



Planning Board Minutes – August 12, 2014

A meeting of the Town of Freetown **Planning Board** was held on **August 12, 2014** at the Freetown Town Hall 3 N Main St Assonet, MA. **Present:** Chairman Robert Raymond, Keven Desmarais, Mark Rogers, Nicolas Velozo Robert Jose

A. Meeting called to order at 6:08 PM

B. Republic Services to address intersection improvements at Ridge Hill Rd. and S. Main St.

The Chairman stated that the board needed a request to act on the issue presented. Chris October of Republic Services approached the Board; he had sent a formal request in writing asking the Board to release condition #8 of the special permit, requiring the intersection improvements to be completed prior to obtaining an occupancy permit. Prior to discovering the encumbrances on the properties needed for the widening of the road, he states that Republic was acting in good faith to advance the improvements. After identifying these legal and financial obstacles related to the land needed, the company determined it would be very difficult for to undertake the work as a private entity. Their attorneys determined the easiest way to proceed would be for the Town to initiate an eminent domain taking. Republic has reached out the Town Administrator, Select Board, Road Commissioners and Planning Board seeking guidance as to how we can work toward improvements. Discussion has revolved around doing the widening on the south side of the road (State layout) vs. the north side of the road (Borges property).

Mr. October states that Republic has identified that it is unlikely that either scenario would be resolved for construction to be completed within the next 9 – 10 months. He states these obstacles can be overcome, but it would be time consuming. Republic is seeking to invest \$20 million into the MRF project, and are unlikely to do so under uncertain circumstances. He is requesting that the board strike condition #8 from the special permit ("an occupancy permit from the Building Department shall not be issued until the intersection improvement construction at Ridge Hill Rd and S Main Street is complete"). Mr. October states that in lieu of the condition, Republic is going to proceed in earnest to work on the design with the Town, get monetary estimates for the work needed to get the entire intersection improved and the easements procured; Republic is willing to escrow the money to the Town or to the owners of the property needed for the improvements. He states that the Town Administrator and Road Commission are still trying to figure out which side is better for the road improvements, but Republic is at the point where we need to make a decision as to whether the Planning Board is willing to strike the condition from the permit based on efforts to date and Republic's willingness to escrow the money.

The Chairman announced that the written request sent by Mr. October dated August 7th is part of the record. The Board discussed Republic's pending financial agreement with the Town. The Chairman asked if Republic had a set dollar amount threshold for the project, and what would happen in the instances that the project costs are more than projected and more than Republic has financially allowed for. Mr. October stated that there is a number that Republic is willing to commit to the Town, but it cannot exceed. Mr. Desmarais stated that after hearing the Town Administrator and Road Commissioner state at the last Planning Board meeting that they will be undertaking the responsibility to see that the intersection improvements get completed, he expects the Town to do its due diligence and come up with an agreement that allows for all the necessary work and unexpected expenditures and is fair and equitable to all parties.

The Chairman opened discussion up to the Road Commissioners. Paul Sadeck approached the Board on behalf of the Selectmen and Commissioners. Mr. Sadeck states he is authorized by both boards to speak on this matter. He states that there have been ongoing discussions with Republic, attorneys, and the Town Administrator with what he feels is a positive effort to resolve the matter. The Road

Commissioners will be taking a formal vote on 8/25/14 regarding the improvements, and will do it in an economic and proper manner. The Selectmen want to see Republic come to Freetown and will do everything they possibly can to improve the intersection as quickly as possible. The Selectmen will pursue the taking of the easements at the next Town Meeting and continue to work with the state. He states he is formally requesting the Planning Board lift condition 8 and condition 13 so Republic can begin work immediately.

Mr. Rogers states that more importantly, the Town should work immediately; there are a number of variables in this project that could lead to unforeseen expenditures, and the Town should be prepared in case that happens. The Chairman states that when the condition was placed, it was done so for safety reasons; the Planning Board should only remove it if there is a realistic expectation that the improvements will be made in a reasonable amount of time. Mr. Sadeck responds that if Republic doesn't come in as a partner with these resources, the roadway won't get improved, and the Town loses the development of the business, tax revenue, and road improvement. The Board reiterates that their concern is safety above the other benefits. Mr. Sadeck states that Republic is being reasonable by offering to cover these costs in the escrow account, and that the Town should be reasonable as well. The Chairman stated that the Planning Board did not overstep its bounds with the condition for the intersection improvement. Republic had accepted the conditions with the understanding that due to increased traffic from their operations, the intersection needed improvements. He states further that the reason we are here is due only to legal hang-ups with the land needed for the improvements.

Mr. Desmarais states that it is imperative the intersection is remedied, and that the Road Commissioners have stated they will do everything in their power to ensure it gets done, including going to Town Meeting if costs are over what Republic ultimately provides the Town. If Republic ends up pulling the project, the Town should still pursue these improvements so the commercial area gets developed. He states that Freetown needs to be proactive in marketing itself to businesses, and that the Commission needs to be concerned with developing an accurate and realistic financial agreement with Republic.

The Chairman states that to justify removal of the conditions, he is looking for reassurance the improvements will be made. Mr. Sadeck responds that the Commissioners are going to do everything in their power to get the intersection improved, including going to Town Meeting if necessary. They are next meeting on 8/25/14 and will vote regarding the responsibility for seeing to it the work gets done as well as provide a letter to the Planning Board confirming this. Mr. Sadeck states he feels the Board can lift the condition with that contingency.

John Markey, attorney for the 11 Campanelli Drive landowner approached the Board. He states that Republic has been an ideal tenant for his client, and have lived up to every promise. His clients would be faced with limited opportunities to market if Republic ends their lease, they are vouching for Republic as a business.

Mr. Rogers states that discussion and review are an important part of the process; the conditions the Board imposed upon Republic special permit as a result of the Jacksonville trip have made this a better project for Freetown. Each Board member has added their knowledge, insight, and perspective to get to a satisfying end product.

Mr. Jose states that if the conditions are removed, what will keep Republic and the Selectmen at the table to reach an agreement if there is nothing to hold them to it. Mr. Desmarais states that the conditions can be removed contingent upon the reaching of a successful written agreement.

Mr. October left to call Republic Management regarding their acceptance of the conditions being lifted contingent upon execution of the financial agreement. He returns and states that if both the Planning Board and Selectmen/Road Commissioners agree that is what they will abide by.

Motion to grant the request that conditions 8 and 13 be removed and replaced with "removal subject to a successful agreement being reached between the Road Commissioners and Republic Services": Keven Desmarais; Second: Mark Rogers.

After some discussion, Mr. Desmarais amended his motion to state that conditions 8 and 13 will be removed from the special permit contingent upon a successful agreement being reached and put in writing between the Road Commissioners and Republic Services. Second: Mark Rogers; Robert Jose abstained; Robert Raymond – aye, Nicolas Velozo aye.

Meeting Adjourned 7:30 PM

Respectfully Submitted,
Lauren Moreau

