



## **Planning Board Minutes – October 17, 2017**

A meeting of the Town of Freetown **Planning Board** was held on October 17, **2017** at the Freetown Senior Center, 227 Chace Rd Freetown, MA **Present:** Keven Desmarais, Robert Jose , Mark Rogers, Deb Robbins, Nicolas Velozo

### **A. Public Hearing for recreational marijuana articles for Special Town Meeting**

Motion to waive the reading of the public hearing notice: Mark Rogers; Second: Robert Jose; all in favor. Selectmen Lisa Pacheco and Charlie Sullivan were in attendance, as well as David Demanche, Town Administrator. Ms. Pacheco states that the Selectmen do not yet have a recommendation for these articles, and are meeting on October 23<sup>rd</sup>. The Chairman explained that (2) articles were placed on warrant by the Selectmen relative to recreational marijuana sales. The first article would completely prohibit the retail sale in Town; if this passes at Town Meeting, state law requires the Town to also put this forth in a ballot question, as Freetown voted in favor of marijuana in the state election. The second article would allow for retail sale of marijuana in Town to set facilities to a number that is 20% of the package store licenses issued. The Chairman explained that if this passes, there would not need to be a follow up ballot. The Board already held a hearing previously to allow for recreational marijuana to be sited within the Medical Marijuana Overlay District by special permit, should the second article pass.

Selectman Pacheco states that because the state ballot question legalizing recreational marijuana passed in Freetown, that doesn't mean that people necessarily want facilities siting here. This will give them a choice; the Selectmen plan on making their recommendation on Town Meeting floor. Mr. Jose states that if both articles fail, this leaves Freetown as an "open town" with potential no restriction on licenses when they begin to be issued on April 1, 2018. Further, if the Town opts for the total prohibition, the special election with the ballot question should be held in advance of that April 1, 2018 deadline. Selectman Sullivan asked if medical marijuana facilities could convert to recreational. The Planning Technician responded that those entities with a provisional license as of July 1, 2017 would be free to convert, but that doesn't apply to Freetown, as no one with a provisional license is sited here. After some discussion, the Planning Board and Select Board will meet prior to Town Meeting to jointly discuss a recommendation. Motion to continue the public hearing to 10/23/17 at 6 PM in the Freetown Elementary School auditorium: Robert Jose; Second: Mark Rogers; all in favor.

### **B. Continued public hearing for Claremont Extension Subdivision**

The Chairman opened the hearing at 6:18 PM. Brian Wallace of JC Engineering approached the Board with revised plans in response to EPG comments. He summarized the major changes: the detention pond has been moved away from the cranberry bog westerly towards the bordering vegetated wetlands; the culvert crossing has been modified from (2) 18" diameter pipes to (3) 15" pipes; additional information on both the proposed and existing utilities is included; the location of the hay bale line has been modified; numerous minor comments have been addressed. The Chairman stated that the applicants attended the Conservation meeting the night prior and there was much discussion surrounding the need for clean water for the abutter's cranberry operations. He states that while the standard for the MA Wetland Protection Act may be met, he is asking them to go above and beyond in regards to runoff. Mr. Wallace had sent the office a documented response<sup>1</sup> to EPG's October 6<sup>th</sup> letter comments, along with a list of requested waivers. The Chairman stated that given the documents were sent so recently and need consultant review, that we would not dive into those too deeply at this point, and opened the hearing up for comments.

Resident Frank Ashley is a cranberry grower and direct abutter to the project. He stated that his concerns are about both water quality and quantity. As a grower, their products are required to meet certain standards for buyers. In order to achieve the product quality goals, they must justify where the water on their site comes from, how it has been treated, etc. There is zero tolerance for petroleum or other chemicals found during testing. He has numerous concerns, one being the leeching effect of contaminated water going into the retention pond also leeching into the surrounding ground. The pond will sit at a 10ft higher elevation than their bog due to the grade. He is also concerned about the quantity of water that may be diverted to his property. Due to the topography, the water has washed down the hill and

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<sup>1</sup> Letter received from JC Engineering dated 10/17/17 RE: 32 Middleboro Rd, Freetown MA

throughout the years they have had to make adjustments to accommodate the excess water, installing a 24 inch pipe to redivert the water. Mr. Ashley states that in the spring 1" rain storms, that 24" culvert fills up. There is little room and the reservoirs also fill right up. Any contaminated water can overflow onto their property, and these contaminants would be detected as the crops are regularly tested, with recall procedures in place should inspections fail. Mr. Jose asked Mr. Ashley what the effect of fertilizers in the runoff would do to the crop; Mr. Ashley stated that issues stem from nitrogen and phosphorus in the fertilizers, which can lead to fishkill in the bogs. Mr. Jose states the Board may want to consider that deed restrictions and signage be put up to promote organic fertilizers only; Mr. Rogers states this would be difficult to enforce. Mr. Velozo asked if their reservoir or bogs were closest to the property line; Mr. Ashley stated that in the original plans the detention pond was going to be in line with their bog, but it has been moved closer to Middleboro Rd. He states that although it is further away, there is a bigger change in elevation. Motion to continue to: 11/7/17 at COA at 6 PM: Mark Rogers; Second: Nicolas Velozo; all in favor.

**C. ANR Plan for 89 Chace Road**

John Romanelli approached the Board with a plan creating (2) lots with requisite area and frontage. Motion to endorse: Robert Jose; Second: Mark Rogers; all in favor.

**D. Discussion of Housing Production Plan**

New Town Administrator David DeManche joined the Board for a discussion of the work on the Housing Production Plan. The Board discussed a list of sample goals and strategies sent over by SRPEDD's Eric Arbeene. The Board noted that they feel there is a need for 55 + housing, as evidenced in Eric's draft findings, and for 1<sup>st</sup> time homebuyers. The Board will look over this document in order to discuss more fully at the next meeting.

**E. Discussion of letter from MA Historical Commission and plan modifications to Washburn Rd Solar Array**

The Board received a letter<sup>2</sup> from MHC regarding the project, which stated that they are in agreement with the project proponents that no additional archeological survey is needed on site. Motion to approve the changes outlined on Borrego's letter dated 9/12/17 and plans revised through 8/25/17: Robert Jose; Second: Nicolas Velozo; all in favor.

**F. Approval of Minutes**

Motion to approve the minutes of 9/12/17 and 10/4/17: Debra Robbins; Second: Robert Jose; all in favor.  
Motion to approve the minutes of 8/15/17: Debra Robbins; Second: Mark Rogers: Robert Jose abstained; motion carries.

**G. Continued Public Hearing for Fallbrook Subdivision**

The applicants had requested a continuance; motion to continue to 11/7/16 at 6PM at the Senior Center: Nicolas Velozo; Second: Debra Robbins.

**H. Continued Public Hearing for Irving Oil LLC**

The applicants had requested a continuance; motion to continue to 11/7/16 at 6PM at the Senior Center: Nicolas Velozo; Second: Debra Robbins.

**I. Creation of a lot on Nestles Lane**

The Board briefly discussed if the road is suitable frontage for a Form A lot that a resident wishes to create. The Board was sent pictures of the current roadway; Mr. Jose states it is just as wide as the upper portion of Nestles. The Board consensus was that with log removal, mowing, and some grading, a Form A could be endorsed.

Respectfully submitted,  
Lauren Moreau, Planning Technician

<sup>2</sup> Letter dated 10/6/17 from MHC RE: Borrego Solar Energy Production Facility, 0 Washburn Rd Freetown, MA

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