



## **Planning Board Minutes – October 1, 2013**

A meeting of the Town of Freetown **Planning Board** was held on **October 1, 2013** at the Freetown Senior Center, 227 Chace Rd, Freetown, MA. **Present:** Chairman Robert Raymond, Mark Rogers, Keven Desmarais, Associate Member Nicolas Velozo

### **A. Meeting called to order by Chairman Raymond (7:07 PM)**

The Chairman introduced Nicolas Velozo as the new Associate Member of the Planning Board

### **B. Planning Board acting as Site Plan Review Authority to reconvene the site plan review public hearing for Hawes Braley Rd solar array (7:10 PM)**

The Chairman read a letter from McGregor & Associates calling for a continuation of the hearing from October 1<sup>st</sup> to 8<sup>th</sup> to enable them to become familiar with the project. The Chairman explained the procedure for continuance – they can be requested by the applicant or a vote from the board; an outside request will be taken into consideration.

Mr. Rogers inquired about the size of and calculations on the uplifts of the ground screw. Jared Connell of Borrego stated those specs need to be supplied when applying for the building permit, and will be decided on at that point in time. Mr. Desmarais asked if the applicant would take exception to submitting the surety in the amount of \$18,458 for system decommissioning as a condition of approval, as suggested by Environmental Partners latest review. After some discussion Mr. Connell stated they would be amenable if the board decided so.

Ryan Trahan, review engineer for Environmental Partners stated that the applicants have supplied him with the answers and documentation he requested of them in his letter dated 9/13/13, and that he had no further comments. Richard Rheume of Prime Engineering confirmed for the Chairman that the existing vegetation fronting the site will stay and the berm and tree plantings will be placed behind for additional visual mitigations.

Discussion ensued about waivers requested by the applicant, to which Mr. Trahan stated he had no exception.

- 1. Motion to grant waiver from the requirement that the site plan scale must not be greater than 1" = 40'. The current plans show scales of 1" = 50' on Existing Condition Plans (Sheet 1) and Site Plan (Sheet 3) and a scale of 1" = 80' on Limits of Clearing Plan (Sheet 2): Keven Desmarais; Second: Mark Rogers; Unanimously voted to grant the waiver.**
- 2. Motion to grant waiver from the requirement that the name, address and contact information for the system installer should be submitted and included on the plan set. The Applicant has requested a waiver and requested a condition of approval to submit this required information with the building permit: Keven Desmarais; Second: Mark Rogers; Unanimously voted to grant the waiver.**

Regarding the applicant's initial request for a waiver from surety submission; after some discussion the board determined it was not necessary to request surety for the system decommissioning.

The Chairman read a portion of the Environmental Partners review, stating that the plan meets bylaw requirements and demonstrates good engineering practices. He opened the meeting up for public discussion.

Rev. Curtis Dias of 33 Braley Rd. (Calvary Pentecostal Church) requested that applicants consider their request for a continuation, to allow time for their lawyers from the McGregor firm to review the matter. He stated that by reading the bylaws, his understanding is that when solar is placed in a residential zone, the board can modify the project. He raised concerns regarding the industrial and commercial looking nature of the project and panel proximity to wetlands, as well as shadows and glare from the panels. Concerns also included water supply, septic system, and impacts on community character, wetlands and wildlife.

Rev. Dias asked the Chairman if there was plan to change any aspect of the plan other than requested waivers, as he interpreted the bylaw as giving the board power to modify the project. The Chairman stated the Site Plan Review Authority has the ability to request reasonable changes. This is the applicant's 3<sup>rd</sup> project in the area, and this project started off far ahead of the others. They have made all requested changes and show good engineering practices. Rev.

Dias asked the board to consider reducing the size as it appears too big for a residential area. The board has no outstanding issues, and by asking for a reduction in size, it would be asking them to possibly give up the financial viability of the project. Mr. Desmarais stated that there have been a number of modifications made to the plan throughout the process; we cannot request arbitrary changes.

After some discussion between the abutters, applicant and board regarding the abutters' request for a continuance, a consensus was reached to continue to hearing to the date that Conservation Commission was holding their meeting. Jared Connell of Borrego Solar requested the lawyer with McGregor Associates send a list of concerns prior to the meeting so they can adequately prepare their responses.

Motion to request that abutters have any documents, list of concerns likely to be presented at the meeting passed on to the planning board by 10/4/13 at noon: Keven Desmarais; Second: Mark Rogers; Unanimously voted

Motion to continue the hearing to Monday, 10/7/13 at 6:30 at Town Hall: Mark Rogers; Second: Keven Desmarais; Unanimously voted.

#### **C. ANR for 8 & 10 Dunham Rd. (8:21 PM)**

Tom Hardman of Site Design Engineering presented a Form A application on behalf of Dianne Gancarski of 10 Dunham Rd and Elspeth Cypher & Sharon Levesque of 8 Dunham Rd. The plan proposes creating 2 parcels between the lots, as such will cause no change to the frontage and will maintain the current lot sizes. The plan was reviewed and discussed.

**Motion to endorse the Form A: Keven Desmarais; Second: Mark Rogers; Unanimously voted to endorse the plan**

#### **D. Reconvened site plan review and special permit public hearing for Allied Waste (8:29PM)**

The Chairman announced the original hearing date was scheduled for 9/17/13; Mr. October had appeared to ask for a continuance to the current date, which was granted. The hearings for the site plan review and special permit to operate a commercial recycling facility will run concurrently. Jeff Burdick, Area President for Republic Services, Chris October, Area Environmental Manager, and Nat Egosi, Republic Services' expert in Materials Recycling Facility (MRF) Engineering approached the board. They showed a short video and presentation on the operations of the MRF, a presented an illustrated rendering of the proposed Freetown plant, as well as an informational flyer and powerpoint slides.

The MRF will take blue bin recyclables, segregate the different types and bale them using both mechanical and human sorters. The system is designed to handle 35 tons of recyclables per hour, approximately 300 tons per day. The Chairman inquired as to what agency had oversight of the operations; Mr. Egosi stated OSHA has MRF standards and oversees over 600 operations throughout the US. DEP has some environmental oversight in regard to air emission points.

Mr. Desmarais inquired as to contingency plans in case of conveyor malfunction etc. Mr. Burdick replied that they have relationships with other recycleries in the area and can redirect trucks if need be so materials do not stockpile at their site. The site will have a full time electrician, 2 mechanics, preventative maintenance plans, and a large spare parts inventory. The applicants explained that all materials will be enclosed either in the tipping room or in outside trailers. The proposed 16,000 sf extension to the existing Weyerhaeuser building will be used for the tipping room.

Mr. Desmarais inquired as to the expected vehicle and truck trips per day and the effect on the intersection of Ridge Hill Road and South Main Street. Mr. Egosi stated that their traffic consultant's analysis estimated 290 truck trips daily. 15% of the total vehicle count is estimated to be trucks making a right hand turn onto South Main. They are aware it is a difficult intersection and state they are willing to work with the town, but question town's responsibility/involvement in the traffic improvements. The Chairman stated that when the board has viable designs in hand, they can consult the highway department. Until such time the board will not mediate any activity. The applicants will begin exploring possibilities for improvements.

The board instructed the applicants to consider noise, dust, traffic mitigations and overall impact to the neighborhood. Ruth Silman representing the adjacent Boston Beer property stated that it only seems like there is a big buffer to neighbors because nothing is currently located on the Boston Beer property. She requests a noise report making sure it meets state requirements for their property as well. Keven Desmarais made a motion to send a request for an estimate

for initial peer review of the proposal; no second. Discussion ensued about the merits of a site visit to the Jacksonville FL facility.

Atty. Silman listed the concerns of her Boston Beer clients

- Traffic
- Outside storage of bales
- Noise
- Truck flow on site; sizes of trucks
- Idling of trucks
- Frequency of trash being hauled out
- Storm drains and effects on shared retention pond
- Hours of operation
- Use of storage sheds
- Potential and likelihood for future expansion

Motion to send request to Environmental Partners for an estimate to review the plans and to commence review upon a deposit received by the applicants: Keven Desmarais; Second: Mark Rogers

Motion continue hearing to Nov 5<sup>th</sup> 7:15 at Town Hall: Keven Desmarais; Second: Mark Rogers; unanimously voted.

**E. Public Hearing for a special permit (illuminated sign) Outdoor Ventures 93 S Main St. (9:51 PM)**

Debra Robbins, owner of Outdoor Ventures LLC and Deborah Pettey, attorney approached the board. Motion to waive reading of notice: Keven Desmarais; Second: Mark Rogers

Applicant is proposing an LED addition to an existing large sign located at back of building, facing Rt 24. The proposed illuminated addition would be placed underneath the pylon sign and will be 128 across 24 high. Illumination is proposed only on the side facing the highway, and will be tri color LE, with a message changing periodically. Discussion ensued.

**Motion to close the public hearing: Keven Desmarais; Second: Mark Rogers**

**Motion to approve the special permit with the condition that messages on the sign not change more frequently than every 15 seconds: Keven Desmarais; Second: Mark Rogers; Unanimously voted**

**F. Al Endriunas of Holly Ridge requesting lot releases**

Mr. Endriunas approached the board requesting the release of lots 31-34 and the offer to place 16, 17, 40, 42 into covenant. The board inquired as to the work that was currently being performed on the subdivision. They are fixing the retaining walls and culverts in 3 locations on the site. The Chairman requested that the review engineer submit to the board assurance that the guardrails are structurally sound. Mr. Rogers requested a timeframe for when walls will be fixed; Mr. Endriunas stated 30 days.

**Motion to release lots 31-34 and put 16, 17, 40, 42 under covenant: Keven Desmarais; Second: Mark Rogers; Unanimously Voted**

**G. Chipaway Acres**

Tony Sousa, subdivision owner, request full release of surety. The Chairman stated that the most recent communication from Ken Motta at Field engineering states the developer has satisfied all requests and has met requirements of the Town Rules & Regulations.

Motion to release \$7000 of remaining surety: Keven Desmarais; Second: Mark Rogers

Mr. Sousa should provide outstanding engineering funds to the Town at the time of surety check pickup.

Meeting Adjourned at 10:45

