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### **Planning Board Minutes – August 30, 2016**

A meeting of the Town of Freetown **Planning Board** was held on **August 30, 2016** at the Freetown Senior Center, 227 Chace Rd, Freetown, MA. **Present:** Keven Desmarais, Mark Rogers, Robert Jose; Debra Robbins; Assoc. Member Tony DeMelo **Absent:** Nicolas Velozo

#### **A. Continued Public Hearing for Solar Project on 30 Washburn Rd.**

The Chairman called the public hearing to order at 6:00 PM. David Albrecht approached the Board to discuss the submitted O & M Plan<sup>1</sup> and construction traffic narrative<sup>2</sup> submitted to the Board. He states that a major consideration of the O & M is to prevent the front entrance from becoming unsightly. The plans calls for:

- Preventative maintenance of the panel equipment (biannually)
- Reactive maintenance for any site/equipment issues (as needed)
- Vegetation management for the interior of the site (annually at minimum, or as necessary)
- Inspections of stormwater features, gravel access road, and culverts
- Main entrance: mowing of grass every 2 weeks during growing season if over 12 inches in height (later in the meeting the Board specified the grass should be mowed if found to be 6 – 8 inches in height)
- Main entrance: monthly trash pickup (later in the meeting the Board specified that trash should be cleaned up at time of the biweekly mowing inspection)
- Main entrance: signage maintenance (annually, or as necessary)
- Main entrance: gate maintenance repainting and vegetation pruning along power lines (biannually if needed)

Mr. Albrecht states that Borrego spoke with consultants in regard the traffic schedule during construction to determine the vehicle types and amounts that would be coming to the site. He states that over a roughly 3.5 month period, roughly 167 large scale trucks will need to arrive on site (average of 2.5 daily). He states there is a project manager as well as a site supervisor who will be onsite daily to help ensure the traffic conditions are followed. He has spoken to Ken Rezendes of the school bus company to determine which hours will need special consideration; there will be no large trucks traveling on Washburn Rd to or from the site prior to 9:15 AM, as well as from 1:15 to 4:15 PM, as those hours are privy to school traffic. During the procurement process, Borrego will make clear to any prospective subcontractors that large scale vehicles are not allowed to go down Gurney Rd. Vehicles utilizing Rt. 140 and exiting at either the Chace or County Rd interchanges, and will then have to come in through the east on Washburn Rd. Mr. Albrecht stated that he is aware through earlier meetings that traffic near the library and church on that part of Washburn is an issue; they are willing to work with the Highway Department in regard to safety signage.

Mr. Albrecht discussed options for the parking of the trucks; there is a rest area on Rt. 140 southbound roughly 6 miles from the site. Mr. Simeone has also spoke to Mr. Will who is a former owner of a large parcel over the border in Lakeville, who can speak with the current owners about using that land LeBaron Country Club is also an option. The least desirable option according to Mr. Albrecht is the Simone owned land across from the Grange. There is also room on the site to accommodate up to 4 large vehicles to be able to enter and exit. Borrego will posting a no idling sign at each of the proposed locations; they are willing to put up signage as needed, such as a 'left turn only' sign to direct folks leaving their site to the east on Washburn Rd. If any trucks need to enter or leave the site outside of the specified hours, the site supervisor will arrange for police detail.

Cora Peirce stated that she has concerns that the entities ultimately involved with the project will not appreciate nor care about the importance of the grounds. She states that after having been assured by Mr. Albrecht that no grading, grinding, etc will occur that while walking the site a few days later, while the project was awaiting Conservation

<sup>1</sup> Operations and Maintenance Plan received 8/29/16

<sup>2</sup> Washburn Truck Traffic Narrative received 8/29/16

approval, she happened across gentlemen from AZ who were grading for a road and performing some drilling operations. She states that she contacted Mr. Desmarais of Conservation Commission and he put a stop to this because the final wetland delineation was still pending. Ms. Peirce stated that in the interim, the ground had been torn up and ceremonial areas disturbed. She learned through that process that no one is truly in charge; the most recent plans she looked at states that an owner is Freetown Solar 1 LLC, which she looked up on a state website and did not get a result. She states she is uncomfortable that no one truly will be accountable, and she is committed to the preservation of the site. The Chairman states that her route for relief would be through the Massachusetts Historical Commission (MHC), and that for the purposes of this meeting, discussion should be kept to matters within the Board's jurisdiction.

Mr. Albrecht apologized about the testing, and stated that the acre containing the cave will be cordoned off so that it is clear where site work is not to be performed. He showed on the plans where the retention areas and culverts are proposed to go.

Janet Bullock asked about traffic in the hours prior to 9:15; Mr. Albrecht responded that the site supervisor and other staff will be driving on site, but large construction vehicles will not be on the road at that time, although may possibly be at the aforementioned laydown areas. Ken Leonard of Pierce Avenue in Lakeville stated that the plan does not look like it represent the culverts and retention pond and asked if the applicants have yet applied for the required stormwater permits. Mr. Albrecht states that with regard to stormwater, they have filed the Notice of Intent with Conservation, which has already undergone peer review; all stormwater controls are depicted on the plans. He states the last step will be to file a NOI with the EPA, which would occur at least 14 days prior to any earth disturbance; he estimates this would be filed roughly 3 weeks prior to start of construction. Donna Silva inquired as to how long of a work day is proposed during construction. Mr. Albrecht states that they will abide by the work hours set out under general Town By Laws, 7AM – 5PM Monday through Friday. He states Saturday will be a somewhat shorter day and that no work is proposed for Sundays. He states once it starts getting dark earlier, there wouldn't be an incentive to work later anyhow. Ms. Silva inquired about using lighting; the Chairman states that emergency situations may occur, and the Board cannot interfere with legal commerce. He states that the document is perhaps one of the most comprehensive construction details the Board has received from any applicant. Robert Jose confirmed that the applicants will be on site performing work all day, but just not receiving large vehicle deliveries during the specified hours.

Faries Gray states that after walking the site, it appears to him that there are 2 areas of wetlands to the right of the gravel road, where Borrego is proposing to place panels. He also states that north of the bend in the road he observed a natural spring; he states that while some of these areas are dry right now, there are wetland plants and will be destroyed when the panels are constructed. Mr. Albrecht stated that the delineation was performed by a professional wetland scientist; the wetlands on site are down by the entrance, and another area considerably north of the affected site, no wetlands are along the road. The Chairman stated that the Town's reviewing engineers have approved the delineation with a modification that the applicant agreed to; the reviewers did not mention a spring, and if one is present on site, it is possible it may not reach consideration as a wetland resource area.

Linda Grubb, of Pierce Ave in Lakeville asked if a pre-construction meeting would be opened up to the public. The Chairman stated that it will be a condition of the approval. No abutter notification is required by mail, but meetings are posted on the website, and the Planning Technician can let other relevant Boards know as well.

Motion to close the public hearing: Mark Rogers; Second: Robert Jose; all in favor. Mark Rogers stated that while the applicant remarked that police detail will be called if a large vehicle needs to enter or exit the site outside of the designated hours, he is still concerned that the trucks will remain on the road, which is the area of concern. The detail

makes it safe to enter the road, but doesn't guarantee a swift exit to the highway. Mr. Jose states that he is concerned about any employee parking, even with smaller vehicles, parking on the road; he asked if there was room on site, and Mr. Albrecht replied that the entrance gate is 30 – 40 ft back from Washburn Rd.

After some discussion regarding the entrance area, the Board made clear that mowing only when grass height reached 12 inches would be unacceptable. The Chairman stated that mowing at 6-8 inches would be preferred, and rather than trash pickup on a monthly basis, it could be addressed at a biweekly interval at the same time as mowing.

Motion to grant requested relief from requirement 11.28.E.2.a.i. requiring that plans show property lines, access road, site features, and existing and proposed topography at (2) foot contour intervals and motion to grant requested relief from requirement 11.28.E.2.a.ii requiring that a site plan shall not be depicted in a scale greater than 1" = 40': Robert Jose; Second: Mark Rogers; all in favor. The applicants plans depict a 1" = 80' scale and (1) ft. contours. The reviewing engineer had previously stated in a letter that there is no exception taken to the granting of the waivers.

The Board discussed surety in the form of a decommissioning bond; Environmental Partners Group had recommend one in the amount of \$77,000 and Mr. Albrecht states that they can provide one for that amount. The Board specified that they would require Mr. Albrecht to provide the bond at the time the building permit is applied for. The Planning Technician had prepared a document<sup>3</sup> for the Board outlining the waivers requested by the applicant, boilerplate conditions typical of a solar project, and additional considerations for possible conditions of approval. The Chairman read the boilerplate conditions. In addition, the Board entertained the following:

- The acre surrounding King Philip's cave shall remain untouched with the applicants to work with FHC on public access and work with the Town to determine stewardship
- Entrance gate and vegetation to be amenable to FHC
- Entrance kept in a tidy manner satisfactory to the Zoning Enforcement Officer; grass not to exceed 6 – 8 inches
- Project scope to comply with any MHC requirements issued as a result of the project notification review
- No blasting shall occur
- O & M plan to be approved by the Board
- Traffic schedule and hours discussed shall be adhered to; detail office present when large vehicles enter/exit at odd hours; large vehicles relegated to between 9:15 AM and 1:15 PM
- Signage with contact info posted on site (increased signage specific to traffic issues was also discussed, perhaps a reduced speed sign; specifics will be handled at a pre construction meeting)
- Applicant to remove discarded tires from site
- County Rd being used as the primary truck route; Chace as secondary; Gurney Rd not to be used
- Parking on the property across from the Grange as an emergency only
- Decommissioning bond provided prior to construction
- No vehicles of any size to be parked along Washburn Rd
- Preconstruction meeting to be held during open public meeting of Planning Board

The Chairman thanked both the applicants as well as the audience for acting in such a professional manner. Motion to approve the project with the submitted changes and aforementioned conditions subject to approval of a final list of conditions at the next meeting: Mark Rogers; Second: Robert Jose; all in favor.

The Chairman called a 2 minute recess.

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<sup>3</sup> Document prepared by Planning Technician dated 8/29/16

## **B. Drainage at Ole Blue Way Subdivision**

Mark Rogers recused himself from the discussion; Nyles Zager of Zenith Engineering approached the Board on behalf of Mike and Paula Lecuyer. The Chairman provided a bit of background on the subdivision, which had originally been approved in 2006. He states that construction had started, then stopped, and according to the approval the plan had expired, and could have been revoked by the Planning Board. In February of 2016, the Board spoke with Michael Boehler (applicant), and extended his subdivision approval to October 1 of this year to finish the project. Mr. Zager states that (2) water quality tanks have been installed, but the underground drainage system has not; he states that there is no room in the front to place an open detention pond. Mr. Zager states that at the time of approval, an overflow was proposed, as well as required at the time. The proposal included a pipe across Beech Bluff Road into a manhole, which involves a major cost, and opening of the road. Mr. Zager states they are now proposing to install an overflow grate at the top of the chamber, involving no disturbance to Beech Bluff Rd. The Chairman states that the proponent is asking for a plan change and that it needs to be demonstrated that this area can accommodate the overflow. Mr. Zager states that the cascaded rim of this stormwater feature is in a beehive shape, leaving leaves or debris to fall to the side of it; the grate on top is projected to capture the same amount of volume as the approved measure, and water doesn't need to be treated, as it isn't running across the pavement.

After some discussion, the Board directed Mr. Zager to submit a letter on behalf of the applicants requesting the stormwater change, as well as to supply documentation showing little to no difference in the drainage, at which point it could be considered a minor alteration. The change can be reflected in the as-built plans. The change may be submitted to reviewing engineers for comment. Motion to grant a 3 month extension of the subdivision approval from October 1, 2016 to December 31, 2016: Robert Jose; Second: Debra Robbins; Mark Rogers abstained; motion carries. Mark Rogers rejoined the Board.

## **C. Misc**

The Board reviewed a letter from Willie and Bernice Case<sup>4</sup> expressing their intention to remove land located at 168 Braley Rd out of Chapter 61A. Motion to not recommend acquisition of this land: Mark Rogers; Second: Robert Jose; all in favor.

The Board discussed the upcoming October Special Town Meeting and the submission of an article defining commercial recycling facility, scrap yard, and junk yard. The discussion will continue to the next Board meeting.

The Board discussed the Site Plan Review Regulations and Regulations that had been reviewed by Town Counsel<sup>5</sup>. Robert Jose left the meeting at 7:50 PM. Motion to adopt the rules and regulations with the changes suggested by Atty. Silverstein: Mark Rogers; Second: Debra Robbins; all in favor. Atty. Silverstein had also suggested that the Board vote on the proper 'Planning Board designee' that was referenced in the document. Motion to define 'Planning Board' designee as staff employed by the Planning Board: Keven Desmarais; Second: Mark Rogers; all in favor.

The Board paid the schedule of bills; meeting adjourned at 8:10 PM

Respectfully Submitted,  
Lauren Moreau

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<sup>4</sup> Letter from Bernice and Willie Case received 8/25/16

<sup>5</sup> Review draft received from Town Counsel 7/1/2016