

**Planning Board Minutes – December 15, 2020**

A meeting of the Town of Freetown Planning Board was held on **December 15, 2020 at 6:00 pm** over Zoom.

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

Discussion on Form A Application for Huron Avenue prepared by Outback Engineering

PJ Babineua, Outback Engineering, said this ANR plan would create 2 unbuildable lots. **Chairman Desmarais** said an issue is that the lots would not have enough frontage. **Chairman Desmarais** suggested that if the description was swapped, meaning if the bigger lot with sufficient frontage was the primary lot and the smaller lot was the remaining land, then the Board can sign it. **Mr. Jose** agreed that the Board could sign the plan if the label was switched.

Chairman Desmarais asked Mr. Babineua to make the change to the way the lots are labeled so the Board can sign the plan.

Review and Endorse Decision for Neon-Innovation Way Special permits and Site Plan Review Decision

Chairman Desmarais said that the draft conditions were sent to Attorney Tom Killoran, Killoran & Killoran, who proposed 4 changes to the conditions.

The first change was to remove the requirement for the menu board to be submitted to the Planning Board for review. It was determined that if the menu boards meet the by-laws then they are allowed by-right.

The second change was to add the wording "as shown on approved plans" for Waiver i.

The final two changes were items 8 & 9 which deal with landscaping plans and plans showing the turning radius for fire trucks. Mr. Killoran said both sets of plans have been submitted to EPG (Environmental Partners Group) and the Planning Board. **Chairman Desmarais** suggested leaving those conditions in with the date of receipt added in.

Mr. Jose made a motion to sign the final waivers, site plan review conditions, and Special permit decisions.

Ms. Robbins seconded. The motion passed unanimously.

Continued Public Hearing – 186 ½ Braley Road

Chairman Desmarais called the public hearing back to order. Byron Holmes, Holmes Engineering, said there is dispute regarding ownership of the property that has still yet to be resolved so the applicant will be asking for another continuance.

Chairman Desmarais entertained a motion to continue the public hearing for **1 Madeicha Way** to January 19, 2021 at 6 pm via Zoom. **Ms. Robbins** moved and **Mr. Frates** seconded. The motion passed unanimously.

Continued Public Hearing – Freetown Solar II

Chairman Desmarais called the public hearing back to order.

Azu Etoniru, ET Engineering, said he had a conference with EPG and the Chairman regarding some outstanding items. Mr. Etoniru said they received Conservation approval and he believes that they have satisfied the review comments and outstanding issues. Adam Kran, EPG, said the applicant has met essentially all the requirements. **Chairman Desmarais** asked Mr. Etoniru to submit a final waiver request list. Mr. Etoniru asked to table the hearing and take the public hearing up once the waiver list has been submitted.

Continued Public Hearing – Michkev RE LLC

Chairman Desmarais called the public hearing back to order and read an email from the applicant's engineers asking to continue the public hearing.

Chairman Desmarais entertained a motion to continue the public hearing for **Michkev RE LLC** to January 19, 2021 at 6 pm via Zoom. **Ms. Robbins** moved and **Mr. Frates** seconded. The motion passed unanimously.

Continued Public Hearing – Quarry Drive – Bryant Hill LLC

Chairman Desmarais called the public hearing back to order.

Steven Gioiosa, Sitec, said they have made the changes addressed in EPG's comment letter. Mr. Gioiosa said the applicant has agreed to remove all of the development from the riverfront area and that the revised plan will be sent out tomorrow. Mr. Gioiosa said the other changes were mostly notes to the plan, including information about parking restrictions, pre-construction meeting requirements, hours of operation, and system installer contact information.

Chairman Desmarais entertained a motion to continue the public hearing for **Quarry Drive-Bryant Hill LLC** to January 19, 2021 at 6 pm via Zoom. **Ms. Robbins** moved and **Mr. Frates** seconded. The motion passed unanimously.

***Ms. Robbins** recused herself from any and all conversation relative to this project*

Continued Public Hearing – 125 South Main Street LLC

Chairman Desmarais called the public hearing back to order. **Chairman Desmarais** said that **Mr. Crose** will be taking the place of **Ms. Robbins** for this public hearing.

Nyles Zager, Zenith Consulting Engineers, discussed the outstanding comments.

The first comment deals with Standard 3 which requires drainage structures to be 10 feet from the property line. The drainage structure has been moved so it is 10 feet from the property line so Mr. Zager believes they meet that requirement.

One unresolved issue deals with standard rainfall intensities. Mr. Zager said they designed the project for 100 year storm with 7 inches of rain and EPG recommends designing it for 9 inches of rain, Mr. Zager said there is nothing in the DEP regulations or Freetown's By-Laws that requires this. **Mr. Jose** said we have to hold the applicant to what we require.

The next item deals with maximum number of residential units. Mr. Zager said since the project is over-55 they are allowed to put 7 residential units per acre.

The next item deals with the photometric plans. Mr. Zager says the photometrics plan demonstrates that they are not shining any lumens into adjacent properties.

Christine Johansen asked if the entire complex would be over-55. Mr. Zager said it would be. Ms. Johansen said 72 units is a lot. **Chairman Desmarais** said it is allowed by the by-law. Ms. Johansen asked if there would be waivers for that age limit.

The next item is the draft Conservation restriction for the village green. Mr. Zager said that applicant has no issue agreeing to that.

The next item deals with bounds of the village green. Mr. Zager said this is a private village green and the applicant is looking for a waiver from the requirement to install permanent bounds. **Chairman Desmarais** asked for a narrative listing the bounds of the village green. **Mr. Crose** asked if the village green is public. Mr. Zager said no and Mr. Crose replied that the PMUD said it is supposed to be a public green. Mr. Crose said the PMUD mentions that the project should be built around the village green. **Chairman Desmarais** said that was the thought when the PMUD by-law was first approved but he does not think there is a geographic requirement. Mr. Zager said he was contacted by the applicant who said they have no issue with the village green being open to the public.

The next item deals with the sign for the complex. Mr. Zager there is a sign detail on the plan. **Chairman Desmarais** said as long as it meets the by-law then the Board has no involvement besides sign location.

The next item is entrance and access from South Main Street. EPG said they may need to meet the subdivision control law for the entrance. **Chairman Desmarais** said we did not give very good guidance to EPG at the beginning in terms of what they should be reviewing for. **Chairman Desmarais** said the biggest concern is whether or not it is safe. **Mr. Jose** said he would like to see something that says the road can never be turned over to the town. Mr. Zager said he does not see that being an issue.

Mr. Crose said the last sheet references City of Taunton and he assumes he means Fall River. Mr. Zager said that is correct.

Mr. Jose made a motion to close the public hearing. **Mr. Frates** seconded. The motion passed unanimously.

Chairman Desmarais entertained a motion to approve the final plans conditional on a final waiver list being provided prior to endorsement. **Mr. Jose** moved and **Mr. Frates** seconded. **Mr. Mello** abstained. The motion passed with 4 votes to approve.

Public Hearing – Locust Acres

***Ms. Robbins** rejoined the Board*

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

Chairman Desmarais explained that this project was approved 7 years ago but approval lapsed because no construction was done.

Steve Gioiosa, Sitec, said the plan creates 3 lots and improves Sammy's Lane. Mr. Gioiosa said the plan has not been modified in anyway from the original plan. **Chairman Desmarais** said that the plan that was sent to the Board was not the February 6, 2013 plan that Mr. Gioiosa was referencing.

Robert Whalley, 5 Locust Street, said he is worried about the impact of the surrounding property in regards to street flooding and water backing up on his property. Mr. Whalley asked if the plans calls for relocation of any wetlands. Mr. Gioiosa said there is no proposed wetland alteration on this project and that there is no potential for water backing up onto Mr. Whalley's land.

Christine Johansen, Locust Street, said she is concerned about runoff from the original road development and future buildings running off into the river. Mr. Gioiosa said there are no houses proposed at this time, which will be taken up with conservation in a separate filing. Mr. Gioiosa said what they are looking for tonight is creation of the lots and road improvements.

Chairman Desmarais said it seems that the only outstanding item is confirming that the definitive plan that the Board has is the same one that is being reviewed.

Mr. Jose made a motion to continue the public hearing to January 5, 2021 at 6 pm over Zoom. **Ms. Robbins** seconded. The motion passed unanimously.

Public Hearing – Definitive Residential Subdivision – GM Way Minor Public Road

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

Chairman Desmarais said this project is still in peer review and asked the applicant to briefly introduce the project.

Byron Holmes, Holmes Engineering, said this a 43 acre site at the intersection of Friend Street and North Main Street. Mr. Holmes said the proposed project is to put 7 lots on a 1000 ft with a cul-de-sac on the end.

Mr. Holmes said they are asking for waivers to allow a 15 foot reserve strip, maximum length of a dead-end street, flood elevation, and sidewalks.

Chairman Desmarais asked for some kind of document that states that this subdivision will be limited to 7 lots. Jim Rezendes, applicant, said a covenant can be put on Lot 7 that prevents it from being subdivided.

Chairman Desmarais asked if any board members had any issue with the requested waivers. No Board members had any issue.

Chairman Desmarais made a motion to continue the public hearing to January 19, 2021 at 6 pm over Zoom. **Mr. Frates** moved and **Ms. Robbins** seconded. The motion passed unanimously.

***Ms. Robbins** experienced technical difficulties and was unable to participate in the rest of the meeting*

Public Hearing – 12 Forge Road

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

Rich Tabaczynski, CVE North America, said the project is 22.6 acre property off of Forge Road that is zoned residential. Mr. Tabaczynski said there is one residence on the property. Mr. Tabaczynski said the project is proposing a 7 foot security fence around the array with space for animals to pass under. Mr. Tabaczynski said there will be some clearing outside the fence to reduce shading impacts.

Ryan Young, CVE North America, said CVE is looking to develop, finance, construct, and own the project.

Diane Rodrigues, abutter to the property, said she is concerned with losing her beautiful view of the forest and having it replaced with prison fencing. Mr. Tabaczynski said her property is about 250 feet from closest panel and about 100 feet from the rear property line to the array fence line. David Rodrigues, abutter to the property, asked what would be done to minimize their view of the array and if they will be planting any local shrubs. Mr. Tabaczynski said there is probably 50 to 60 feet of trees between the Rodrigues' property line and the limit of clearing and that it appears that the project location is higher up then the Rodrigues' property. Mr. Young said he would more than happy to go for a walk and discuss all of this.

Keith Scholz, 14 Forge Road, asked what the distance between his property and the panels is. Mr. Young said he thinks it looks like it's about 310 feet. **Chairman Desmarais** said in his experience people are more concerned with the limit of clearing or limit of project area. **Chairman Desmarais** mentioned that the plan states that the trees are going to be cut flush which needs to be changed and the area up front needs to be further defined. Mr. Scholz asked how much woods will still be left. Mr. Young said he does not know the number off the top of his head and will have that information for next time. **Chairman Desmarais** said the Board encourages the abutters and the applicant to meet and talk directly.

Paula Chretien, 10 Weetamoe Drive, said she has concerns about the aesthetics, possibility of the array causing fire, and chemicals leeching into the well water.

Chairman Desmarais said he has a real concern regarding the entrance through somebody's driveway at a bend near a railroad crossing for a commuter rail. **Chairman Desmarais** said they need a hard look at that in regards to safety, both during and after construction. **Chairman Desmarais** said stone walls that represent boundary walls or a property line are to be left intact. Mr. Young said they are not proposing to eliminate any boundary walls. **Chairman Desmarais** said they are looking for a combination of vegetative screening and non-prison looking fence, which will be decided by the Board if a suitable alternative is not put forth by the applicant. **Chairman Desmarais** said in regards to Ms. Chretien's concerns is that this project is by-right and the Board cannot really say no to it unless they are not accommodating to the Board's requests. **Chairman Desmarais** said the east array has no drainage proposed and it needs to be proven out that the wetlands are not being starved of water or inundated with too much of it. **Chairman Desmarais** said he has real concerns on the safety of having construction vehicles utilize the driveway even if it is the applicants' home. **Mr. Jose** asked if the by-laws allows a mixed use on the same lot. **Chairman Desmarais** said he is not sure and that is one of the things that EPG will have to work on.

Chairman Desmarais entertained a motion to continue the public hearing to January 19, 2021 at 6pm over Zoom. **Mr. Frates** moved and **Mr. Jose** seconded. The motion passed unanimously.

Continued Public Hearing – Freetown Solar II (tabled earlier in the meeting)

Chairman Desmarais asked the Planning Technician if we received the final waiver list. The Planning Technician said it had been forwarded to all Board members.

Chairman Desmarais listed the waivers:

1. Allow the required bond to be submitted with the building permit application
2. Allow the proof of insurance to be submitted with the building permit application
3. Allow the site plan scale to be greater than 1"=40'.
4. Allow the contact information of the project manager and emergency contact to be provided prior to the start of construction

Chairman Desmarais entertained a motion to grant the waivers as presented. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Mr. Jose made a motion to close the public hearing. **Mr. Frates** seconded. The motion passed unanimously.

Chairman Desmarais asked Mr. Etoniru to provide the Board with a list of any conditions that had been discussed previously.

Chairman Desmarais entertained a motion to approve the most recent planset with the most recent waiver set subject to the condition narrative being approved by the Planning Board. **Mr. Jose** moved and **Mr. Frates**. The motion passed unanimously.

Recieve Schedule of Bills/Minutes

Chairman Desmarais entertained a motion to approve the minutes from August 18, 2020. **Mr. Jose** moved and **Mr. Frates** seconded.

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

Respectfully Submitted,
C. Nils McKay
Planning Technician