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**Planning Board Minutes – January 5, 2021**

A meeting of the Town of Freetown Planning Board was held on January 5, 2021 at 6:00 pm over Zoom.

Present: Chairman Keven Desmarais, Debra Robbins, Christopher Mello, David Crose, James Frates **Absent:** Robert Jose

1. Continued Public Hearing – Locust Acres

Chairman Desmarais called the public hearing back to order.

Steve Gioiosa, Sitec, explained that the only thing outstanding was submitting the updated plans to the Board. Mr. Gioiosa explained that the project was previously approved in 2013 and that nothing has changed from the previously approved plan.

Robert Whalley, abutter, said he still has serious concerns about the property and water coming on his property. Mr. Gioiosa said that Mr. Whalley's property is elevated above the applicant's property and that his water drains on to the applicant's property not the other way around. Mr. Gioiosa said that they are proposing a box culvert, which will replace the culverts that were previously installed without a permit. Mr. Gioiosa said there would have to be 7 feet of water built up to impact Mr. Whalley's property. **Mr. Frates** said it all depends on how the house is built and where and at what height it's built.

Chairman Desmarais entertained a motion to close the public hearing. **Ms. Robbins** moved and **Mr. Frates** seconded. The motion passed unanimously.

Chairman Desmarais entertained a motion to approve the plans dated February 6, 2013. **Ms. Robbins** moved and **Mr. Frates** seconded. The motion passed unanimously.

Continued Public Hearing – Proposed Amendment to Rules & Regulations of the Site Plan Review Authority

Chairman Desmarais called the public hearing back to order.

Chairman Desmarais explained that they are looking to make changes to the rules and regulations, specifically the ones related to solar. Chairman Desmarais said this is due to comments from the public, increased permitting, and certain things the Board thinks could be changed to make the rules better.

Chairman Desmarais said he is disappointed the **Mr. Jose** could not be here tonight and that he's hesitant to do too much without his involvement. Chairman Desmarais said that the more he thought about it the more he thinks it makes the most sense to create a separate Rules and Regulations for solar instead of trying to change all the individual aspects of the Site Plan Review Rules and Regulations that deal with solar.

Ms. Robbins said she agrees and that what really needs to be done is to identify where the real problems are. **Mr. Mello** also said he agrees with creating separate Rules and Regulations for Solar.

Jim Rezendes said he likes the idea of separate Rules and Regulations and that he agrees that the projects should be designed so that the neighbors don't have to see it. Mr. Rezendes said that if a project is required to keep trees their full height then the array could lose 150 – 200 feet of panels due to shadowing and it may result in more clearing than if the trees were allowed to be topped instead. Mr. Rezendes added that the setback and buffers should be from the exterior property line because some projects cross property lines.

Lisa Lundrigan, Algonquin Way, asked what the method of enforcement is imposed on a developer for anything that is a Rule or Regulation. Ms. Lundrigan said that when there were issues with project near her house and abutters asked for measures to offset them they were told that the applicant could not be forced to do anything as long as they met the By-Law. Chairman Desmarais said there would be fines or punishment but agrees that it should be laid out plainly. Chairman Desmarais said when the Board approves something they are approving the document but also the plans and that the plans

have to be followed exactly and that is how it gets enforced. **Chairman Desmarais** said that the Planning Board should reach out and get more help for the Building Inspector/Zoning Enforcement Official. **Chairman Desmarais** said there is no sense in getting By-Laws on the books if they are not being enforced.

Chairman Desmarais said he would like to continue this public hearing to February 2, 2021 at 6 pm via Zoom. **Ms. Robbins** moved and **Mr. Frates** seconded. The motion passed unanimously.

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

Respectfully submitted,

C. Nils McKay
Planning Technician