



Planning Board Minutes – August 5, 2014

A meeting of the Town of Freetown **Planning Board** was held on **August 5, 2014** at the Freetown Town Hall 3 N Main St Assonet, MA. **Present:** Chairman Robert Raymond, Keven Desmarais, Robert Jose, Nicolas Veloza
Absent: Mark Rogers

A. Meeting called to order at 6:10 PM

B. Nick Harris requesting tree planting and curbing waiver requests at Peacock Estates

Mr. Harris approached the Board to request a waiver from the planting of street trees. While staking the trees, which on the plan are shown off the right of way of the road, residents asked the engineers to leave their property. Mr. Harris has three letters from residents stating that they do not want the trees, as they will interfere with already installed sprinkler systems. The board discussed the lack of trees at the detention pond, and concluded that some of the trees should be planted there instead. Mr. Harris also requested waivers from the installation of granite curbing at some catch basin inlets. He stated he mistakenly thought this had been previously waived, and the sidewalks have been installed and the granite curbing would affect the grading and would be difficult to blend into the road layout, as well as cause potential hazards for vehicles and trees (plows). The Chairman cautioned Mr. Harris to investigate sight distance looking south on Middleboro Rd. Mailboxes are currently impeding the line of sight. Mr. Harris stated he will look at placing them across the new street.

Motion to grant the waiver request for the tree plantings, but to require Mr. Harris install (2) trees at 30 ft intervals at the southerly side of the detention pond: Keven Desmarais; Second: Nicolaoas Veloza; all in favor.

Motion to grant the request for waiving the granite curbing at the fillets curves, but keep it required for drainage structures as approved by the Town's review engineer, as well as require tapered granite at the inlet units at the two low points of the road: Keven Desmarais; Second: Nicolas Veloza; all in favor.

C. Republic Services

Chris October of Republic approached the Board regarding the status of the intersection improvement plan. Due to legal and financial encumbrances with one of the properties needed for the improvements, Republic is seeking to get a condition removed from the special permit. He is asking to be on the agenda for a meeting next week in order to have the board lift the condition.

Jack Healy, Town Administrator, approached the Board. He stated that in conversations with Town Counsel, it was not advised that the Town acquire easements to the small piece of property with multiple liens on it. The other piece of property needed is having the title cleaned up by the owners, resulting in no attachments. Mr. Healy proposed moving a utility pole currently in the area back enough to gain some radius and width so that the plan can avoid utilizing the encumbered piece of property altogether. Mr. Healy stated that in conversations with Republic, they have identified contractors for the building, and have been soliciting vendors, and would like to install equipment in the building at the start of 2015. They cannot commit to expending more funds with the condition that the occupancy permit will depend upon the intersection construction. He produced a memo with an attachment from Town Counsel, who agrees that the Town, rather than Republic should expedite the process by taking the property needed by eminent domain. Mr. Healy has also discussed the need to get Kelly Engineering to draw up an alternate plan at Republic's expense. He stated that he is prepared to deal with any of the necessary parties to move the pole within the existing layout. In summation, Republic would supply a binding legal agreement along with an escrow account that would replace condition 8. Taking the easement, moving the pole, and the construction would all take time. Mr. Healy states this is a reasonable plan that would allow Republic to move forward, and it makes sense to get this commitment in a legal form. The Selectmen had a meeting that afternoon and voted unanimously in favor of this plan subject to an acceptable legal document getting drafted by Republic. Mr. Healy stated their office will work on the agreement.

Mr. October stated that they are willing to work with the Town to do the road intersection improvements. He states that Republic does not want the MRF project linked to a requirement for the intersection being improved. Mr. Desmarais asked if the planning board no longer has control over the intersection issue, if it would be up to the road commissioners to see that it is done up to par. Mr. Raymond asked if the Board will be presented with a new layout plan at the next meeting. Mr. Healy states that the Board can agree to something conceptually, but not in a firm form until the details come out, but it is important to allow Republic to move forward, by having the Town assist with this

process. Mr. Raymond stated that he wants realistic expectations presented at the meeting on Tuesday, and that he expects they will be further along in the process, but doesn't know if the Board will have enough in front of them to pull the condition. Mr. Desmarais stated that if the Road Commissioners take this on and Board is no longer involved in the specifics of the improvements, he stated the most important issue to him is that he is looking for a definitive statement from the Town that this improvement will get done.

Mr. Raymond stated that the Board needs to be confident that the improvements will realistically happen, otherwise they would be backing out of a condition put there for good reason. He is concerned with the legal and practical aspects of finishing the job; if the resources are there to pursue and follow through to the end, he is not necessarily concerned with the technical details of the road design.

Selectman Paul Sadeck approached the Board. He is the Board's point person on this project. He states that Republic has been working hard with Jack on a solution. The Board of Selectmen is in full support of the project and is committed to get the intersection completed. It will take time due to Town Meeting approval, etc but they will not lose sight of this. Mr. Healy states that absent a replacement assurance in the form of a binding legal agreement and escrow account, not much can happen at the meeting. The Chairman states the meeting will be held, options will be in front of the Board and further discussions can take place.

D. Reliable Power Services special permits public hearing for 40 County Rd.

Motion to waive reading of the public hearing notice: Keven Desmarais; Second: Nicolas Velozo; all in favor.

The applicant, John Ostiguy of Reliable Power Services Inc, has submitted applications for a residential apartment above a business and a freestanding illuminated sign in a General Use district. Engineer Rick Charon approached the board. This project is located on 40 County Rd, the site of the former Monsour's restaurant, which remains vacant. Mr. Ostiguy is proposing to sell, service, and install generators, which is an allowed use. A 50x80 Morton building is proposed; the front section will have 2 floors with sales on the first, and a 2 bedroom apartment in front on the second. The proposed sign is a freestanding illuminated sign near the site entrance.

Mr. Charon states that work was done along the buffer zone of wetlands at back of property, and received approval from the Conservation Commission. A new parking area will have 15 spaces, the old parking area will be removed. A walkway across the front and left side of the building will be used to access the business. Two doors in the front will provide access to the sales area, showroom, and office. On the right hand side, a sidewalk goes around to get into a stairway providing apartment access. It is a separate entrance from the business. A catch basin at the low end of the parking area will be utilized for drainage. After some discussion of who would utilize the apartment, the applicant was amenable to providing a fenced area for the potential residents to use.

The Chairman read a letter submitted by Lyn Levy of 37 County Rd, which will go into the record. In summary, the letter opposed the granting of a building permit for an undersized lot (66,900 sq ft) when neighbors have been told they cannot build houses for their children due to lack of frontage. Ms. Levy also stated her opposition to "all day" lighting. The Board discussed these concerns. The applicant stated the Zoning Board of Appeals had issued a variance for the undersized lot. The Planning Board determined that this issue is not relative to the scope of this hearing. They do not determine buildability; the Zoning Enforcement Officer does. After some discussion with several abutters, the Board informed them of the process to be heard on a case by case basis in front of the Zoning Board of Appeals. The Board opened up concerns relative to the sign and apartment to the audience.

Mr. Ostiguy discussed hours of operation; he stated there is not a lot of foot traffic. Mr. Desmarais asked him to be aware of the concerns of the neighbors regarding lighting, deliveries, plantings, etc.

Mr. Ostiguy stated that most of his business is out on the road; the units leave the shop on vans and do not return. He stated a lockbox can be provided for fire department to access the building in an emergency.

Motion to close hearing for the apartment residence: Keven Desmarais; Second: Robert Jose; all in favor.

Motion to approve the special permit for a residence above the business with condition of a minimum 1200 sq ft fenced in space on the southerly side of the building for the apartment residents: Keven Desmarais; Second: Nicolas Velozo; all in favor.

The Board discussed the sign; Mr. Raymond indicated there may be an issue with the line of sight. After some discussion, the abutters were amenable to hours of lighting from 6 AM to 8 PM.

Motion to close the hearing: Keven Desmarais; Second: Nicolas Velozo; all in favor.

Motion to approve sign permit with the following conditions: 1. The sign shall not be illuminated between 8 pm – 6am every day 2. The sign must incur no visual impairment and be located at least 15 ft off of the paved way of County Rd: Keven Desmarais; Second: Nicolas Velozo; all in favor.

E. ANR for 22 Pleasant Street/Doctors Lane

Dawn Angus and Peter Peladeau approached the Board with David Cass, their engineer. The purpose of the plan presents is to divide lot 12 into 3 lots. The proposed lot containing the existing house will be 4.14 acres with 543 feet of frontage on Doctor's Lane, which was previously shown to be a way in existence prior to subdivision control. At the Board's request from several years ago, much of Doctor's Lane has been paved and core samples have been taken. Mr. Cass provided as-built drawings and core sample reports. The second lot, 12-B, will contain 4.14 acres with 175 feet of frontage on N. Main St. The remaining land, .26 acres, will be joined with Lot 13 to its north. **Motion to endorse the ANR:** Keven Desmarais; Second: Robert Jose; all in favor.

F. DLTA Grant to review Subdivision Rules and Regulations

Sandy Conaty and Katie Goodrum of SRPEDD approached the board with a mark up of the board's rules and regulations taking into consideration the board's priority list as well as Bob Raymond's notes. Katie and Grant King going forward will be the contacts for this grant. Discussion involved the submittal process for plans and when the time clock will start.

Ms. Goodrum and Mr. King will simplify the language and align it with Mass. General Law. They will incorporate the suggestions from the Board learned from this meeting, and will also strike out the requirements for preliminary plan submittal that go above and beyond those that MGL outlines. The Planning Technician will work on a form for applicants to fill out that will act as the notification to the Town Clerk.

Meeting adjourned at 9:45 PM

Respectfully Submitted,

Lauren Moreau

