



### **Planning Board Minutes – January 10, 2017**

A meeting of the Town of Freetown **Planning Board** was held on **January 10, 2017** at the Freetown Town Hall, 3 N Main St, Assonet, MA. **Present:** Keven Desmarais, Nicolas Velozo, Robert Jose, Debra Robbins **Absent:** Mark Rogers

The meeting was called to order at 6:12 PM

#### **A. Request for subdivision covenant release at Cameron's Way Extension**

Developer Luis Coelho emailed<sup>1</sup> the Board stating that all work per the plans had been completed, and requesting the release of his lot from covenant. The Board members had not had a chance to look at the completed work due to snow and holidays. The matter will be postponed until the next Board meeting.

#### **B. Request to remove a condition of approval on a special permit for an apartment issued for 40 County Road**

John Ostiguy, owner of Reliable Power Services LLC approached the Board; he had received a special permit in 2014 to construct an apartment over his business, located on 40 County Road. The sole condition of approval was that a 1200 sf minimum fenced area shall be provided on the southerly portion of the site for use by residents of the apartment. Mr. Ostiguy states he is requesting that the Board remove this condition for the time being, since he is the owner and sole occupant of the apartment. He states it was his impression that the condition was placed when and if the apartment was leased to tenants other than himself who may have children. He also stated his initial desire for the space was to use as a bunkhouse for employees, but was encouraged by his engineer to take up residency; he further states that he will put up the fenced area for a tenant if it is ever rented out. After some discussion, the members of the Board explained that the Town would have no way of knowing if and when new residents have moved in, therefore no means of ensuring the fenced area is erected. After further discussion, both Mr. Jose and Mr. Velozo stated that since this is the only condition the Board imposed upon the permit, removing it would constitute a major change, in their opinion, which would facilitate the need for a new public hearing process. Mr. Ostiguy stated that he will construct a picket fence to demarcate the area.

#### **C. ANR for land located off of 108 Chace Rd. (Map 228, Lot 8)**

John Romanelli approached the Board representing Jefferson DeMoranville. Mr. DeMoranville is looking to gift a 6 acre parcel, out of 80+ acres of land to his daughter. The plan shows the parcel meets the requisite minimum frontage and lot size requirements, with 77 acres and 1275 ft of frontage remaining in the remaining parcel of land. Motion to endorse the plans: Robert Jose; Second: Nicolas Velozo; all in favor.

#### **D. Discussion of potential bylaw to address business hours of operation**

Mr. Jose stated he wanted to discuss this issue on the agenda tonight because the Board of Selectmen received a request from Circle K to operate 24 hours a day. There is no bylaw that currently regulates business hours of operation. The Board of Selectmen voted to deny the request to operate 24/7, due to ongoing issues with truck traffic in the area from the Warehouses south on S. Main St. Mr. Jose states that if 24 hour businesses are allowed, there is nothing to prevent a truck stop from setting up shop. The Board began a more general discussion of hours of operation throughout Town. Mr. Velozo left the meeting at 7:05 PM.

<sup>1</sup> Emailed received from Luis Coelho on 1/8/17 RE: Tuesday January 10th

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The Chairman expressed his opinion that the regulation of hours of operation should be looked at by zones, certain by right hours should be allowed without the need for a special permit. Mr. Jose stated that the Police Chief is also concerned about potential late night gathering places. Mr. Desmarais states that he sees a disconnect between allowing large warehouses to run at all hours, and get TIFs, but the smaller local ancillary businesses are not allowed to reap the benefits. After further discussion, the Board members came to a consensus that by right hours of operation should be established by district, with any derivation granted only through a special permit. The consensus was that this should apply to businesses that are open to the public and would generate both vehicle and pedestrian foot traffic. The Planning Technician will look into examples from other Towns in anticipation of a bylaw change at the Annual Town Meeting.

Motion to adjourn: Keven Desmarais; Second: Debra Robbins; all in favor

Meeting adjourned at 8:30

Respectfully submitted by Lauren Moreau, Planning Technician