



## **Planning Board Minutes – December 18, 2019**

A meeting of the Town of Freetown **Planning Board** was held on **December 18, 2019** Freetown Town Hall Assonet, MA. **Present:** Chairman Keven Desmarais, Mark Rogers, Debra Robbins, Robert Jose, James Frates

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J. Brown

### **1. Aduke Way As-Built and Bond Release Discussion**

**Mr. Rogers** recused himself from the discussion.

**Chairman Desmarais** explained that all the work required in the plan has been done so there is no reason to not return the deposit.

**Mr. Jose** made a motion to return the deposit and all accumulated interest to Debbie Pettey. **Ms. Robbins** seconded. The motion passed unanimously.

**Mr. Rogers** rejoined the Board.

### **2. Continued Public Hearing – Michkev RE LLC**

**Chairman Desmarais** read an email from the projects engineer requesting a continuance.

**Chairman Desmarais** entertained a motion to continue the public hearing to January 21, 2020. **Ms. Robbins** moved and **Mr. Rogers** seconded. The motion passed unanimously.

### **3. Continued Public Hearing – Freetown Solar II**

Azu Etoniru, E.T. Engineering Enterprises, approached the Board to provide an update. Mr. Etoniru said that there was a discussion last time on what kind of vegetation would be used for the buffer. Mr. Etoniru said that there is a note on the plan that states that the Board decides what type of vegetation should be used.

Mr. Etoniru said that discussions with Algonquin Gas have continued. Mr. Etoniru added that Algonquin Gas said that after the project is approved they will provide a cost estimate to have their employees monitor work being done. **Chairman Desmarais** asked Mr. Etoniru to send the Planning Technician a copy of this correspondence.

**Mr. Rogers** said that at a previous meeting Mr. Etoniru mentioned having a staggered project, with 2 separate construction entrances. **Mr. Rogers** said if that is the case then the Board needs estimates on how much truck traffic is to be expected.

**Chairman Desmarais** entertained a motion to continue the public hearing to January 21, 2020 at 6 pm. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

### **4. Public Hearing – 1 Madeicha Way**

**Chairman Desmarais** called the public hearing for the Form C Subdivision application for 1 Madeicha Way to order.

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

Byron Holmes, Holmes Engineering, approached the Board and explained the proposed project. Mr. Holmes said that they are proposing putting in a private road owned by the homeowner and that no changes in property lines are proposed.

**Chairman Desmarais** asked if there was going to be a paved apron. Mr. Holmes said the first 50 feet is a paved apron. **Chairman Desmarais** added that the waivers need to be listed on the plan.

Mr. Holmes listed the regulations they would be asking for waivers from. **Chairman Desmarais** said that for small subdivisions the Board usually asks that when requesting waivers it says waivers from all Planning Board Regulations except for the ones that the project is able to meet. **Chairman Desmarais** asked if the project is able to meet any of the regulations. Mr. Holmes that he thinks the plan meets the horizontal curb cut requirement and the 40 foot right way requirement.

**Chairman Desmarais** asked the public if there were any questions. Debbie Reynolds, 32 Chipaway Road, asked what is going in there. Mr. Holmes said only one house.

**Chairman Desmarais** read the Form L Departmental Comment forms.

- The Building inspector wrote that the plan meets all zoning and setback requirements for a recognized lot.
- The Board of Health Agents wrote that there are no septic plans noted on the plan.
- The Board of Assessors wrote that the property will be given the address 2 Madeicha Way, if successful.
- The Fire Department wrote that the road must be able to accommodate Fire Department access and there must be a water supply for them to access.

**Chairman Desmarais** asked if the house was going to tie into town water. Mr. Holmes said it would. **Chairman Desmarais** added that the road needs to be designed so that an ambulance can access the property. **Mr. Rogers** asked if the plan proposed graveling the whole cul-de-sac or just the turnaround. **Mr. Holmes** said just the turnaround. **Chairman Desmarais** asked Mr. Holmes to provide something to the Board that shows that the turnaround is large enough for emergency vehicles to turn around in.

**Chairman Desmarais** explained that last night (December 17<sup>th</sup>) was the Board's regularly scheduled meeting that was postponed due to lack of quorum. **Chairman Desmarais** said that when he was at the Town Hall, to continue the public hearings, he was approached by 2 interested parties. **Chairman Desmarais** said they made declarations that there are issues relative to ownership of the lot and that there may be some pending legal issues. **Chairman Desmarais** explained to the Board that Town Counsel told him that the Board is allowed to open up the public hearing and move forward, so long as there is no injunction against the town. **Chairman Desmarais** said that due to the fact that the interested party is not able to attend this meeting due to a medical procedure and the legal issues, he believes it would be prudent for the Board to continue the public hearing.

Alan Alves, Braley Road, asked if he can address this baseless claim. **Chairman Desmarais** said no and that he told Genie the same thing. **Chairman Desmarais** said that none of what he said was meant to slander anyone.

**Mr. Jose** made a motion to continue the public hearing to January 21, 2020. **Mr. Rogers** seconded. The motion passed unanimously.

5. Discussion on endorsement of Copart – Riverfront Business Park Decision and Conditions

Mark Rosofsky, East Freetown, took a video recording of this portion of the meeting.

**Mr. Rogers** recused himself.

**Chairman Desmarais** stated that this discussion is not a public hearing. **Chairman Desmarais** said that the approval has already been granted and that this discussion is on required conditions. **Mr. Jose** corrected him and said that provisional approval was given with the requirement that the conditions are approved.

Attorney Thomas Killoran, Killoran & Killoran, said that Copart has reviewed the list of proposed conditions and rewritten them to make them clearer, when necessary. The Board took no exception to Conditions 1-3.

Mr. Killoran said that the wording for Condition 4 has been changed because it did not distinguish truck traffic from pedestrian traffic. Mr. Killoran explained that all Copart Trucks will use Exit 8B. **Mr. Jose** said he did not like the word “practical” in the condition. Mr. Killoran said that it pertained to emergency situations where 8B is inaccessible. **Mr. Jose** said he has seen abuses in the past of vague language.

**Chairman Desmarais** entertained a motion to strike the words “whenever practical” from Condition 4. **Mr. Jose** moved and **Ms. Robbins** seconded.

**Chairman Desmarais** entertained a motion to add the words “per the plans” to condition 5. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

The Board took no exception to Conditions 6-10.

Mr. Killoran asked the Board to remove Condition 11 as Copart has already complied with it.

**Chairman Desmarais** entertained a motion to remove Condition 11. **Ms. Robbins** seconded and **Mr. Frates** moved. The motion passed unanimously.

**Chairman Desmarais** asked what “event” referred to in Condition 12. Mr. Killoran said a significant weather event, like Hurricane Harvey or Superstorm Sandy. **Chairman Desmarais** said that typically a disaster declaration is put into effect. **Mr. Jose** said there might be a disaster in Maine that ships cars here. The Board took no exception to Condition 12.

Mr. Killoran asked the Board to remove Condition 13 as Copart has already complied with it. **Chairman Desmarais** entertained motion to remove Condition 13. **Ms. Robbins** moved and **Mr. Frates** seconded. The motion passed unanimously.

The Board took no exception to Conditions 14 & 15.

**Chairman Desmarais** entertained a motion that the Board approve the list of 13 conditions. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

**Mr. Jose** made a motion to allow the Chairman to endorse the Site Plan Review Approval for Copart. **Ms. Robbins** seconded. The motion passed unanimously.

6. Discussion on Woodland Estates Waiver Request & Timetable for Remaining Work

Mr. Rogers rejoined the Board.

Chairman Desmarais read the email from Jon Kent which stated that, on the recommendation of the Towns Engineers and the paving company, the cold weather may negatively affect the quality of the pavement and that the current timeline is to resume paving in April.

Chairman Desmarais said that the Planning Board has not received a formal waiver request and asked the Planning Technician to contact them.

7. Receive Minutes/ Receive Schedule of Bills Paid

Ms. Robbins made a motion to accept the minutes from 10/22/19 as read. Mr. Rogers seconded. Mr. Jose abstained.

Ms. Robbins made a motion to accept the minutes from 11/12/19 as read. Mr. Jose seconded. Mr. Frates and Mr. Rogers abstained.

Ms. Robbins made a motion to accept the minutes from 12/3/19 as read. Mr. Frates seconded. Mr. Rogers abstained.

Ms. Robbins made a motion to accept the minutes from 10/08/19 as read. Mr. Frates seconded. Mr. Rogers abstained.

8. Any other business properly to come before the board

Mark Rosofsky, East Freetown, took a video recording of this portion of the meeting.

Mr. Rosofsky said that it is his understanding that the Planning Board sends out certain projects for peer review for projects that require peer reviews. Mr. Rosofsky asked if that was correct. Chairman Desmarais said that any project that the Planning Board feels requires a peer review is sent out. Mr. Rosofsky asked if a town employee, who happens to be a licensed engineer, do a peer review for the Town. Chairman Desmarais said short of the standard conflict of interests, yes town engineers often review simple projects. Chairman Desmarais said what is limiting is the specialty of the engineer.

Mr. Rosofsky thanked the Board for answering his question.

Ms. Robbins made a motion to adjourn. Mr. Jose seconded. The motion passed unanimously.

Respectfully Submitted,

C. Nils McKay  
Planning Technician