

**Town of Freetown
Planning Board**

Minutes of the Tuesday, November 7, 2023 Meeting
Held at the Police Station Community Room, 15 Memorial Drive

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

Absent: None

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 from Zenith Consulting Engineers had presented in the past but did not have the review, at that time, from Environmental Partners (EP). Mr. Zager stated that they had gotten the review back and responded three weeks ago and had just received the comments an hour and half ago. Mr. Zager went over the comments. There are a couple minor outstanding items. Payne's Cove is land subject to coastal storm flowage, the stormwater management does not apply and does not need to meet those standards but they cannot flood out the ocean. Mr. Zager stated to meet TSS and water quality volume, no additional flooding onto abutters properties, conservation will determine that. Mr. Zager will provide updated calculation sheets for stormwater management report, Stormwater Pollution Prevention Plan (SWPPP), and O&M. Mr. Zager then went through the waiver requests. Mr. Zager stated that plantings were added to screen from neighboring properties. Mr. Zager said they will file a notice of intent with Conservation Commission, natural heritage and provide riverfront calculations. Site plan shows 24-inch culverts under proposed driveway. Mr. Zager stated that it will handle drainage from South Main Street, existing pipe is already there. They will create swales and culvert to go around the building to drain to the wetlands and will not impede onto any abutting properties. David Crose asked about roadway changes. Mr. Zager stated that the swales are oversized. Mr. Zager continued to go through the rest of the EP comments, traffic comments and requirements for parking spaces. There are no traffic concerns but EP's biggest concern are the parking spaces. Parking spaces for zoning purposes are exceeded. EP comments said to have fifteen parking spaces but they have fourteen spaces. There are seven bays and that would give two spaces per unit. There would also be space in front of all bays for more parking space if needed.

Steven Tripp asked about the width of the driveway. Mr. Zager stated that the driveway would be 24-foot wide. Mr. Tripp asked if that is enough space for box trucks to leave. Mr. Zager assured that a box truck can get out without crossing the line on the street.

Mr. Crose asked about lighting at the end of the driveway. The only lighting would be from the house. They tried not to add anything since it would be on major route. Mr. Frates asked about signage. Mr. Zager assured that there would be no signage, they are all separate bays and not for the public.

Mr. Tripp asked about fencing being installed instead of shrubbery. Mr. Zager responded that they can do that, but they did provide more shrubbery. Mr. Frates asked if fencing was done then what kind would be done. Mr. Zager responded that a 6-foot-high stockade fence, but not sure on the material. It would be approximately 450-feet of fencing.

Mr. Frates opened the meeting to the public.

Kate Camera of 92 South Main Street stated that her biggest concern is a buffer and that fencing would be appropriate. Mr. Frates agreed to move forward with the fencing.

A motion was made by David Crose, seconded by Christopher Mello, to close public hearing.

A motion was by David Crose, seconded by Christopher Mello, to approve waivers, site plan review, condition to add fencing on Southwest and Southeastern sides in lieu where proposed tree line is, 6-feet tall, plans dated 10.20.2023. The motion carried unanimously.

Continued Site Plan Review & Special Permit – 34 County Road

Mr. Frates explained that the applicant has requested withdrawal and to be formally accepted.

Motion was made by David Crose, seconded by Christopher Mello to accept the withdrawal letter without

prejudice. The motion carried unanimously.

Discussion on Environmental Partners – Woodland Estates

Michael Kent, developer, met with Victoria Alfaro and engineer on site a few weeks ago. EP issued the report. He further explained the items to put in sidewalks, fill areas in back culvert and putting bounds in. Mr. Frates asked if everything on report will be addressed. Mr. Kent explained that the big items will be addressed but will need clarification from electric company for their standards. Mr. Frates asked for a timeframe. Mr. Kent stated they will start next week and hopefully be done by the end of the year. The paving should be completed by mid-December, equipment is scheduled to be delivered if not already on site. Mr. Kent explained that the only thing needed to be done after completion is the as-built. Mr. Frates asked if EP would have to go back out for a final review. Mrs. Alfaro explained that EP would do final inspection, but to do as-built and then have EP out.

Mr. Kent addressed an issue about shrubs on the cul-de-sac. The neighbors do not want shrubs, they do not want the responsibility. He is happy to plant them but they cannot maintain them and neighbors do not want to either. Homeowners Associations (HOA) would need to be contacted to address the issue.

Mr. Kent explained that there is another issue, a timeline issue of when they bought it. At that time, they were refused to tie in to water and had to put in all the extra wells. They were not allowed to dig on the public road. Town now wants Mr. Kent to repair the road. He stated that they should not have to pave road that they did not touch, seems to be an unreasonable requirement to pave when not their road. He stated that the road is a public road. Mr. Kent stated that they have paved right to the end of their property. Mr. Frates explained he will look into it and find the history behind it.

Request for Bond Reduction – Fallbrook West

Lee Castignetti from Long Built Homes went over the letter that he had sent. He explained that the first eleven items have been completed. The inspection was completed and no negative response. A portion of funds was released, as-built plans have been prepared, site was cleaned up, and minor items have been completed. The solar company built a basin for dual purposes for the field and it is not directly their responsibility. They have reached out to Hawes and are working to rectify that. Money is set aside to make sure the basin gets completed. They are requesting to leave \$30,000.

Motion was made by David Crose, seconded by Christopher Mello, to release the \$181,579 and hold \$30,000 cash surety to finalize project based on items one thru five listed on estimate provided. The motion carried unanimously.

Presentation on Recommendations for Amending the PMUD by SRPEDD

Taylor Perez, Robert Cabral, Maria Jones, and Chris Welch from Southeaster Regional Planning & Economic Development District (SRPEDD) attended the meeting to present to the board. Ms. Perez explained the amendments to Planned Mixed-Use District (PMUD). The district is a commuter rail community to host a station, certain requirements must be met under 3A zoning district. She summarized the requirements. It would have to have a multifamily by-right zoning district, 15 units per acre, 50 acres in size, 40% in the half mile buffer, no age restrictions, can have site plan review and capacity of 750 units. It is not a production requirement. Funding available thru June 2025 to help, should we go pass the deadline. Mr. Welch spoke about which amendments the PMUD might and would be required for. He explained to require PMUD to allow multi-family development by-right. There is a potential need for sections of dimensional requirements and to speak with Executive Office of Housing and Livable Communities (EOHLC). One major point is to change the purpose of PMUD to reflect multifamily housing production and to move away from mixed use production. Another major point is the need to remove special permit requirement. Mr. Cabral explained the village green requirement and how to keep the spirit of it while staying compliant, what components would be most crucial, funding to explore design guidelines and can assist with the site plan review process. Mr. Frates asked about removing traffic studies that go along with the development. Ms. Perez explained that zoning act does not recognize site plan reviews but case law in Massachusetts does but cannot be used to deny a by right development, would need to look more into this. She further explained the next steps are to take time to review and once concluded they can begin crafting the bylaw and get a draft in place, submit for pre-adoption review to EOHLC prior to Town Meeting. Pre-adoption review for January or February of 2024. Board agrees to continue with the drafting of the amendments and to keep open communication.

Review and Vote on As-built – Betty Spring Road Extension Refunds – Cash Surety, Betty Spring Extension

Mrs. Alfaro explained that Betty Spring Road Extension was discussed during a previous meeting to release covenant and hold surety and as-built was not voted on and approved then. Covenant release was never recorded and was approved in 2021, board would just need to reaffirm the vote to be able to record covenant to release the funds.

Motion was made by David Crose, seconded by Chad Carvalho, to approve the Betty Spring Extension as-built submitted 01.20.2021. The motion carried unanimously.

Motion was made by David Crose, seconded by Christopher Mello, to reaffirm covenant release. The motion carried unanimously.

A motion was made by David Crose, seconded by Chad Carvalho, to release the cash surety of Betty Spring Road Extension of \$15,121.25 plus interest. The motion carried unanimously.

Informal Meeting – 29 Sammy’s Lane

No representative was in attendance to discuss this matter.

Discussion and vote to Ratify Letter of Support for SRPEDD’s Pro Housing Grant Application

Mrs. Alfaro explained that SRPEDD had requested a grant application and asked for the Town to submit a letter of support for their application.

A motion was made by David Crose, seconded by Steven Tripp, to ratify the letter of support. The motion carried unanimously.

Discussion on Accessory Apartment By-law

Mrs. Alfaro explained it is to modify the accessory apartment by-law. Mrs. Alfaro would be surveying other towns. Mr. Crose requested for research on in-law pods. Discussion was continued to the next meeting.

Minutes

Board decided to take this up at the next meeting.

Meeting Adjourned

A motion was made by David Crose, seconded by Christopher Mello, to adjourn the meeting. The motion carried unanimously, and the meeting was adjourned at 8:02 p.m.

This is a True Record by me.

Attest: _____
Nicole DeMoranville, Senior Clerk