



Planning Board Minutes – May 21, 2019

A meeting of the Town of Freetown Planning Board was held on **May 21, 2019** at the Freetown Town Hall 3 N Main St Freetown, MA **Present:** Keven Desmarais, James Frates, Mark Rogers (left at 7:18 pm), Debra Robbins, Robert Jose (arrived at 7:00 pm, after the 3 Christy Lane public hearing and discussion)

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Meeting called to order at 6:05 PM

Continued public hearing for the Fallbrook Subdivision

Chairman Desmarais read the letter from Evan Watson, Prime Engineering, asking for a continuance to the next Planning Board meeting on behalf of his clients.

Chairman Desmarais entertained a motion to continue the public hearing for the Fallbrook subdivision to June 11, 2019 at 6:00 pm. **Mr. Rogers** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Continued Public Hearing – Michkev RE LLC

Chairman Desmarais read the letter from Dan Mulloy, Site Design Engineering, asking to continue the public hearing to a later date.

Chairman Desmarais entertained a motion to continue the public hearing for Michkev RE LLC Site Plan Review to June 11, 2019 at 6:00 pm at the Freetown Town Hall. **Mr. Rogers** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Public Hearing – Definitive Subdivision of Land

Chairman Desmarais opened the public hearing for the proposed subdivision at 3 Christy Lane.

Chairman Desmarais entertained a motion to waive the reading of public hearing notice. **Mr. Rogers** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Nyles Zager, Zenith Consulting, approached the Board. **Mr. Zager** stated that he was here representing Robert and Lori Jose. **Chairman Desmarais** said that **Mr. Jose** is a current Planning Board member and has recused himself his official position as a member of the Planning Board as it pertains to the Subdivision plan entitled Residential Subdivision of Land #3 Christy Lane.

Chairman Desmarais stated that **Mr. Jose** is not even in the room.

Mr. Zager explained the project which is to create 2 conforming lots. **Mr. Zager** said that, in his opinion, it meets all zoning requirements. **Mr. Zager** said that it's similar to recent projects like the Burn's Lane and Betty Spring Road subdivision. **Mr. Zager** said that they are requesting waivers from pretty much everything, which the Board has granted in the past. **Chairman Desmarais** clarified that the Board does not waive requirements that the plan meets and added that for any subdivision under 4 lots the Board typically waives some requirements.

Mr. Zager said that the plan would move the cul-de-sac 300 feet down the road. **Mr. Zager** told the Board that there was no change in work and that this paperwork is to designate the area for subdivision.

Mr. Zager said that there was no construction proposed, unless required by the Board. **Chairman Desmarais** said that since the intended use is the additional house then there should not be a lot of additional traffic. Mr. Rogers mentioned that if the road served lots of people when the bridge was out, then it should fine for just 1 additional house. **Chairman Desmarais** asked the Board if they thought this project should be sent out for peer review. **Mr. Rogers** said it was past practice that they did not send out small subdivisions like this for peer review. **Mr. Zager** added that the idea is that this road will not be taken by the Town and will remain a private way.

Chairman Desmarais asked the public if there were any questions. No one from the public asked any questions.

Chairman Desmarais entertained a motion to close the public hearing. Mr. Rogers moved and Ms. Robbins seconded.

Chairman Desmarais entertained a motion to approve the subdivision plans as submitted with requested waivers. **Mr. Rogers** moved and **Ms. Robbins** seconded.

Mr. Zager asked the Chairman what types of surety would be available since there was no construction. **Chairman Desmarais** asked what the cost to create an as-built plan was. Mr. Zager said it would probably be \$2000 - \$3000. **Chairman Desmarais** said that the options are putting the lot under covenant or depositing the amount into the bank to be returned once the work is complete. **Mr. Zager** said he would have to speak with a surveyor to get a more accurate price.

Continued Public Hearing – TJA Clean Energy

Chairman Desmarais listened to the recording of the April 16th meeting and filled out the Mullin Rule form prior to the meeting.

Azu Etoniru, E.T. Engineering, provided the board with an update on the proposed solar development located on Chace Road. **Mr. Etoniru** said that the rain hindered his ability to the survey work so he would be asking for a continuance at the meeting.

Chairman Desmarais asked if there was any additional information from Algonquin Gas regarding the construction period easement. **Mr. Etoniru** said that he had an email from Algonquin Gas stating that they could use the easement as long as someone from Algonquin Gas was present. **Chairman Desmarais** said that the Board will need a signed, official document from Algonquin Gas granting the applicant access via the gas easement.

Chairman Desmarais asked how far from the abutter's tree line to the project. **Mr. Etoniru** said that it would be about 150 feet.

Doug Simmons, 3 Christopher Drive, said that at the previous meeting he and the other abutters asked for an 8 foot berm. **Mr. Simmons** said that there is no point in a berm that does not hide anything. **Mr. Simmons** added that he would like to see a slatted fence. **Mr. Etoniru** replied that having a slatted fence would be no problem. **Chairman Desmarais** asked if it would be possible to get the berm to 8 feet. **Mr. Etoniru** said that getting the berm to 6 feet may be possible.

Chairman Desmarais reiterated that the Board will need a formal document showing the applicant's agreement with the Algonquin Gas to access the property via the easement. **Mr. Rogers** added that the document needs to have a detailed description of the operation that should address equipment used and traffic generated.

Chairman Desmarais entertained a motion to continue the public hearing for TJA Clean Energy to June 11th at the Town Hall at 6:00 pm. **Mr. Rogers** moved and **Mr. Frates** seconded.

Mr. Etoniru approached the Board asking them to re-endorse an Approval not Required Plan for a property located off Chace Road (Assessors Map 228, Lot Number 8) that was signed on March 19, 2019. **Chairman Desmarais** asked **Mr. Etoniru** what the issue was that necessitated a new endorsement. **Mr. Etoniru** said that he changed the bearing on the plan. The Board endorsed the new ANR plan for the property off Chace Road.

Robert Jose arrived at 7:00 pm.

Discussion on making a bond a requirement for Approving a Subdivision

Chairman Desmarais said that this came up because residents on Birch Road contacted the Board because the road is unfinished. **Chairman Desmarais** said that the Board received correspondence from the developer saying that his plan is finish the road.

Chairman Desmarais said that he would like the Board to think about the possibility of requiring a performance or construction bond for a subdivision plan.

Mark Rogers left at 7:18 pm.

Discussion on Article for the Annual Town Meeting which deals with Article 11, Section 11.29 of Freetown's Protective By-laws, relative to Planned Mixed-Use Overlay District.

Chairman Desmarais explained that there is a problem in the wording for the PMUD (Planned Mixed-Use Development District) Article. **Chairman Desmarais** said that the article mentions putting a section from the Zoning By-laws into Planning Board Rules and Regulations, which cannot be done at Town

Meeting. **Chairman Desmarais** said that he thinks the best course of action is to ask to send the Article back to the Planning Board so that it can be reworked. **Chairman Desmarais** added that if a single by-law is preventing someone from utilizing the PMUD it might be possible to seek relief with the Zoning Board of Appeals. **Mr. Jose** said we should take the summer and add the section referenced in Article 21 to the Planning Board Rules and Regulations. **Chairman Desmarais** agreed that it would be a good idea to add the PMUD section to the Rules and Regulations ahead of time.

Mr. Jose made a motion that Article 21 be remanded back to the Planning Board. **Mr. Frates** seconded.

Ms. Robbins made a motion to adjourn. **Mr. Jose** seconded.

Respectfully submitted,

Christopher McKay