court, 700' away. The site will instead be utilizing wells. Mr. Pimental states that at this point, test pits have been completed; the Chairman stated they should demonstrate that each lot can get a perc. Motion to continue the public hearing to 9/12/17 at Town Hall at 6:05: Debra Robbins; Second: Mark Rogers; all in favor.

B. PH for 64 Howland Rd.

The Chairman read the hearing notice; Mark Rogers recused himself, and there was not quorum to conduct this hearing. Motion to continue the hearing to 9/12/16 at 6:10 PM at Town Hall: Debra Robbins; Second: Keven Desmarais; motion carries.

C. Informal discussion regarding conceptual plans for 170 S. Main - Riverfront Business Park

Brandon Carr of DiPrete Engineering and Ray Lavey of Churchill & Banks approached the Board to discuss plans for the Riverfront Business Park area. The site is zoned Industrial, and a front portion of the site is in the PMUD. Mr. Carr states that the owners have been remediating the site from its former use as an Algonquin Gas facility, and have fully delineated the site's wetlands and buffers along the Taunton River, which received Conservation Commission approval.

Mr. Carr states that the site's proximity to water and sewer lines, as well as the new Rt. 24 interchange, make it a desirable location for development, and it is on the state's radar. He presented a document¹ depicting a maximum development concept plan that they will be submitting to MEPA and to local permitting authorities within the new few months; Mr. Lavey stated that the MEPA DEIR will be submitted around August 31, 2017.

Mr. Carr states that the plan lays out the max coverage and impervious surface, and as specific uses come in, they will return for permitting as needed. The front of the site is proposed to have a mix of retail and residential uses, while the rear of the site will be reserved for 28 warehouse pads that are 80,000 sf to 1 mil sf, with a proposed total development of 2.5 mil sf. Mr. Rogers asked if the water and sewer infrastructure is sufficient to accommodate this proposal; Mr. Carr states that when the Stop & Shop infrastructure was installed, the future development of Riverfront was taken into account during that planning process. Mr. Lavey added that Stop & Shop has the capacity, but there would need to be an Agreement with Freetown to provide water to their site as well. Mr. Lavey described Massachusetts Historical Commission's involvement with the project; the owners have been working with both MEPA and MHC to receive feedback on the project. MHC asked Churchill & Banks (C&B) to explore a total of (11) archeological sites; C & B agreed, hired their own archeological consultants, and provided MHC with a plan, which was approved. The location of buildings were moved, to stay out of buffers zones, and have been placed on the footprint of previously disturbed areas, where old uses had been located. Mr. Lavey states that Peacehaven, which has natural and archeological significance is not proposed to be developed. The items collected have been curated and given to the Freetown Historical Commission, with a report given to MHC. Mr. Lavey expects final approval of this plan and process 20 -30 days from now. The Chairman stated that the Town has identified this area as a desirable location for the PMUD and has been part of planning efforts for some time. Mary Brown of the Freetown Historical Commission inquired as to potential marijuana cultivation on site; Mr. Lavey stated there are no prospective tenants of that nature at this time, but would not discount future possibilities. Cora Pearce of the Acushnet Fairhaven Land Trust asked if, as was promised as part of the Meditech proposal, there were plans to donate 80 acres of Peacehaven to a trust. Mr. Lavey stated that C & B has met with leaders of 3 Native American tribes, but there were no concrete plans to do this at this point. The Chairman states that the artifacts have been a legitimate concern and that while he was glad to see Peacehaven untouched, he hoped that a Conservation restriction may also be considered.

D. Pre application review of conceptual plans for 68 S. Main St. (Irving Oil station)

Nicole Duquette of MHF Design Consultants, Heather Monticup of GPI, and Jennifer Daigle of Irving Oil approached the Board to discuss the Irving Oil gas station located at 68 S. Main St. The site currently contains a convenience store and donut shop drive through along with (4) fuel dispenser islands. There is a retail/office building to the north. Under the proposal, this building will be razed and in its stead will be (3) islands for commercial truck fueling. It will have a separate entrance and exit from the existing store and fuel stations, which will remain unchanged. The entrance will be through an access road/driveway to south, go around the back of the store, and exit out through S. Main St. The proponents are work with MassDOT on the driveway relocations; further, MASSDOT is in the process of "taking" the access road, which they currently have an easement for, but which has unknown ownership according to Ms. Monticup. DOT has plans drawn up and Irving Oil is going through the application process to open onto a state road ; technically the part of S. Main in front of Irving is under local jurisdiction, but since the access road is on a portion of state highway, MASSDOT wanted them to apply. The Chairman stated that MASSDOT as owners of the access road will need to sign off on the application, since their land is being used as an entrance. He states there are concerns with turning radii, tractor trailer backup and other traffic issues in the area; Republic Services was required to do intersection improvements across the street to accommodate their trucks. He states that the purpose of this meeting is to determine the level of site plan review, major or minor, and there are a lot of considerations to this project, especially the impact on S. Main Street and whether the Town can absorb this level of extra activity.

¹ 'Overall Development Plan – Riverfront Business Park' Draft by DiPrete Engineering

The Chairman mentioned that a resident had stated that the Irving website promoted its locations as areas for truckers; Ms. Daigle stated that they do have “big stop” sites with many trucker amenities, but this will not be one. There will be the use that is currently there, the diesel pumps, and 3 spots in the rear of the facility for short term parking for truckers wishing to go into the store. MS. Daigle inquired as to whether this would go to peer review; the Chairman stated yes. Motion to consider the scope of site plan review as “major”, given the project complexity: Mark Rogers; Second: Debra Robbins; all in favor. The Board discussed reserving meeting room at the School with a target date of 9/26/17.

E. Discussion of documents related to King Philip’s Cave at the Washburn Rd Solar Project Site

Atty. TJ Recuperero approached the Board; the Simeone’s have designated a 2.43 parcel surrounding the cave to deed to the Freetown Historical Commission, along with a 6’ wide pedestrian walking path easement to the cave from Washburn Rd. He is still awaiting finalized documents from Town Counsel; but the first step would be to separate the cave parcel from the rest of the land via an ANR Plan. Atty. Recuperero states that the site has been through 3 levels of archeological review with their consultants as well as MHC, and the no touch area around the cave was enlarged accordingly. He also discussed with Mary Brown, allowing folks to utilize a parking area across the street to park when accessing the cave and the Grange. This plan shows the parking; Atty. Recuperero states that the fence and tree clearing lines have been altered slightly; the Chairman states that he has spoken to Jarred Connell of Borrego who made the changes in consultation with MHC. Atty. Recuperero states that a final survey report should be forthcoming from MHC; the purpose of the Form A is to effectuate the conveyance documents. He states that since there is not a final letter from MHC yet, he is amenable to an extension of the signing of the Form A. Cora Pearce of the Fairhaven-Acushnet Land Trust stated she has not yet seen the report from the consulting archeologists, PAL. Discussion ensued about some digging that has occurred on site, which Atty. Recuperero states that PAL witnessed so no areas of significance were disturbed; he states he will send along all documentation to the Land Trust and FHC for review.

F. Continuation of Public Hearing for Fall Brook Subdivision

Evan Watson approached the Board. He stated that since the last meeting with the Board, discussions had been ongoing with the Town’s consulting engineers at EPG, and most of the issues weren’t designed related, but had to do with calculation discrepancies and notations. The Chairman stated that the groundwater supply and traffic were the main concerns of abutters; Mr. Watson stated that review letters covered these topics. The applicants hired McMahon engineering to provide EPG with traffic information; based on the scope of the project, it was determined that full traffic counts were not warranted. Mr. Watson states that the main necessary improvement related to traffic will be their commitment to trimming the low lying branches extending out at the intersection of Algonquin and Chipaway, which deteriorate the line of sight; the other takeaway from the traffic study is that the addition of the homes will not impact the traffic flow significantly, and amount to 1 extra car every 3 minutes during peak hour. Mr. Watson stated that one outstanding item from the review² was that EPG requested verification that placing fill under the dripline of existing trees will not suffocate the roots, pursuant to Section IV.L.2; the applicants commit to consultation with an arborist should fill be required in these circumstances. EPG also had concerns relative to stormwater management standards, and the fact that all lots on the plan are not yet shown as being buildable, that soil conditions are in compliance, and that runoff is directed to the proposed infiltration areas; Mr. Watson states this info can be provided after test pits are complete. Mr. Watson also addressed EPG’s comments relative to the groundwater budget calculations; he states that they provided a narrative to EPG about the methodology used, which was conservative, and now accounting for impervious surfaces anticipated, but still shows adequate water supply in the area.

² Letter entitled ‘RE: Fallbrook Residential Subdivision – Map 251, Lot 7 and Map 248, Lot 84 Consolidated Engineering Form C and Notice of Intent Review- Proposed Subdivision’ issued by Environmental Partners Group, dated July 7, 2017

Adam Kran of EPG was introduced to the audience. He stated that relative to traffic, the peak hour increase was negligible, and the sight line concerns were addressed, and he has no further comments. Relative to the groundwater budget, Mr. Kran stated that their methodology explanation follows typical procedures to analyze the effects. Mr. Watson states that they utilized historical weather data for the area, and calculation show that rainfall will allow 1.5 ft of water per year to infiltrate into the ground; conversely 2.5 inches will be extracted as a result of the wells, showing more than adequate supply, based on the assumption of houses using 440 gallons per day (110 gals per bedroom, 4 bd homes).

Frank Lach, 105 Bullock Rd, asked if additional tests could be performed, and stated that many folks had wells run dry last year; he states that the water table does not immediately get replenished. Mr. Kran responded that in the case of municipal wells, many higher level tests and monitoring are performed, to see the results on an aquifer, but this is not typically required of subdivisions, because their effect on the groundwater levels doesn't rise to this level of concern. The Chairman stated that in his work with the Water Commission, a municipal well has been looked into, and monitoring is extremely costly and is done over a number of years. He states that the Board asked EPG to take a look at these calculations to make sure they are using the industry standards for the proposed use as a residential subdivision. The Chairman asked if a different study could be done in a timely manner that was not as prohibitively expensive as monitoring wells. Mr. Kran confirmed that there were not tests that could be done in a timely manner short of drilling a well. Mr. Watson stated that the last few years have been atypical, especially with a drought last year; his firm had received a number of calls to redrill wells, especially along the pond where homes have older more shallow wells. He states that wells have a shelf life if pumped too hard; he suspects that may be what is happening in this case, rather than insufficient groundwater supply. After some discussion of annual water use, the Chairman stated that the applicants were using a conservative standard and that the burden showing adequate groundwater had been met.

The discussion turned to requested waivers; Mr. Watson stated that they are requesting an additional waiver to have a vertical curve of 100' rather than 200' around the detention basin. Mr. Kran stated that EPG takes no exception to this waiver, and most of the others requested, but 2 were not recommended. Mr. Watson stated the original waivers were from submitting plans with test pit locations, percolation test info and soil testing on them, but that the applicants have plans to perform these tests. He states the soil maps appear to be adequate for the use, but they did not submit plans with this information because the site is very large, clearing would have been necessary, and they wanted the Board to be satisfied with other project aspects before committing to do this. The Chairman stated this is a legitimate concern from EPG; they need to be sure the lots can accommodate homes. He states the Board will hold out on approvals until EPG is satisfied; Mr. Kran states test pits should show all lots are buildable.

Jerry Weiner, 14 Algonquin Way, stated he was concerned about the lack of maintenance of the swale once the Town takes over the road. The Chairman stated that at a certain point, the Highway Dept. will need to ask for the Town's support so that infrastructure can be maintained properly, but that would not be a basis for a denial of the subdivision. Mr. Weiner also stated that he does not agree with the numbers provided for the increase in traffic; the Chairman responded that the Board is confident that EPG has reviewed with the Town's best interests in mind, and that all studies are public information. Mr. Weiner also inquired as to the minutes; the Chairman stated that they are not yet approved but available in draft form. Dave Lundrigan, 16 Algonquin Way stated that when he purchased his home, he was under the assumption that zoning didn't allow for the land being built on. The Chairman responded that the zoning is residential and this use is permitted by right; the land was under Chapter 61A and can commence with building once back taxes have been paid. Mr. Lundrigan inquired as to the timeline for building; Mr.

Watson stated that it is unlikely that ground breaking will occur this year, but more likely in the springtime. He stated that they would be obligated to install drainage, the swale, detention pond and piping early on to have the site function as designed. The logical manner would be to construct the extensions of Algonquin and Buddy's Crossing first, and continue to construct and sell lots as the market dictates. The Chairman added that one of the possible conditions of approval would be a phased build approach. Motion to continue the hearing to 9/12/17 at 6:30 at Town Hall: Mark Rogers; Second: Debra Robbins; all in favor.

Motion to approve the minutes of 2/7/17: Mark Rogers; Second: Keven Desmarais; motion carries. Motion to approve the minutes of 3/7/17: Keven Desmarais; Second: Mark Rogers; motion carries. Motion to approve the minutes of 3/21/17: Mark Rogers; Second: Keven Desmarais; motion carries. Motion to approve the minutes of 5/16/17: Debra Robbins; Second: Mark Rogers; motion carries. Motion to approve the minutes of 6/13/17: Debra Robbins; Second: Keven Desmarais; motion carries. Motion to approve the minutes of 7/11/17: Debra Robbins; Second: Mark Rogers; motion carries.

Motion to adjourn 8:45 PM

Respectfully Submitted,
Lauren Moreau, Planning Technician

RECEIVED
FREETOWN TOWN CLERK
2017 OCT 19 AM 10:52

Ja Brown