

**Freetown Planning Board**  
Minutes of the Tuesday, May 1, 2018 Meeting  
Town Hall – Assonet, Mass.

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2018 JUN 21 PM 12:36

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**Present:** Keven Desmarais, James Frates, Robert Jose, and Debra Robbins

**Absent:** Mark Rogers.

**Call to Order:** Keven Desmarais called the meeting to order at 5:36 p.m.

**Continued Public Hearing – Fallbrook Definitive Subdivision**

Mr. Desmarais called the continued public hearing back to order and stated that the applicant had requested a continuance. A motion was made by Ms. Robbins, seconded by Mr. Jose, to continue the hearing to Tuesday, June 12, 2018, at 6:00 p.m. at the Town Hall. The motion carried unanimously.

**Form A Plan – 19 Locust Street, Assonet**

The plan presented removes a 50-foot "access road" from Map 206, Lot 42 (0 Locust Street) (see also plan dated March 20, 1981, recorded at Plan Book 70, Page 37) and combines it with Map 206, Lot 41 (19 Locust Street). The remaining land of 206-42 is addressed under Note 3, which states "Lot 42 is in common ownership with lots 27, 28, 29, 30, 31, 32, 33 (77.97 acres total) and has access from Sammy's Lane, and is in accordance with zoning requirements including frontage, area and upland requirements." The signature block also includes the statement "Planning Board endorsement does not determine buildability or compliance with zoning requirements". A motion was made by Mr. Jose, seconded by Ms. Robbins, to endorse the plan as presented. The motion carried unanimously and the plan was endorsed.

**Continued Public Hearing – Irving Oil, 68 South Main Street**

Mr. Desmarais called the continued public hearing back to order and reviewed rules for participating in a public hearing. Jim Fitzgerald, traffic engineer with Environmental Partners, the town's peer review engineer, was present.

Atty. Matthew Costa of Gay & Gay presented a letter from Circle K, operator of the convenience store, which Mr. Desmarais read aloud for the benefit of those present. Circle K has committed to certain improvements to be made to the property. Jennifer Daigle, on behalf of Irving, further clarified certain points of the letter, as well as the area where trucks would be parked. Mr. Desmarais related a story that earlier in the day he had witnessed a truck parked on the MassHighway "Access Road" with its curtains drawn, an indication the driver was parked there and sleeping – thus, the parking is still a problem. Ms. Daigle stated Circle K was committed to cleaning up trash and debris on the "Access Road". Mr. Desmarais asked why the state has still not sent a representative to one of these meetings to discuss with the Planning Board their easement agreement with Irving Oil. Tim Letton from Greenman-Pederson, Inc., traffic engineers for the applicants, replied that the state would not consent to meeting with the Planning Board during an open meeting and hearing; they would only meet in their offices. Mr. Desmarais stated he would have the Town Administrator phone the District Highway Engineer to state that this is not acceptable and get better answers.

Mr. Desmarais asked if there had been any changes to the plans since the previous meeting. Atty. Costa stated no, there had been no changes to the traffic patterns. Mr. Desmarais pointed out problems with traffic flow that he stated he had pointed out at the previous meeting, and asked why they had not been addressed. Mr. Jose added additional points that he felt had not been addressed, specifically related to traffic backing up on South Main Street and possibly onto the expressway. Mr. Desmarais summed up the traffic issues by stating, "It doesn't work now, and now we're encouraging more tractor-trailers."

Mr. Jose asked what are the plans for the truck parking spaces at the rear of the site. Atty. Costa replied the trucks would park for a maximum of thirty minutes.

Mr. Desmarais asked about a one-way traffic pattern. Nicole Duquette, on behalf of Irving Oil, stated that the Planning Board could condition a one-way area, but that they could not presently design one because the applicant did not request it. Ms. Duquette then addressed some of the existing conditions versus some of the proposed conditions, and Mr. Jose noted alterations such as choking off the curb cut onto the "Access Road".

Mr. Desmarais asked how many trucks the loading area could handle. Ms. Duquette replied it depended on the size of the truck, but that the area was over 120 feet long. Mr. Desmarais stated that if a condition was issued that there could be no deliveries outside the loading area, and it was found to happen anyway, that would trigger a zoning violation. Ms. Daigle stated they understood. Mr. Jose clarified that it is a zoning violation against Irving Oil as property owner, not Circle K as tenant.

An extensive discussion was then had as to the particulars of the "Access Road" – who has rights to use it and to what extent, its design, the "No Access" line of the Route 24 layout, etc. It was noted that the "Access Road" parcel as currently depicted on the Assessors' maps, and as used on the site plan, does not match what MassHighway says is the "Access Road", and the question was raised whether the easement applied to what the state said was the "Access Road" or what the Assessors and the applicant says is the "Access Road". After several minutes of discussion, without the state's plan readily available, the discussion ended as the point could not be adequately illustrated. A follow-up will be done by the clerk with the state's plan.

At this time, Mr. Desmarais, Ms. Daigle, Ms. Duquette, and Atty. Costa review some of the changes that have been proposed as the plan has evolved from the beginning of the hearing process to the present. Ms. Duquette reviewed the changes in detail, and noted the reduction of impervious area to be about 10,000 square feet.

Mr. Desmarais asked if there was any consideration given to limiting large and commercial vehicles to one area and passenger vehicles to another area, similar to the service plazas on Route 24 in Bridgewater. Mr. Jose simultaneously asked for clarification as to whether the diesel pump under the current canopy would remain. Ms. Daigle stated that yes, the regular diesel pump would stay at the store site because the proposed diesel pumps would be "high-speed" designed for pumping a large volume into a larger tractor-trailer tank and not suitable for passenger vehicles, small pickups, etc. No necessary division of large or commercial vehicles was planned for that reason, and also for the inability of monitoring and preventing, say, and RV from entering the store lot.

Mr. Desmarais at this time clarified that the Planning Board offering suggested changes did not necessarily mean the plans would be approved if those changes were made, just that they are changes that would improve what is currently proposed.

After more general discussion, Mr. Desmarais stated to the applicants that they have heard the concerns of the Planning Board, and the general consensus appeared to be that the board would like to see updated plans that incorporate changes based on some of these concerns; that the board would not like to see the same plan presented again at the next meeting. Ms. Duquette replied that the board members did not all seem to be in agreement on each item, and asked what they should do with regard to that. Board members felt that they were in agreement on the basics.

When the floor opened to the public, Patricia Chace, Freeman's Circle, asked about truck parking times. Ms. Daigle responded again that the trucks were to be there for a maximum of thirty minutes.

Discussion returned to the old layout of South Main Street and the exact layout of the "Access Road" with no immediate resolution.

Mark O'Gara, Freeman's Circle, asked what happens if a truck stays for longer than thirty minutes. Ms. Daigle stated the driver would be asked to leave; if he did not comply, the trucking company would be contacted, and if that still did not resolve it, then the police would be contacted. Mr. O'Gara stated that he believed this setup would bring Stop & Shop trucks to Exit 9 rather than Innovation Way, whereas Innovation Way had been built in part to keep the trucks out of this part of town.

A motion was made by Ms. Robbins, seconded by Mr. Jose, to continue the hearing to Tuesday, June 12, 2018, at 6:00 p.m. at the Town Hall. The motion carried unanimously.

#### **Receive Minutes**

A motion was made by Mr. Jose, seconded by Mr. Desmarais, to approve the minutes of April 18, 2018 as submitted. The motion carried 2-0-2 with Mr. Frates and Ms. Robbins abstaining.

#### **Any Other Business Properly before the Board**

None.

#### **Adjournment**

A motion was made by Mr. Jose, seconded by Ms. Robbins, to adjourn at 7:51 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: \_\_\_\_\_  
Michael T. McCue, Senior Clerk