



## **Planning Board Minutes – October 30, 2018**

A meeting of the Town of Freetown **Planning Board** was held on October 30, 2018 at the Freetown Town Hall 3 N Main St Freetown, MA **Present:** Mark Rogers, Debra Robbins, Robert Jose, Jim Frates, Keven Desmarais

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2018 DEC 13 AM 8:45

*J. Brown*

**Meeting called to order at 6:04 PM**

### **Discussion on Burns Lane Extension Performance Guarantee**

Chairman Desmarais explained that the project is an approved Form C subdivision that creates 2 lots on a gravel way. Chairman Desmarais mentioned that the applicant would like to do a covenant and have the lot named "Remaining Land" under covenant. Chairman Desmarais asked the applicant to get a construction estimate for the cost of installing the gravel way. Chairman Desmarais also told the applicant to send a letter stating that they would like to put their land under covenant.

### **Continuation of Public Hearing- Irving Oil**

Chairman Desmarais called the public hearing for Irving Oil, 68 South Main Street, back to order. Chairman Desmarais explained the rules of engagement for a public hearing.

Attorney Matthew Costa, Gay & Gay P.C., explained the history of this public hearing and that their idea for this meeting is a recap.

Nicole Duquette, MHF Design, gave an overview which explained the existing conditions, the proposal (removing the strip mall), and the MassDOT access road. Ms. Duquette also explained the proposed modifications to the site including: the diesel pumps for tractor trailers, the drainage, ADA compliance, improvements to maneuverability, and the private septic system.

Tim Letton, GPI, shared the May 2017 traffic assessment and stated that there 16 crashes over 5 2/3 years, which is below average. Chairman Desmarais stated that there were 17 since there was a crash in front of the site earlier in the week. Mr. Letton talked about the average vehicle speed (38 mph) and stated that there were not any trends that could be corrected. Mr. Letton explained that there are only 8 additional vehicle trips expected from the proposed site modifications. Ron Pineault asked if that was trucks or cars. Mr. Letton stated that the additional 8 trips would be from trucks and explained that the turnaround time to fuel 10-15 minutes per truck. Mr. Letton mentioned that the site distance from the Northbound off-ramp is 225 feet, that the 95<sup>th</sup> percentile of a vehicle queue would be 100 ft long, and that 7 additional pumps would need to be added to the site to cause problems on the ramp.

Mark Rosofsky, Chace Road East, asked how fast the hi-speed fueling pumps for the tractor trailers would be. Mr. Letton responded that he did not know. Ms. Duquette mentioned that she did not remember the exact flow rate and explained that there were a lot of safety measures including: positive barriers and areas underneath the dispensers that collect leaks. Mr. Rosofsky stated that the truckers

have to input some information and if they log that data after they fuel up they could block the intersection. Mr. Rosofsky asked if it would be possible to push the fueling station back. Mr. Jose replied that he has asked this before and that it would create a line of site issue.

Patti Chace, Freeman's Circle, asked if it was true that a spill over 10 gallons has to be reported to MassDOT. Mr. Rogers replied that it has to be reported to the Fire Department. Mr. Rogers asked about the size of the oil water separator tank. Ms. Duquette replied that it is 2500 gallons.

Gary Mendez asked if a log had to be submitted on cleaning the storm water management areas. Ms. Duquette replied that there are no state or planning board requirements. Mr. Mendez asked about whose responsibility it was to kick out sleeping trucks. Chairman Desmarais replied that it is the responsibility of the zoning enforcement officer. Ms. Chase said that truck drivers need to take a 30 minute break and that they are going to come to Freetown and park. Attorney Costa said that the parking time limit will be enforced by the Irving employees. Mr. Jose asked what will happen if action has to be taken to remove someone who has stayed for too long. Ms. Duquette replied that Jennifer Daigle, Irving Oil, said that they employees will warn the trucker and call the police.

Attorney Costa explained the ways he believes that the project conforms to Freetown's special permit criteria. These examples were: that there has been a constructive input process from the Board, the site plan has been reconfigured based on the board's suggestions, a designated loading area was added to the plan (there is not on currently on the site), parking was added for the convenience store, additional dumpsters were added to the plan, and Irving Oil has written a letter saying they will enforce the truck parking. Attorney Costa also mentioned that the project does not interfere with Route 24, that the project is not a truck stop, that there are no residential abutters, that the benefits to the site with this development should be considered by the board, and that Ms. Duquette and the town's consultant agrees that the traffic circulation works.

Hope Ferreira said that if the parking is supposed to be enforced by police then it will increase the stress on the department. Ms. Ferreira also said that trucks will circle around waiting for a spot to open up and that there is a huge amount of truck traffic already in the area.

Chairman Desmarais stated that a lot of the changes that were made to this plan were based on safety and that the board has been providing feedback on this plan for a year. Chairman Desmarais also said that Attorney Costa is just stating his opinion on how the plan satisfies the special permit requirements. Chairman Desmarais added that the engineering review is from a technical stand point and assumes perfect conditions. Chairman Desmarais said that the project is in allowed use in the area but that does not necessarily mean it is an allowed use in its current form. Chairman Desmarais read through the South Main Street Overlay District By-law referencing the board's ability to send the plan out for an additional traffic study.

Carolyn Kiley Moore, Cliff Drive, said that decisions like these determine what kind of place Assonet is going to be. Ms. Kiley Moore mentioned that trucks waiting across the street or up the road for a diesel pump to be free affects the whole town. Ms. Kiley Moore talked about the amount of traffic, particularly around the times when school buses are out on the road. Mr. Jose mentioned that the selectman

approached Stop & Shop and was successful in getting them to ask their drivers to not drive down South Main Street during the hours that school buses were out on the road. Mr. Jose said that it is harder to do something like that with independent truck drivers.

Ms. Chace asked for clarification on a waiver request and if there were only 2 proposed diesel pumps in the plan. Ms. Duquette responded that there would be only be a pump on one-side of the dispenser island, so there would only be 2 diesel pumps.

Mr. Rogers said that there is no number for the true amount of vehicle trips today, only the amount for a full buildout. Mr. Frates asked how many of the 8 additional trips will be tractor trailers. Mr. Letton replied that a reasonable estimate would 8-12 tractor trailer trips in the morning hours. Chairman Desmarais said there is a minimum amount of tractor trailers they need to be successful. Mr. Rosofsky asked if the traffic study took into account that drivers will be drawn to Irving through an app. Mr. Letton replied that the traffic calculations were being generated by analyzing similar facilities of similar sizes. Ms. Kiley Moore asked if the applicant would have to come back to the Planning Board to add another pump. Chairman Desmarais replied that they would.

Mr. Mendez asked what MassDOT thinks about allowing access to the access road during the wintertime. Mr. Letton replied that the entire project was submitted to MassDOT and that Irving was given permission to use the access road. Chairman Desmarais mentioned that he needs to meet with MassDOT and stated that they refused to come down to any of the public hearings for this project.

Mr. Letton mentioned that he believes the applicant's intent was that at the end of this meeting the public hearing would be closed and the board would vote. Chairman Desmarais said that the board doesn't usually close the public hearing until they are ready to vote and mentioned that they don't believe the sign has been discussed. Ms. Duquette replied that the sign was discussed at the first meeting and it has not changed. Chairman Desmarais stated that the board will have to digest all this information for the next meeting and added that at the next meeting there will be a motion on this project.

Chairman Desmarais entertained a motion to continue the public hearing for Irving Oil to Tuesday November 13<sup>th</sup> at 6:00 pm in Freetown Town Hall. Mr. Rogers sustained, Ms. Robbins seconded.

Mr. Rogers made a motion to accept the meeting minutes from October 16<sup>th</sup>. Ms. Robbins seconded. The motion passed unanimously.

Mr. Jose made a motion to adjourn the meeting at 8:25 pm. Ms. Robbins seconded.

Respectfully submitted,

Christopher McKay