

2023 OCT 12 AM 8:04

**Town of Freetown
Planning Board**

Minutes of the Tuesday, September 19, 2023 Meeting
Held at the Police Station Community Room, 15 Memorial Drive

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

Absent: David Crose.

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

Continued Site Plan Review – 90 South Main Street

Nyles Zager, of Zenith Consulting Engineers, explained that the property is approximately 8.3 acres and currently has an existing home and barn which is accessed by the driveway. The majority of the site is an open field bordered by Payne's Cove. Mr. Frates explained that an email was received from Kate Camara of 92 South Main Street. The concerns she had were addressed and email was added to file. Mr. Zager continued to explain that Payne's Cove does have a bordering vegetated wetland which are flagged. Site is partially located in natural heritage endangered species and almost all within the flood zone. The property is located in the General Use district and is located within the South Main Street Corridor Overlay district. Mr. Zager explained that the proposal is for seven contractor bays and to leave the existing single-family house which is at the front of property. He continued to explain that both uses are allowed by right in the zoning by-law, a letter from applicant's attorney stated that and was provided to the board. There would be one building under 7500 square feet that houses six of the contractor bays and another building with one contractor bay 25x49.75. Mr. Zager explained that there will be 14 parking spaces provided in rear of building and a handicap parking space provided as well. There will be space for seven 10x10 dumpsters on concrete pads and fenced in for privacy with gates. Mr. Zager explained that drainage flows from South Main Street and down to Payne's Cove and will continue to do that. He explained that everything would be conveyed to deep sump pumps, drain manholes and discharged to floor bay. It is tidally influenced so they will not have to meet the requirements to design for 100-year storm event. They will have to meet requirement to not increase flow to abutter's properties, water quality volume and TSS removal. Mr. Zager further explained that there is current drainage on South Main that catches water and is discharged and piped onto the 90 South Main Street property. Flooding from that pipe from the road into the field had to be taken into account. Therefore, swales will run along the property and they will replace and resize the culvert under the driveway. This must be done to reroute the water around property to make sure stormwater gets to where it needs to go. For erosion control, a construction entrance will be at one of the existing entrances. Silt sock is provided around the back of property to ensure no discharge during construction. Silt sacks are provided in catch basins during construction. Mr. Zager recapped that this was originally submitted and continued twice but not presented in front of the board before. Mr. Zager explained that it is in front of Environmental Partners for peer review.

Mr. Frates brought attention to the email that was sent from Kate Camara. She sent pictures in the email of the field flooding. Mr. Zager explained that water is being taken on from the road and will make sure that it gets directed around and not shed off into the neighbor's properties. Mr. Frates asked what the hours of operations would be. Mr. Zager replied that they have not decided but whatever the Town would allow. Mr. Frates informed that the current by-law states 7-7. Mr. Zager stated that they are contractor bays and do not know what is going in them yet but will be small with one to two workers in each one. Mr. Frates stated that 40 feet is for commercial buildings next to residential properties and is important to protect as much as possible with buffers such as fencing or tree lines. Mr. Zager stated that arborvitaes provided along the front side, maintain some tree line and will discuss doing more. Mr. Frates stated that he would like to see more protection to the abutters. He also would like to see the lighting plan and to make sure that no lighting leaves the site since property is close to residents. Mr. Zager stated it will be normal wall mounted, down facing shields, with no additional light posts. He said plans can be updated with the lighting plan. Mr. Frates asked about the barn in back of property and if it would be used for the business or dwelling. Mario Pereira, business owner, stated that he would be moving into the stand-alone unit and the barn would be used for storage such as lawn mowers.

Mr. Steven Tripp asked if there would be 30 feet between the two driveways. Mr. Zager stated that there is supposed to be 30 feet but they do not have that, there is no way to get that and are asking for a waiver. Mr. Steven Tripp asked about a cafeteria. Mr. Zager explained that on the plan it breaks it down as a title 5 without cafeteria for the design of plans and there would be no cafeteria.

Mr. Frates explained that in Town the building is by right and allowable by the by-laws on that property. He stated that the board does not address conservation, water, or the Rivers Protection Act and they would have those opportunities in front of that board for those questions.

Kate Camara, 92 South Main Street, stated that she has general concerns about privacy, sound, noise and the plans for river flooding. Mr. Zager stated that as far as flooding, the area is coastally influenced and it is called Land Subject to Coastal Storm Flowage. What the ocean does will not change because of this small project. Mr. Zager responded to Mrs. Camara's concern toward privacy. He explained that arborvitaes will be provided and will talk about extending it and the options.

Wayne Tripp, of Berkley, is Mrs. Camara's father and stated that the arborvitaes will not hold the water back. Mr. Zager stated that water will be redirected from the culvert from the road. He stated that regarding the flood, if a flood happens then there is no stopping it, it will go around and still affect you no matter what. Mr. Wayne Tripp asked about slopping the pipe from street to go toward the river and go downhill and then will make the river come back. Mr. Zager stated that a little water is being talked about and in relation to the ocean and the tide coming in and out is nothing. Mr. Frates stated that they are not allowed to make it worse and not allowed to discharge any water from the property and that engineering would hopefully improve a little bit of the water flow. Mr. Frates reassured that it is sent out to peer review to be looked at by another engineer.

Victoria Alfaro, the Planning & Land Use Administrator, asked a question about the culverts and confirmation if it is the Town's. Mr. Zager stated that he does not know if it is the town's culvert but there is a pipe that goes from the catch basin out to South Main and takes the town's drainage and dumps onto the property. Debra Robbins stated that she spoke with Chuck from the highway department and there is no easement and the culvert should not be there. Mr. Zager said he may have to consult with Chuck for replacement.

David Cadieux, 94 South Main Street, stated that flooding currently takes place where driveway will be and that the proposed building should be raised. Mr. Zager stated flood elevation code of FEMA is 14 and will be an elevation of 15. Mr. Steven Tripp asked if it will be loading docks for tractor trailer trucks. Mr. Zager replied that there is not loading locks, just overhead doors. Mr. Pereira stated that he's a contractor in Myles Standish and gets box trucks occasionally for deliveries, no 18-wheelers, everything is shipped directly to projects, warehouse bays to store and office space. He stated there would be no mechanics or manufacturing, the majority is office space. Mr. Zager stated that they have presented to the Fire Chief and have a turning radius template and Chief was ok with that. Mr. Cadieux asked about depth of building to property line on the front side. Mr. Zager replied that it is 41 feet and that is because they are required to push everything forward because of the River's Protection Act. Mr. Wayne Tripp stated that filling in a hole, the water has to go somewhere forcing it to someone else. Mr. Frates reassured that forcing it to someone else is not allowed and are not able to stop the ocean from rising. Mr. Zager stated that they are doing the swale along the sides. Mr. Cadieux brought attention to the concerns about flooding the backyard. Mr. Frates stated that two engineers review to make sure that water does not leave the property.

A motion was made by Christopher Mello, seconded by Chad Carvalho, to continue the public hearing to October 17, 2023, 6:00 p.m. at the Police Station. The motion carried unanimously.

Public Hearing – Proposed Stormwater By-Law

Mr. Frates called the public hearing to order.

A motion was made by Christopher Mello, seconded by Chad Carvalho, to waive the reading of the public hearing notice. The motion carried unanimously.

Mrs. Alfaro explained that this has been looked at several times and this is the final draft to be submitted. The comments that were submitted by Mr. Crose were addressed to clarity to wording. Mr. Frates stated that the by-law is a lot of stormwater information. Mrs. Alfaro explained that it is the minimum requirements. The minimum is the one acre of disturbance. Victoria explained that if this is not done then we could be audited by the Environmental Protection Agency and then fined.

A motion was made by James Frates, seconded by Christopher Mello, to recommend the proposed stormwater by-law as written for the 2023 Special Town Meeting Warrant. The motion carried unanimously.

Update on Status of Amending PMUD District to Meet the MBTA requirements

Mrs. Alfaro gave an updated timeline. SRPEDD wants to go to a planning board meeting in November to go over the PMUD memo and recommendations. Mr. Frates asked if the document could be sent to the board beforehand. Mrs. Alfaro answered yes. Mr. Frates said to not pack the agenda for November 21st.

Minutes

A motion was made by Chad Carvalho, seconded by Christopher Mello, to approve the 09.05.2023 minutes as submitted. The motion carried unanimously.

Meeting Adjourned

A motion was made by James Frates, seconded by Christopher Mello, to adjourn the meeting. The motion carried unanimously, and the meeting was adjourned at 6:44p.m.

This is a True Record by me.

Attest: _____

Nicole DeMoranville, Senior Clerk