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### **Planning Board Minutes – November 13, 2018**

A meeting of the Town of Freetown **Planning Board** was held on November 13, **2018** at the Freetown Town Hall 3 N Main St Freetown, MA **Present:** Mark Rogers, Debra Robbins, Robert Jose, Jim Frates, Keven Desmarais

**Meeting called to order at 6:00 PM**

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

Ariel Deneault presented the board with an estimated construction cost and a Designer's certificate for the project.

Chairman Desmarais explained that the covenant is for one lot and that the other lot will not be under covenant.

Chairman Desmarais entertained a motion to accept "Lot 2" under covenant. Mr. Rogers moved and Mr. Jose seconded. The motion passed unanimously.

#### **Notice of Project Change 0 South Main Street**

Steve Wiehe, Weston & Sampson, explained that the proposed changes would increase the project size from 22 to 28 acres and would increase the output from 5.9 to 11 megawatts. Mr. Wiehe explained that the proposed increase in output would allow batteries to be charged during the day in order to provide power at night. Mr. Wiehe mentioned that the proposed changes honor the old setbacks and would not require any additional clearing.

Chairman Desmarais mentioned that the project was sent out for engineering review before and that he thinks it's a great use. Mr. Rogers asked if the battery storage was enclosed. Mr. Wiehe said that the batteries are enclosed and located on equipment pads. Mr. Wiehe also mentioned that all conduits will be above the landfill cap. Chairman Desmarais said that they board will have to determine whether or not it needs review. Chairman Desmarais mentioned that the drainage might be affected by the increase scope of the project. Jim Rezendes, owner, replied that the drainage can't change since it's already there and located under the landfill. Mr. Rogers said that there are no grade changes and he does not think it needs to go out for engineering review. Ms. Robbins agreed that it does not need to go out for engineering review. Mr. Jose asked if the battery storage has a fire suppressor system. Mr. Wiehe replied that the battery container comes outfitted with a fire suppressor system. Chairman Desmarais said he agrees with his fellow board members.

Chairman Desmarais entertained a motion to accept the new plans, dated October 23, 2018, for the 0 South Main Street solar project. Mr. Rogers moved and Ms. Robbins seconded. The motion passed unanimously.

Chairman Desmarais mentioned that any other changes will also have to come before the Planning Board.

#### **Continued Public Hearing- Fallbrook Subdivision**

Chairman Desmarais called the public hearing for the Fallbrook subdivision back to order.

Mr. Jose read the email from Evan Watson, Prime Engineering, asking for the public hearing to be continued to the December Meeting.

Chairman Desmarais entertained a motion to continue the public hearing for the Fallbrook Subdivision to December 18<sup>th</sup> at 6:00 pm in Town Hall. Mr. Rogers moved and Mr. Jose seconded. The motion passed unanimously.

#### **Continued Public Hearing – Commercial Site Development Plans**

Chairman Desmarais called the public hearing for Commercial Site Development Plan back to order.

Dan Mulloy, Site Design Engineering, provided the board with some of the additional information they requested at the last meeting. Mr. Mulloy explained that he didn't know the anticipated uses but provided examples of common uses and their typical traffic. The letter and plans Mr. Mulloy provided also showed the turning movements for trucks and a photometric plan.

Chairman Desmarais asked if there was any planned signage and if so it should be shown on the plan. Mr. Mulloy replied that the only planned sign was a stop sign at the exit. Chairman Desmarais explained that if the applicants want a stand-alone sign then they will have to come back to the Planning Board. Mr. Mulloy said there were no plans for a stand-alone sign at this time. Mr. Mulloy said they anticipate the hours of operation to be 6 am to 8 pm at most. Mr. Jose asked if the hours could be limited to 7 am to 7 pm. Mr. Mulloy said he would have to check with the applicant. Mr. Mulloy said he would like to continue the hearing until the December Meeting.

Chairman Desmarais entertained a motion to continue the public hearing for Commercial Site Development Plans to December 18<sup>th</sup>. Mr. Jose moved and Mr. Rogers seconded. The motion passed unanimously.

#### **Continued Public Hearing – Irving Oil**

Chairman Desmarais called the public hearing for 68 South Main Street back to order.

Chairman Desmarais explained the public hearing process.

Attorney Matthew Costa, Gay and Gay P.C., said they had nothing new to add since the last meeting.

Patti Chace, Freeman's Circle, asked how the problem with trucks crossing over the yellow line is going to be addressed. Tim Letton, GPI, said that the entrance to the site was widened. Ms. Chace asked if there was going to be an entrance sign and if that would affect MassDOT. Mr. Letton said that it should not affect MassDOT's use and that the applicant has an access permit and easement.

Mark Rosofsky, Chace Road East, said that he had 35 years experience as a truck driver, that a truck will cross the yellow line, and asked how the engineer is able to say that trucks will not cross the yellow line just because the entrance is wide enough. Mr. Letton replied that he is not a truck driver, but he has helped many applicants with similar projects. Chairman Desmarais said that the engineer's work has been reviewed, by the engineering firm the town hires, using the most up to date standards.

Carolyn Kiley Moore, Cliff Drive, said that cars will be leaving where trucks are coming in. Nicole Duquette, MHF Design, said that it's a 2-lane way.

Gary Mendez asked what happens if this site is packed and fire and rescue has to get in. Mr. Rogers replied that a scenario like that could be used for anything. Chairman Desmarais said that the Planning Board's job is what-ifs and that both Police Chief and Fire Chief get copies of plans.

A resident asked what the difference between the proposed project and a truck stop is. Ms. Duquette, replied that there were more parking spaces, truck stops allow parking longer than 30 minutes, facilities for the truckers and long term stay. The resident asked if the town had a definition of a truck stop. Chairman Desmarais said that there was a definition of a truck stop in the town's bylaws. Chairman Desmarais added that the proposed project would be no different than Juniors. Hope Ferreira mentioned that Junior's doesn't have a 30 minute parking area.

Mr. Rosofsky said that Juniors has a diesel pump, not a high speed diesel fueling rack. Chairman Desmarais said he mentioned a real world scenario in an effort to explain the proposed use. Mr. Rosofsky said he thought the board was minimizing the impact.

Michael Perry, Rocky Hill Road, said that during the 8 years he worked for Stop & Shop that he never didn't cross the yellow line. Mr. Perry asked what the town was getting out of this project. Chairman Desmarais said that the board doesn't make decisions based on what the town is going to get. Chairman Desmarais added that the consideration on what is good for the town is done on the zoning side of things.

Chairman Desmarais entertained a motion to close the public hearing for 68 South Main Street. Mr. Rogers moved, Ms. Robbins seconded. The motion passed unanimously.

Chairman Desmarais read the requirements for a special permit for the South Main Street Overlay District. Chairman Desmarais said that with the overlay district in mind that he is not convinced that it will good for the area. Chairman Desmarais also added that he felt like the board was having to reengineer the plans for the applicant, that the proximity to Route 24 was a concern, and that he does not feel comfortable that the 30 minute parking limit will be enforced. Mr. Rogers said he felt that there

was a disconnect between Irving and Circle K and that it might affect enforcement of the parking limit. Chairman Desmarais said that if the project was approved than there could be conditions on enforcing the parking limit. Mr. Frates said that he has stood in line many times and he felt there was no way cashiers will go out and enforce the limit if the store is busy. Mr. Jose thanked the applicants for all the work they put into this project over the past year. Mr. Jose mentioned that a lot of the changes were made at the suggestion of the board, like the parking limit. Mr. Jose also said that just because the board gives an applicant feedback doesn't mean that the project will be approved.

Mr. Costa requested a short recess to contact Jennifer Daigle, Irving Oil, in order to see how she would like to proceed. Chairman Desmarais declared a recess at 7:12 pm. Mr. Costa received a text response from Ms. Daigle and said they were ready to proceed. Chairman Desmarais called the meeting back to order at 7:13 pm.

Mr. Costa thanked the board for having the discussion and requested to withdraw the applications for site plan review and special permits. Chairman Desmarais asked if he was withdrawing it with prejudice. Mr. Costa replied that they would like to withdraw it without prejudice. Chairman Desmarais said that the board has never had an issue with a project being withdrawn. Ms. Chace said she did not understand what it means to withdraw a project without prejudice. Chairman Desmarais explained that if the project is withdrawn then it is like the applicant never applied. Mr. Rogers added that if a project is withdrawn without prejudice that means it is taken back with no decision.

Chairman Desmarais asked Mr. Costa to provide the request in writing. After receiving the request in writing Chairman Desmarais read the written request out loud.

Chairman Desmarais entertained a motion to allow the applicant to withdraw the application without prejudice. Mr. Jose moved and Ms. Robbins seconded. The motion passed unanimously.

Mr. Jose made a motion to accept the minutes from October 30<sup>th</sup> as read. Ms. Robbins seconded.

Mr. Jose made a motion to adjourn. Ms. Robbins seconded. The Motion passed unanimously.

The meeting was adjourned at 7:33 pm.

Respectfully submitted,

Christopher McKay