



### **Planning Board Minutes – November 12, 2019**

A meeting of the Town of Freetown **Planning Board** was held on **November 12, 2019**  
Freetown Town Hall Assonet, MA. **Present:** Chairman Keven Desmarais, Debra Robbins,  
Robert Jose **Absent:** James Frates, Mark Rogers

2019 DEC 19 AM 8:16  
RECEIVED  
FREETOWN TOWN CLERK

Meeting Called to Order at 6:00 pm

#### **Continued Public Hearing for Michkev RE LLC Site Plan Review**

**Chairman Desmarais** read an email from Dan Mulloy, Site Design Engineering, requesting to continue the public hearing to late December.

**Chairman Desmarais** entertained a motion to continue the public hearing for the Michkev RE LLC site plan review to December 17, 2019. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

#### **Continued Public Hearing for Freetown Solar II Site Plan Review**

**Chairman Desmarais** read an email from Azu Etoniru, E. T. Engineering Enterprises, requesting to continue the public hearing to the Planning Board meeting in 2 weeks.

**Chairman Desmarais** entertained a motion to continue the public hearing for Freetown Solar II site plan review to November 26, 2019. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

#### **Continued Public Hearing for Copart – Riverfront Business Park Site Plan Review**

**Chairman Desmarais** called the public hearing back to order.

Thomas Killoran, Killoran & Killoran, stated that he was the attorney for Copart and that a few people from Copart would explain their procedures.

Lisa Doherty, Copart Regional Manager for New England, explained that vehicles are towed to the yard, checked in, photos are taken, and if necessary the vehicles is wrapped. Ms. Doherty said that after that the title work is processed and the car is put up for auction.

Mr. Killoran added that cars that were in an accident go to an auto body shop before being transported to Copart and that if there was a leak it would empty at the auto body shop.

**Chairman Desmarais** asked what happens to the cars if they do not get sold. Ms. Doherty said that Copart has default buyers that buy cars that don't otherwise sell. **Chairman Desmarais** asked how long cars stay on site. Ms. Doherty said about 45 days on average.

**Chairman Desmarais** thanked Ms. Doherty for clarifying the process, that it was nice to know that cars are somewhere else first and the site and that the site never receives cars directly from accident scene.

**Chairman Desmarais** added that there was concerns about the after-hours drop off, environmental leakage, and that moving around the cars on forklifts could cause other leaks.

Joe O'Leary, Environmental Compliance and Heavy Equipment Director for Copart, introduced himself to the Board. Mr. O'Leary reiterated that vehicles are not leaking fluids by the time they arrive.

Mr. O'Leary explained that there is a "Drip and Spill Containment Program" and that any vehicles with clinging or continued leakage get drip pans under them. These vehicles are checked before moving and if they continue to leak the pan goes with them, along with a red marker on the car to indicate the car has to be monitored. Mr. O'Leary said that most spills get treated with FM186 which bonds in hydrocarbons to allow bacteria to degrade it. Mr. O'Leary said that drips from cars do not have any of the 5 qualities to meet the criteria for hazardous waste. Mr. O'Leary said Copart has no record of environmental violation or citation, but there were some complaints about dust.

Mr. O'Leary, in regards to the concerns about anti-freeze brought up at the last meeting, said that anti-freeze is one of least viscous liquids and thus least likely to make it back to the yard. Mr. O'Leary added that anti-freeze is not a listed waste, but it is a liver toxin in mammals. Mr. O'Leary said that, just like with other leaks, an anti-freeze drip would be sprayed with FM186 and the contaminated soil would be scooped up.

Mr. Jose asked what the response would be to brake fluid and Freon drips. Mr. O'Leary said that brake fluid would be sprayed with FM186 and that Copart does not deal with Freon.

**Chairman Desmarais** said that he can appreciate the fact that most leaks happen before arrival but that there are concerns with leaks after moving the vehicles on-site. Mr. O'Leary explained that there are 2 things on the forklifts to mitigate damage: the tires are high quality and are able to smoothly move the car, as well a boom suspension on the lift that stabilizes the vehicle. Mr. O'Leary added that Copart is on the hook for any further damage that happens to the car so it is in their best interest to take any measures necessary to prevent that.

**Chairman Desmarais** stated that the Planning Board's job is to look and plan for extraordinary circumstances and thanked the applicants for indulging the Board's and publics concerns.

**Chairman Desmarais** asked Brandon Carr, Diprete Engineering, if there was anything he would like to add. Mr. Carr said that during the previous Planning Board meeting and the meeting between himself, Churchill and Banks, and various department heads there were a number of concerns raised which he would like to address. The first concern was with dust, Mr. Carr explained that there is a soil erosion control plan to deal with dust during construction and that using chip seal should eliminate any operational dust problems. The second concern was with emergency communication, Mr. Carr said that the building could be designed in such a way to leave room for a BDA system. Mr. Carr added that technology can be added to boost the signal for emergency communication, if necessary. Mr. Carr said that a knockbox can be added to allow access for emergency services after hours.

Mr. Carr said that in terms of security for the site, there is an 8-foot high fence around the facility, lighting around the building, and infrared cameras throughout the site. Mr. Carr explained that the

employees monitoring the cameras see a heat signature, they will investigate and contact the police if necessary. Mr. Carr added that police/fire can access the camera feed as well. Mr. Carr stated that Copart frequently partners with police and fire departments to allow them to train at Copart sites and use vehicles to practice extraction.

Mr. Carr mentioned that a concern was a lack of hydrants on site and that they propose using the large pond with 2 dry hydrants as the water supply to deal with any fires. **Chairman Desmarais** said that the Board will defer to the experts at Environmental Partners Group.

Mr. Carr said that Copart is fine with allowing access to both cemeteries on site as long as they are notified beforehand. **Chairman Desmarais** asked for a narrative stating the terms of cemetery access that can be recorded in perpetuity.

Mr. Carr said that they are proposing to widen the turning lane and add signage to direct drivers towards the highway when exiting. **Chairman Desmarais** stated that a lot has been done to address concerns brought up at the last meeting.

Mr. Killoran submitted a revised waiver letter to the Planning Board.

Gary Mendes, Chace Road, said that he read that a Planning Board in Texas included a condition that Copart was forced to drain every vehicle before it came to the site. Mr. Killoran said that he will check if that was indeed a condition.

Josh Frias, Birch Road, asked what the noise impact would be. Mr. Carr said that the site will only be operational during the day and that the nearest resident is over 1000 feet away. Mr. O'Leary added that Copart does not buy any used equipment and that there are certificates of conformity for external noise.

Donna, High Street, asked if Copart would be using rail to bring cars in. Mr. Carr replied that they would not.

Mr. Frias asked if there will be air pollution. Mr. O'Leary stated that there would be no pollution leaving the site.

**Chairman Desmarais** entertained a motion to continue the public hearing for Copart – Riverfront Business Park Site Plan review to December 3, 2019 at 6:00 pm in the Freetown Town Hall. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

#### Any Other Business Properly to Come Before the Board

**Chairman Desmarais** said that the residents of Birch Road have contacted the Board asking for an update on the status of the paving of their road. **Chairman Desmarais** explained that since this is not on the agenda that the Board can't deliberate on the issue.

**Chairman Desmarais** said that the Board is disappointed that the contractor has not been more proactive in getting this done. **Chairman Desmarais** said that he has personally met with the contractor about a month ago and has given us the name of a company that he intends on using. **Chairman**

**Desmarais** stated that at the end of the day work is not moving fast enough so the Board has contacted Town Council to understand the process by which to call a construction bond.

Mr. Frias said that he thinks that they have given a reasonable amount of time and the residents are limited in how much leverage they have so they are looking for the town's support.

**Chairman Desmarais** said that he is not saying that the contractor will not finish the project, but that the Board would be remiss to not prepare for a scenario where the Board would have to call the bond.

**Chairman Desmarais** said that the Town uses a peer review engineer to make sure that the asphalt and street meet all of the requirements. **Chairman Desmarais** explained that this is a town approved road, not accepted, and that there is a set of plans that the contractor has to meet.

**Chairman Desmarais** said that the Board is going to look into calling this bond and will let the applicant know that there are timetables that must be set up and met. **Chairman Desmarais** added that if these timetables are not met then the Board will have to do what it has to do to protect the Board's interests and integrity, as well as the residents.

**Chairman Desmarais** said that he understands there is a sewer issue there but it is a private sewer deal that has nothing to do with the town.

#### Sign Fallbrook Subdivision Mylar

The Board signed the plans for the Fallbrook Subdivision.

**Chairman Desmarais** entertained a motion to adjourn. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Respectfully Submitted,  
Christopher McKay