



Planning Board Minutes – March 18, 2014

A meeting of the Town of Freetown **Planning Board** was held on **March 18, 2014** at the Freetown Town Hall 3 N Main St Assonet, MA. **Present:** Chairman Robert Raymond, Nicolas Velozo, Keven Desmarais, Mark Rogers, Robert Jose

A. Meeting called to order at 7:06 PM

B. The Planning Board acting as Special Permit Granting Authority (SPGA) reconvened special permit and site plan review hearings for Republic Services (7:07 PM)

Chris October approached the board. He stated a revised plan set, stormwater memo, and response letter to the Town's review engineer's comments were submitted to the office 2 weeks ago.

Ryan Trahan of Environmental Partners approached the board to discuss his review of these latest documents. The applicants do not have an Operations & Maintenance (O & M) plan, and will need one to meet stormwater standards. Mr. Trahan stated that otherwise, he had some minor comments about plantings shown on plan mainly that more detail should be shown, and then summarized all waivers requested by the applicants. He stated his main outstanding concerns were related to the basin's capacity and treatment abilities. The applicants have responded by proposing to install a stormceptor CDS unit to treat any discharge headed off the site toward the basin. Mr. Trahan stated that they are submitting an RDA to Conservation Commission, and a positive determination will trigger a more rigorous review. He outlined some suggested conditions of approval, those relating to the basin are assuming a positive Con Com decision. He indicated satisfaction with the applicant's stormwater mitigations, and that they have gone above and beyond the standards.

The Chairman reiterated that the planning board will not wait for a decision from other boards, nor condition an approval based on pending decisions of other boards. If changes occur after the applicants meet with other boards, they will need to appear before the Planning Board again. Discussion ensued regarding the O & M plan; Mr. October stated that since the stormwater units were only recently selected so one was not yet prepared.

Mr. October summarized the status of the application; they have changed the stormwater plans related to the basin to show the board what they would eventually be filing with Con Com and they have just recently come to terms on an easement with the landowner of the area needed for intersection improvement. He stated he is confident the board's issues have been addressed and Republic is eager to move forward with the project.

Ruth Silman, attorney for Boston Beer approached the board. Kathy Wade, a Boston Beer representative, was also in attendance. Atty. Silman stated that her remaining issue concerns the landscaping on the border with her client's property. The concerns related to a gap in the plantings as well as ongoing maintenance, and the size and caliper of the plantings. She requested that the gap in plantings along their shared border be extended and addressed by the board in the conditions. The board discussed the landscaping in length, and the applicants indicated they were amenable to changes.

Motion to condition the trees shall be a minimum of 6 ft at time of planting, no greater than 20 feet on center, and starting 40 ft back from the northwesterly corner of property; trees shall be eastern red cedar, maintained in perpetuity, and properly maintained as to not interfere with the fences or parking

Motion: Mark Rogers; Second: Keven Desmarais; Abstained: Robert Jose; Voted in the affirmative

Motion to adopt the following 4 conditions submitted by Mr. Trahan, review engineer:

- **The final lighting design shall be reviewed prior to construction by the Building Inspector**
- **All proposed signs shall be reviewed prior to construction by the Building Inspector**
- **The final project design shall be reviewed for compliance with the latest ADA and Massachusetts Architectural Access Board regulations prior to construction with the Building Inspector**
- **The applicant shall have its structural engineer submit a memo indicating his opinion that the drainage system method is acceptable**

Motion: Keven Desmarais; Second: Nick Velozo; Abstained: Robert Jose; Voted in the affirmative

Discussion ensued regarding hours of operations. Mr. October, as well as Gary McQuistian and Gary Hartmann of Republic provided input.

Motion to condition that doors remain closed from 7:00 PM to 5:00 AM (7) days per week in order to mitigate noise; And hours of operation shall be allowed (24) hours a day (7) days per week

Motion: Mark Rogers; Second: Keven Desmarais; Abstained: Robert Jose; Voted in the affirmative

Motion to condition that commercial vehicle traffic be limited to the hours of 5:00 AM – 11:00 PM Monday through Friday, and 5:00 AM – 5:00 PM on Saturday, and no delivery traffic on Sundays

Motion: Nick Velozo; Second: Keven Desmarais; Abstained: Robert Jose; Voted in the affirmative

Motion to condition that an occupancy permit from the Building Dept. not be issued until the intersection improvement construction is complete

Motion: Keven Desmarais; Second: Mark Rogers; Abstained: Robert Jose; Voted in the affirmative

Motion to condition that litter be controlled and mitigated on the facility property and up to Ridge Hill Road as necessary

Motion: Keven Desmarais; Second: Nick Velozo; Abstained: Robert Jose; Voted in the affirmative

Motion that condition that outside containers holding debris shall be covered

Motion: Keven Desmarais; Second: Mark Rogers; Abstained: Robert Jose; Voted in the affirmative

Motion that O & M plan be submitted to the board prior to special permit endorsement; condition that its passes Ryan Trahan's review and board approval:Keven Desmarais; Second: Nick Velozo

Chief Abbott had recently asked the Planning Technician if speed limit signs were deemed necessary in the intersection improvement plan review. The board determined that SPGA Rules & Regulations do not address placement of street signs.

Motion to grant waiver from Section II.B.3e of SPGA Rules & Regulations

Motion: Keven Desmarais; Second: Nick Velozo; Abstained: Robert Jose; Voted in the affirmative

Motion to grant waiver from II.B.3.o of SPGA Rules & Regulations

Motion: Keven Desmarais; Second: Mark Rogers; Abstained: Robert Jose; Voted in the affirmative

Motion to grant waiver from II.B.5.a of SPGA Rules & Regulations with exception of the tree plantings as addressed in a previous condition

Motion: Keven Desmarais; Second: Mark Rogers; Abstained: Robert Jose; Voted in the affirmative

Motion to grant waiver from II.B.5.d of SPGA Rules & Regulations

Motion: Keven Desmarais; Second: Mark Rogers; Abstained: Robert Jose; Voted in the affirmative

Mr. Trahan asked the board if oversight of the construction phase of the project was necessary. Discussion ensued as to which aspects of the project needed future review.

Motion to allow review engineer to oversee: infiltration bottom hole inspection, ensuring that the stone surrounding the system meets criteria, and CDS unit installation

Motion: Mark Rogers; Second: Keven Desmarais; Abstained: Robert Jose; Voted in the affirmative

Motion to submit a letter suggesting that the Road Commissioners utilize Environmental Partners oversight during the intersection improvement construction to ensure it is built to plan specifications

Motion: Keven Desmarais; Second: Mark Rogers; Abstained: Robert Jose; Voted in the affirmative

Motion to close the public hearing: Keven Desmarais; Second: Mark Rogers; Abstained: Robert Jose; Voted in the affirmative

**Motion to approve the site plan review and special permit with the conditions and granting of waivers as discussed:
Keven Desmarais; Second: Mark Rogers; Abstained: Robert Jose; Voted in the affirmative**

C. Misc

Motion to pay the schedule of bills (Staff mileage, Pine Cone Lane review, Braley Solar II review): Keven Desmarais;
Second: Robert Jose; All in favor

The board discussed the estimate of work left and covenant release request received from Nick Harris for Peacock Estates. The board concurred the amount seemed too low and the quantities were still missing. Mr. Harris should resubmit the estimates with area, numbers needed, etc for all items. The board also discussed the possibility of accepting a letter of credit for \$150,000 and still keeping one lot under covenant.

The board discussed possible articles for Town Meeting. The Flood District bylaw needs to be amended to reflect new FIRM maps so residents can continue to get flood insurance. The Building Dept has been petitioner in the past; they do not have funds to pay for the required legal ad before the public hearing. Keven will discuss with Mary whether Planning or Building will request the funds from the finance committee.

The board discussed MGL statute Chapter 41, 81T regarding submission of plans. The Chairman and Planning Tech will work on a checklist for the Town Clerk to give to applicants detailing the procedures.

Motion to approve minutes of 2/18/14 with a grammatical change, and minutes of 3/4/14 and 1/21/14 as presented:
Keven Desmarais; Second: Mark Rogers; All in favor

The Chairman requested the board review Rules and Regulations and pick a section they would like to work on for any needed revisions.

Meeting Adjourned 10:00 PM

Respectfully Submitted,
Lauren Moreau

