



Planning Board Minutes – January 7, 2020

A meeting of the Town of Freetown **Planning Board** was held on **January 7, 2020** Freetown Town Hall Assonet, MA. **Present:** Chairman Keven Desmarais, Debra Robbins, Robert Jose, James Frates, **Absent:** Mark Rogers

1. Correspondence with Lisa Lundrigan concerning Solar Array By-Laws

Chairman Desmarais clarified that the 1st agenda item should say conversation, not correspondence.

Chairman Desmarais explained that the Board invited Lisa Lundrigan to have this discussion because of some of the concerns she has raised about the current Ground Mounted Solar Array By-Laws.

Chairman Desmarais said that about 7 or 8 years ago Freetown enacted the by-law and since then have been reaping the rewards. **Chairman Desmarais** said that Freetown receives almost \$775,000 a year in taxes from solar arrays, which offset some of the cost of the police station. **Chairman Desmarais** said that does not mean the regulations are perfect and that the Board is open to changing some of the regulations. **Chairman Desmarais** added that the Board plans for Freetown as a whole, not for a neighborhood or section of town.

Lisa Lundrigan, Algonquin Way, told the Board she appreciates the opportunity to be at the meeting. Ms. Lundrigan said that the Fallbrook Subdivision, which she abuts, changed to allow solar in the middle and that the discussion did not include a discussion about 80 acres of land being clear cut and destroying habitat. Ms. Lundrigan said she can't get that back, that this can happen anywhere in town, and that she feels strongly as a citizen of this town.

Mr. Jose asked Ms. Lundrigan if she was suggesting not having large scale solar in town or not cutting trees down. Ms. Lundrigan said she does not think that an 80 acre solar array belongs in a residential area. Ms. Lundrigan said that after the lot was cleared that there is sound where there wasn't sound and light where there wasn't light. Ms. Lundrigan said that a large scale solar array is not a residential use. **Ms. Robbins** asked if Ms. Lundrigan would rather have houses. Ms. Lundrigan said she would rather houses than the lot how it is now. Ms. Lundrigan said that her problem is with the way that the solar is implemented. Ms. Lundrigan said that there could have been a 300 foot setback and walking trails around the array. Ms. Lundrigan added that this is not personal.

Chairman Desmarais said that it was interesting that Ms. Lundrigan said this wasn't personal when her public records request implied there was a conflict of interest. **Chairman Desmarais** added that town meeting voted to allow this use. Ms. Lundrigan said that that was not what she was trying to say.

Ms. Lundrigan said that the implementation and current by-laws are not sufficient for solar of this size. **Chairman Desmarais** said he takes personal pride on what this Board has done over the past 20 years. Ms. Lundrigan said she was not at the Town Meeting when the by-law was voted on. **Mr. Frates** said that is unfortunate because it only gets to this kind of situation when you don't go. **Mr. Jose** every time someone brings an issue the Board tries and nip it in the bud before it is done. Ms. Lundrigan said she completely agrees about the lack of representation at Town. **Mr. Jose** added that the Board has to balance land owner's rights and what is best for the Town. **Mr. Frates** said something like this always a risk when you buy a piece of property with a giant piece of land next to it.

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Chairman Desmarais said he was not going to argue with Ms. Lundrigan's assessment that the 50 ft. setback is at places probably too thin. **Chairman Desmarais** said that allowing solar in residential areas has allowed Freetown to grow in responsible way.

Chairman Desmarais said that he is in agreement that the Board needs to tweak their regulations. **Chairman Desmarais** said that the Board has not had people knocking down doors protesting solar and that it has been a good thing for the town. Ms. Lundrigan said she will get 12 houses right against hers and will still get all the noise of the houses. Ms. Lundrigan added that the sole purpose of this conversation is doing better in the future.

Chairman Desmarais asked Ms. Lundrigan what purpose would there be to ask if it was a conflict of interest to be on multiple boards and what she would have done if it was. **Chairman Desmarais** said that it was a pointed question. Ms. Lundrigan said she was not making an insinuation about improprieties.

Chairman Desmarais mentioned that in the questions Ms. Lundrigan sent to the Planning Board she mentioned that communication about construction and timetables could be better. Ms. Lundrigan said she asked that as a suggestion for future projects because she thought that more communication would be better. **Mr. Frates** said the Board is more involved with the construction process for the Bullock Road Solar Array than he has ever seen before.

Chairman Desmarais told Ms. Lundrigan that the impact to her neighborhood was unintended and that the by-law was exposed. **Ms. Robbins** said that Borrego offered to plant the trees in your yards to shield the view. Ms. Lundrigan questioned what can be planted there, given that there are electrical trenches between the yards and the clearing. **Chairman Desmarais** said they have to do whatever the plan said and that he got them to agree to plant Blue Spruce.

Chairman Desmarais added that in certain situations we can have bigger buffers and better regulations.

Ms. Lundrigan said she did not buy a house in this location on accident, she bought it because it was in the woods. **Chairman Desmarais** said that in the past 5 years hundreds of acres have been designated as conservation land.

Chairman Desmarais said that he what he wanted Ms. Lundrigan to get out of this meeting was what the Planning Board's thought process was when they allowed these by-laws to be considered. **Chairman Desmarais** said we need to change the regulations. Ms. Lundrigan said her goal was not to rehash the past and that she understands the Board needs to make decisions for the benefit of the whole town. Ms. Lundrigan said everyone agrees that next time it can be better and that she has a whole bunch of neighbors that want to contribute to making this better.

Chairman Desmarais said that, in regards to the emails that the abutters of the Bullock Road Solar Project have been sending the Conservation Commission, the Board cannot not approve something because there are active discussions about a by-law, cannot just arbitrarily decide not to approve things, and that they would be hard-pressed to get rid of the solar by-law at town meeting if people are asking what the financial hit would be.

Chairman Desmarais suggested having a public hearing on the 2nd meeting in February to have a discussion about the solar by-laws. **Mr. Jose** said the Board needs to have constructive criticism. **Mr. Jose** said maybe the Board could consider a 100-150 ft. buffer for solar projects. Ms. Lundrigan suggested a buffer to scale of the project.

Chairman Desmarais thanked Ms. Lundrigan for coming down and having this discussion with the Board and told her that her concerns were not falling on deaf ears.

Chairman Desmarais asked Ms. Lundrigan how conditions were over there (where the solar array is being constructed). Ms. Lundrigan said it is very loud and very messy. **Chairman Desmarais** said that part should be done in the next couple of months.

2. **Discussion about Birch Road Paving Timetable Amendment**

Chairman Desmarais entertained a motion to amend the timetable to require paving of Birch Road to be completed by April 30, 2020. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

3. **Endorsement of Waiver Request to allow Birch Road to be paved to the Town Standard**

Chairman Desmarais said he is not put off by the idea that the thickness would be 4.5", instead of the 5.5" that was original approved. Josh Frias, Birch Road, asked if there was any benefit to an extra inch of pavement. **Mr. Jose** said not on this road. **Chairman Desmarais** asked the Planning Technician to look into why the pavement was originally requested to be 5.5" thick.

Chairman Desmarais read the letter from Jon Kent regarding the sewer issue on 17 Birch Road and asked the Planning Technician to send a copy to the property owner.

4. **Discussion about First Right of Refusal of O Marie's Way**

Mr. Jose made a motion to reply that the Planning Board is not interested in purchasing O Marie's Way. **Ms. Robbins** seconded. The motion passed unanimously.

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

Respectfully Submitted,
C. Nils McKay