



Planning Board Minutes – October 8, 2019

A meeting of the Town of Freetown **Planning Board** was held on **October 8, 2019** Freetown Town Hall Assonet, MA. **Present:** Chairman Keven Desmarais, Debra Robbins, James Frates, Robert Jose **Absent:** Mark Rogers

Chairman Desmarais called the meeting to order at 6:05 pm.

Public Hearing for Proposed Amendments to the Town of Freetown Protective By-Laws

Chairman Desmarais opened the public hearing for Proposed Zoning By-Law Changes. **Chairman Desmarais** read the public hearing notice.

Chairman Desmarais explained that the proposed building coverage by-law change, which would exclude “any structure that according to building code does not require a foundation or building permit; above ground pools; in-ground pools”, was born from a conversation with the building inspector. **Chairman Desmarais** said that the building coverage by-law was created so there would be room to do septic repairs. **Chairman Desmarais** added that none of the things mentioned in the proposed by-law change have a permanent foundation so they should not be an obstruction to accessing the septic system.

George Grunwald asked what the difference was between this proposed amendment and the one that was proposed for the Annual Town Meeting. **Chairman Desmarais** replied that the wording for this proposed amendment does not mention pavement in order to make the wording clearer. **Chairman Desmarais** added that there is no permit required for asphalt.

Jeffrey Chandler, Freetown Building Inspector and Zoning Enforcement Official, said that if someone wanted to a put a foundation under one of these structures then it still would not count towards building coverage because it is not required.

Chairman Desmarais entertained a motion to continue the public hearing to 6:30 pm. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Discussion on surety for the Fallbrook Subdivision

Chairman Desmarais explained that abutters of the Bullock Road Solar project asked to speak tonight about issues they had with the project. **Chairman Desmarais** explained what surety and covenants were and what they were used for.

Chairman Desmarais said that since construction has started there has been some concerns about the Bullock Road Solar project. **Chairman Desmarais** explained that the Board has received complaints that the buffer zone was encroached upon. **Chairman Desmarais** said that the Board would be sending out the Town’s peer review engineers, EPG (Environmental Partners Group), to investigate whether or not the buffer zone has been encroached upon. **Chairman Desmarais** added that he has talked with the project manager and asked Borrego to move line of newly planted trees closer to the property line.

Chairman Desmarais said that there were some concerns about the size equipment pad near the intersection of Wamsutta and Algonquin Way. **Chairman Desmarais** explained that the pad is 20 x 20 and that there is a larger one in the middle of the solar array. **Chairman Desmarais** added that the equipment pad near abutters will be enclosed in white vinyl fence, with a double layer of trees around it.

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One of the abutters asked why there was black fence around the cleared land. **Chairman Desmarais** said that it is a silt fence, which is a requirement. The same abutter asked what the purpose of leaving stumps is. **Chairman Desmarais** said he was not sure but it might have something to do with drainage or erosion control.

A different abutter asked how they were able to start the project the day after approval. **Chairman Desmarais** explained that the Fallbrook Subdivision and Bullock Road Solar are 2 separate projects. **Chairman Desmarais** added that the solar array was approved on the condition that the subdivision was also approved.

Chairman Desmarais said that spending time with Lisa Lundrigan on the phone made him aware of the issues.

Chairman Desmarais said that he went to the site early to make sure work was not being started early and that he did not walk on the site.

Mr. Jose said the Planning Board does not have the authority to force changes on the project after it has been approved. **Mr. Jose** added that the engineers are there to make sure the project is being done right.

Lisa Lundrigan, Algonquin Way, said that a 100 ft buffer would have made more sense and that even though it was discussed it did not happen. **Chairman Desmarais** explained that the buffer zone is the distance between solar array and property lines.

Chairman Desmarais asked if abutters were going to be around tomorrow from 9-10 AM. **Chairman Desmarais** said he would take an hour off of work to discuss the plans and any concerns. **Chairman Desmarais** said that he talked to the project manager Charles Barbanti and was told that Borrego would do anything within reason to try and improve the relationship with the abutters. **Chairman Desmarais** asked that abutters contact the Planning Board office if they see anything that is not right.

Chairman Desmarais thanked the abutters for being part of the process.

***Ms. Robbins** left the meeting at 6:51 pm*

Chairman Desmarais read the letter from Peter Hawes requesting a covenant be put on all the properties except for lots 13 and 21.

Chairman Desmarais entertained a motion to hold all lots from the Fallbrook Subdivision, except for lots 13 and 21, under covenant. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously

Discussion on Endorsement of the Fallbrook Subdivision Decision

Chairman Desmarais asked if the Board took any exceptions to the decision.

Mr. Jose made a motion to accept the Fallbrook Subdivision decision as read. **Mr. Frates** seconded. The motion passed unanimously.

Continued Public Hearing for Proposed Amendments to the Town of Freetown Protective By-Laws

Chairman Desmarais called the public hearing for Proposed Amendments to the Town of Freetown Protective By-Laws back to order. **Chairman Desmarais** explained the second proposed by-law amendment, which is to remove Article 11, Section 11.29, relative to Planned Mixed-Use Overlay District, by removing Section 11.29 H "Density and Dimensional Requirements".

Chairman Desmarais explained where the PMUD (Planned Mixed-Use Development Area) is located and how the underlying zoning is industrial. **Chairman Desmarais** added that as long as the parcel meets certain criteria it can be developed as PMUD. **Chairman Desmarais** said that the PMUD area allows for retail, commercial, and residential components. **Mr. Jose** said that the state came up with the mixed-use community zoning and gave the towns the choice to adopt it. **Mr. Jose** said that the town decided to adopt it at Town Meeting. **Chairman**

Desmarais said that South Assonet is a perfect location for something like this since it has access to water, sewer, electricity, and natural gas.

Gary Mendes, East Freetown, asked how big the PMUD area is. **Chairman Desmarais** replied that is 50 acres. Mr. Mendes asked who owned it. **Chairman Desmarais** said Churchill and Banks, among others.

Chairman Desmarais explained that the crux of this by-law amendment is to allow some derivation on otherwise good projects that might have to go out the window due to not being able to meet by-laws. **Chairman Desmarais** added that the Planning Board wants to have the ability to derivate from Rules and Regulations, like the Board can do with Subdivisions and Site Plan review. **Chairman Desmarais** said that there is no guarantee that a project comes before the Board. **Chairman Desmarais** said that the area is surrounded by industrial area.

Mr. Mendes asked if abutters would still get notices. **Chairman Desmarais** said yes, this does not remove the public hearing process. Mark Rosofsky, East Freetown, said that the Board just wants the latitude to simplify the process and that there still would be a public hearing process. Mr. Rosofsky said that they don't have to chase good projects away. **Mr. Frates** said that a lot of mixed-use stuff is being built now.

Mr. Grunwald asked how the proposed Copart project will affect the PMUD area. **Chairman Desmarais** said it is outside the PMUD area.

Chairman Desmarais entertained a motion to close the public hearing for Proposed Amendments. **Mr. Jose** moved and **Mr. Frates** seconded.

Chairman Desmarais entertained a motion to recommend for adoption the aforementioned by-law changes. **Mr. Jose** moved and **Mr. Frates** seconded.

Public Hearing on Proposed Amendments to the Rules and Regulations Governing Development within the Planned Mixed-Use Development Overlay District

Chairman Desmarais opened the public hearing and read the public hearing notice. **Chairman Desmarais** explained that the proposed amendment would be adding text outlining the density and dimensional requirements for the PMUD district. **Chairman Desmarais** said that this section is what is being proposed to be removed from the by-law in the previous public hearing. **Chairman Desmarais** explained that this would add the text to the Rules and Regulations for PMUD, which is necessary in case the by-law removing

Chairman Desmarais entertained a motion to close the public hearing on Proposed Amendments to the PMUD Rules and Regulations. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Mr. Jose made a motion to adopt the text to the Rules and Regulations Governing Development within the Planned Mixed-Use Development Overlay District. **Mr. Frates** seconded. The motion passed unanimously.

Mr. Grunwald said he would like to see Freetown stay more country. **Chairman Desmarais** said Freetown is still pretty country.

Mr. Jose made a motion to adjourn. **Mr. Frates** seconded. The motion passed unanimously.

Respectfully Submitted,
Christopher McKay