

**Town of Freetown
Planning Board**

Minutes of the Tuesday, September 5, 2023 Meeting
Held at the Police Station Community Room, 15 Memorial Drive

Present: James Frates, David Crose, Chad Carvalho, Christopher Mello, and Steven Tripp.

Call to Order: James Frates called the meeting to order at 6:00 p.m.

Continued Site Plan Review – 90 South Main Street

A motion was made by David Crose, seconded by Chad Carvalho, to continue the public hearing to September 19, 2023 at the Police Station. The motion carried unanimously.

Site Plan Review and Special Permit-34 County Road

Mr. Frates opened the public hearing. A motion was made by David Crose, seconded by Christopher Mello, to waive the reading of the public hearing notice. The motion carried unanimously.

Nyles Zager, from Zenith Consulting Engineers, stated that the property is completely within general use district, there is 3.1 acres. There is an existing Church that is still in use on the property and currently has 38 parking spaces. There is an isolated, non-jurisdictional wetland, filed with Conservation Commission under Request of Determinability Applicability and it was determined non-jurisdictional. The topography of property ranges from 140 to 128. Property is not located in flood zone areas, not within the natural heritage or Zone II areas or ACEC. The proposal is to leave the existing Church as is and proposing a 15,000 square foot commercial building on a slab. It would be used by Interstate Battery that is currently owned by Michael St. Don. He already has property on County Road and has outgrown it and would like to move here. The zoning determination that was issued by the building commissioner states that it requires a special permit and site plan review for two primary structures on one lot and commercial building over 10,000 square feet. He explained that the required parking for the property would be 55 spaces. The plans provided show 56 spaces with four additional handicap spaces, parking would be for the Church and proposed commercial building. The property is currently and will be continued to be serviced by public water and will have an on-site septic system and gas. Existing pavement will be redone and regraded. Three loading docks in the rear will be used for deliveries. Drainage used will be trench grates, deep sump catch basins, and stormceptors. There are currently two entrances on the property but that would be changed to one entrance and will have to file with MassDOT. It is required that no water is allowed to go onto the street, therefore it has to be captured and controlled on the property. Trench gates, deep sump catch basins, and stormceptors will be discharged to detention basin that is sized for 100-year storm event. The design meets stormwater standards. Mr. Zager stated that there will be silt stacks in the catch basins, a riprap entrance for the trucks, and an operation and maintenance plan for sweeping to keep the street clean daily during construction. There is also a dumpster in the rear of property that is on a concrete slab with a privacy fence and gate. The lighting will be wall mounted with a shield for lighting to face downward so it provides lighting for the business but will not overlap onto the street or abutting properties.

Mr. Frates asked about the vehicle storage site being on site, if that is where construction material and office trailer would also be the lay down area. Mr. Zager answered that is correct. Mr. Frates stated a little confusion with the zoning determination and special permit. He states that it is a general use area and asked what the non-confirming use is. Mr. Zager explained that is because two primary uses on one property and over 10,000 square feet requires a special permit. Mr. Frates asked if there will be manufacturing or just storage on site. Mr. Zager stated no manufacturing would take place and very little retail. Mr. Frates explained that the town engineer takes the plans and reviews them but those have not been sent out as of yet. He stated that a traffic review may not be needed. Mr. Zager stated that the area does not generate a lot of traffic and will be on a road that can handle the traffic. Mr. Zager stated that the business would be closed on Saturday and Sunday and the Church will be open those days. The Church will not operate at the same time and the business operates in standard hours already.

Mr. Crose asked about signage being put up. Mr. Zager replied that there is currently an existing sign for the Church and would be a sign on the building for the business. Mr. Frates stated that depending on signage, a special permit would be needed. Mr. Crose asked who owns the property. Mr. Zager replied that the Church owns the property but his client is looking to purchase it. Mr. Crose stated that if the Church owns it now than they are not paying taxes. Mr. Frates referred to a letter from the tax assessor's office about tax exempt

versus not exempt. Mr. Zager stated that they would have plans of how much property is the business and how much of it is the Church. Mr. Frates explained that other items would be needed to be a part of the plans too such as bounds being put in for tax assessment purposes. Mr. Zager stated that could be taken care of and could be added for conditional of approval for the concrete bounds.

Susan Fernandes, 35 County Road, stated concerns about the traffic. Mr. Zager stated that there will be traffic added but when they were talking about traffic, they were talking about the main route of that area that can handle the traffic. Ms. Fernandes stated there has been quite a few accidents in that area. She also brought concern about the flood zone. Mr. Zager stated that FEMA dictates the flood zone areas. Ms. Fernandes asked how long would the Church be there and what would happen if it left. Mr. Zager explained that if any of that happened then they would have to go back to building department for a change of use and then the Planning Board for new plans to be approved.

Adolph Rezenkervitz, 32 County Road, stated that there is a proposal from the state, which is that a watershed area that all residents in the future will need to install nitrogen septic tanks. Mr. Zager stated that would go through the Board of Health for denitrification. Mr. Rezenkervitz expressed concern about wetlands. Mr. Frates assured that anything to do with wetlands gets sent to the Conservation Commission and they would send it to town engineers. Mr. Rezenkervitz expressed concerns about the stormwater leaving the property. Mr. Zager explained the stormwater processes.

James Fernandes, 35 County Road, brought attention to hazardous waste such as battery acid and that is would have to be captured on their property and not to leave their property. Mr. Zager explained that there will be floor drains that will be treated and then pumped by a special company.

Denise Milosek, 31 County Road, stated that the Church has been there since 1990 and they are there Wednesday and Friday night, Saturday and Sunday morning and Sunday night. During those times, they keep lights on and running around the Church yelling. Ms. Milosek stated that the Church does not have parking on the property currently and is just concrete slabs there. She expressed concerned about the hours of both places operating. She expressed how Route 18 is already very busy and how The Point gas station is expanding and the traffic there, batteries being in the building, an industrial building being there, where there are already two businesses operating there. Mrs. Milosek stated that she does not agree and expressed concerned about the water. Mr. Frates explained that the area is zoned for general use and it is allowed to be done.

Mr. Rezenkervitz explained about the traffic and kids getting on and off of the bus. He expressed concern about the need for a traffic impact study and how many accidents happen on that road. Mr. Frates asked Mr. Zager if he is opposed to doing a traffic study. Mr. Zager stated that they could talk to EP and if it would trigger a study being needed. Mr. Frates stated that there is a 30-page impact statement on what it would be to the neighborhood. Mr. Zager stated that there is traffic being added but the site is adding minimal traffic.

Kenneth Milosek, 31 County Road, asked how big the building will be. Mr. Zager replied 15,000 square feet building. Mr. Zager said they would see what they can come up with for the traffic and to see what the Church generates. Mr. Carvalho asked how many trips are being taken at the current location. Mr. Zager stated that he cannot answer that but can get a general answer. Mr. Mello stated that there probably is no more than 40 people a day there, his vans will be leaving, not heavy retail taking place, and water is directly going into the ground.

Lyn Levy, 37 County Road, expressed concerns about the roadway and easements.

Karen Carling, Chipaway Road, stated that her mother lives in that area and her question is how close will the building be to the right of the way where she accesses her home and how far from the street. Mr. Zager stated that a gravel drive way access easement will be regraded. Mr. Frates explained that a right of way can be on someone else's property and would be given deeded rights to use the right of way even if on someone else's property, does not mean you own it. Mr. Zager stated that the minimum of 40 feet off the property line is required. Danielle Hootilee asked if the main access of easement will be the main access to the site. Mr. Zager answered that no, there will be one main entrance off of County Road. Mr. Frates reassured that there will be more meetings on review of this matter and will be sent out for stormwater review, site plan regulations and site plans. Mr. Zager will get more information about the traffic.

A motion was made by David Crose, seconded by Chad Carvalho, to continue the public hearing to October 3, 2023 at the Police Station. The motion carried unanimously.

Update on Changing a 40R District to Meet the MBTA Requirements

Victoria Alfaro, the Planning and Land use Administrator, stated that there was a check-in meeting today to discuss options. Option one was to amend the PMUD. The biggest pro would be that amending an existing district will pass easier at Town Meeting. A big con is not getting the extra funds. If the PMUD is amended then the boundaries could be amended too. She expressed that 40R would be harder to pass at the Town Meeting and being a lot of contention about the train station, apartments being built, and rapid growth however, with the 40R there would be additional funds. Mr. Frates stated that there was not much land left for the PMUD after Copart moved in that area. Ms. Alfaro stated that it would more than cover the requirement and SRPEDD suggested that it would be easier to limit it next to the train station for purpose of passing it at the Town Meeting. There has not been a lot of applications for PMUD, if we want the district to better utilized and satisfy requirements of MBTA then it could be amended and updated. Mr. Crose asked for confirmation if the decision is about going for the 40R or mixing the 40R to get more denser housing to get more cash in. Ms. Alfaro stated that in the future we could always look at a 40R. She sent out the revised regulations and more grant programs were added, being a small town, we rely on more grants because of not having funds accessible. She had spoken to Reverend Dias about parcels that he would be interested in but had not spoken to neighbors. Ms. Alfaro stated that SRPEDD noted changes on PMUD, increasing destiny from five to fifteen, allowing multifamily by right or site plan review, amending certain dimensional regulations to comply with guidelines and removing restrictions of number of bedrooms in the development. Amending a 40R would have to be approved by the state. Mr. Crose asked about the zone, PMUD being a big enough area. Mrs. Alfaro Duran stated that the zone is over double, 50 acres is minimal for 750 units and it is already 118. Mr. Crose clarifies that the area just needs to be zoned for this. He made reference to an area in Taunton being developed. Ms. Alfaro stated that the area in Taunton has access to water and sewer, whereas the area in PMUD does not have an access to that and does not see this developing happening as quickly in this area.

A motion was made by David Crose, seconded by Christopher Mello, to recommend amending the PMUD for MBTA requirements. The motion carried unanimously.

Discussion on Stormwater Management By-law

Ms. Alfaro stated that proposed by-law was revised with comments received from the Board. The public hearing is schedule for the next meeting.

Minutes

A motion was made by David Crose, seconded by Chad Carvalho, to approve 08.15.2023 with amendments. The motion carried unanimously.

Any other business to properly come before the Board

Ms. Alfaro brought attention to Complete Streets and how the Four Corners project will not be ready to apply for this grant round. She asked for recommendations on what the best use of the funds would be. She stated that we need to stay under \$500,000, there are no additional funds to use. She said that we could continue the accessibility upgrades with upgrading the ADA curb ramps around towns or missing sidewalk connections. All agreed to go forward with the ADA curb ramp improvements.

Ms. Alfaro reminded everyone of the off-night meeting on September 14th at the Police Station for the Four Corners presentation.

Meeting Adjourned

A motion was made by David Crose, seconded by Christopher Mello, to adjourn. The motion carried unanimously, and the meeting was adjourned at 7:38p.m.

This is a True Record by me.

Attest: _____
Nicole DeMoranville, Senior Clerk

