



## **Planning Board Minutes – October 21, 2014**

A meeting of the Town of Freetown **Planning Board** was held on **October 21, 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 6:00 PM**

### **B. Special Town Meeting article recommendations**

The Planning Technician was informed by the Selectmen's office that the Selectmen are looking to a Planning Board member to speak to the two zoning by law articles, as well as the articles designating the Chapter 43D parcels. After discussion, Keven Desmarais volunteered to speak to the articles at Town Meeting.

### **C. Continuation of a site plan review public hearing at (6:10 PM) – DeMoranville Solar Array**

Mark Rogers recused himself from the public hearing. Azu Etoniru, engineer, approached the Board. He presented a letter he received from the Planning Board's Chairman (See attached), and distributed to the board his prepared response dated October 21, 2014 (see attached). The correspondence regards the easement that allows the applicants access to Chace Road from the southwest corner of their property, across a portion of the property known as Map 228, Lot 9.01. The Chairman explained his original letter was specifically in regard to the access and existence of the easement and how it will be established and exhibited on the plan. Mr. Etoniru submitted site plans revised 10/21/14 showing the easement in greater detail. Mr. Etoniru explained that the easement has been referenced on conveyance documents for many years, and referred to in the deed from Z. Spooner to E. DeMoranville "together with a right-of-way". He states that the right-of-way depicted on the site plans is based on the actual traveled width and the oral testimony of the people that have benefitted from it. The Chairman read from a reference book that easement of prescription can only be determined by a court judgment; the proper method to clear up the ambiguity would be to establish clear title to the easement. Mr. Etoniru states that he does not question the board's authority to ask for information related to the legal standing of the easement, and the applicant has legal counsel that is working to provide satisfactory documentation. He further stated that they appeared before the Conservation Commission and are working on providing a planting scheme, slope stabilization and other details for both boards' review. After some discussion with abutters, the board agreed they would like to see the access to the easement in a cleaner form and in a recorded document. The board also agreed they would like to see a letter from the property owner of 9.01 with certification that he is aware of the project and takes no exception to the use of the easement. Motion to continue the hearing to 11/18/14 at 6 PM at Town Hall: Robert Jose; Second: Nicolas Velozo; all in favor.

Keven Desmarais left the meeting at 6:52 PM.

### **D. Rules and Regulations (DLTA Grant)**

Katie Goodrum and Sandy Conaty of SRPEDD approached the Board with their latest draft of proposed changes to the Subdivision Rules and Regulations. They also presented the Board with a flow chart that Dartmouth uses establishing the processes for the different types of plan submittals. After extensive review and discussion, SRPEDD will make the suggested revisions and submit a draft to the Planning Technician; a follow up meeting will be established for a future date.

Meeting Adjourned at 9:15 PM

Respectfully Submitted,  
Lauren Moreau

