



Planning Board Minutes – December 1, 2020

A meeting of the Town of Freetown **Planning Board** was held on December 1, 2020, at 6:00 pm via Zoom.

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

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Continued Public Hearing – 186 ½ Braley Road

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 **1 Madeicha Way** to December 15, 2020 at 6 pm via Zoom. **Mr. Jose** moved and **Mr. Mello** seconded. **Ms. Robbins** abstained.

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 December 15, 2020 at 6 pm via Zoom. **Mr. Jose** moved and **Mr. Mello** seconded. **Ms. Robbins** abstained.

Continued Public Hearing – Quarry Drive – Bryant Hill 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 **Quarry Drive-Bryant Hill LLC** to December 15, 2020 at 6 pm via Zoom. **Mr. Jose** moved and **Mr. Mello** seconded. **Ms. Robbins** abstained.

Continued Public Hearing – 125 South Main Street 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 **South Main Street LLC** to December 15, 2020 at 6 pm via Zoom. **Mr. Jose** moved and **Mr. Mello** seconded. **Ms. Robbins** abstained.

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

The applicant Matt Bivens explained that he asked someone from Outback to be at the meeting. **Chairman Desmarais** explained that he is not sure that the Board is eligible to sign off on the plan due to the fact that the lot does not have the minimum frontage of 175 feet.

Mr. Bivens explained that he would like to buy the lot to clean it up and put a garden or if possible, put a septic field or car port there. **Chairman Desmarais** explained that he is not convinced that this plan shows anything that should cause the Board to deviate from what they have been doing in the past and endorse an ANR plan that does not have the required frontage.

Chairman Desmarais asked Mr. Bivens to ask someone from Outback to come to the next meeting to make a case for the Board to endorse the plan.

Continued Public Hearing – Freetown Solar II

Chairman Desmarais called the public hearing back to order.

Azu Etoniru, E.T. Engineering, explained that Adam Kran, Environmental Partners Group, sent an email offering to set up a meeting to discuss the outstanding engineering review comments. **Chairman Desmarais** said Thursday at 1 pm would work for him. Mr. Etoniru and Mr. Kran said that would work for them.

Mr. Etoniru went over the outstanding Engineering Review items from EPG's November 9th Letter:

- On page 6, Item #3 regarding the scale of the plan being greater than 1" = 40". EPG is able to interpret the plans and do not need plans at a different scale. They defer to the board to determine if the Board requires different plans.
- On page 7, Item #7 regarding the address, name, and contact information of the system installer. **Chairman Desmarais** asked if the applicant would have an issue with submittal of this information being a condition prior to issuance of a building permit. Mr. Etoniru said that would not be an issue.
- On page 7, Item #8 regarding the address, name, and contact information of the project proponent. Mr. Etoniru explained that he is unable to electronically authenticate his client's signature but that paper copies with his client's signature were dropped off with the Planning Board.
- On page 7, Item #10 regarding proof of liability insurance. **Chairman Desmarais** said typically they would condition that the insurance information be provided prior to issuance of a building permit. **Chairman Desmarais** asked that the insurance information also be provided to the Planning Board.
- On page 8, Item #13 regarding signage with emergency contact number. Mr. Etoniru explained that they will provide that information once they have a developer. **Chairman Desmarais** explained that they are fine with that as long as the Board has the sign location.
- On page 13, Item #1 regarding financial surety. Mr. Etoniru explained that they would like to provide the type of financial surety prior to issuance of the building permit.

By consensus the Board took no issue with granting the waivers or associated conditions.

Chairman Desmarais entertained a motion to continue the public hearing for Freetown Solar II to December 15, 2020 at 6 pm over Zoom. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Concurrent Public Hearings – Neon Innovation Way

Chairman Desmarais called the public hearings back to order.

Tom Killoran, attorney representing the applicant, explained that since the October 6th meeting the applicant's engineers and the town's peer review engineers have met to discuss the outstanding engineering comments.

Chairman Desmarais said that they would start with the outstanding comments for site plan review.

Brandon Carr, DiPrete Engineering, went over the remaining engineering comments:

Mr. Kran said there was a remaining item regarding the sight triangles. Mr. Kran explained that the figure on the plan does not show visual obstructions. Herman Peralta, Beta Group, said they provided a site triangle in the appendices. Mr. Carr said, if the Board is okay with it, he can create a separate plan that shows any landscaping in the review triangle and provide it to EPG as a condition of approval. Mr. Kran said they also want to ensure that the landscaping is maintained and kept short. **Chairman Desmarais** said that could just be included on an Operations and Maintenance Manual. Mr. Killoran said that will not be a problem.

Mr. Carr explained that the remaining issue is the proposed on-line catch basin system. Mr. Carr explained they asked for a waiver from the requirement to have a full off-line catch basin and have submitted a new plan showing an off-line configuration for most of the catch basins. Mr. Carr said they are hitting the performance standards outlined in the Mass Stormwater Handbook, which requires removal of 80% of TSS (Total Suspended Solids). Mr. Carr said there 2 different treatment chains are 90% and 91% TSS.

Mr. Jose said he is not opposed to this system as long as there is not intent to turn over responsibility of the system to the town.

Mr. Jose made a motion to grant the waiver from the requirement that the drainage system be an off-line with the condition that there be a deed restriction that the drainage system can never be turned over to the Town. **Ms. Robbins** seconded. The motion passed unanimously.

Chairman Desmarais said that there were no issues at the previous public hearing with the other waivers.

Mr. Jose made a motion to grant waivers #2 - #9 on the waiver request letter with the changes as submitted. **Ms. Robbins** seconded. The motion passed unanimously.

Mr. Kran said one of the remaining issues is related to turning radius for firetrucks. Mr. Carr said he has created a plan that shows the firetruck not hitting a curb. **Chairman Desmarais** said it can be a condition that the plan is submitted to EPG.

Chairman Desmarais said one of the only outstanding issues if related to Water & Sewer and asked that once the design and connection are approved by Fall River that Freetown's Water and Sewer Commission and Planning Board get copies.

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

Chairman Desmarais entertained a motion to grant a conditional approval of the site plan review with the final condition being review of the list of conditions. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Mr. Killoran explained that the intent is to have the sign lit 24 hours a day because the proposed businesses will be open 24 hours a day. Mr. Kran said that their concern is the visual impact. Mr. Carr explained that the sign will be around 20 feet tall and that closest residences are on the other side of Rt 24 and a lot of them will have their view of the sign blocked by Amazon and the on-ramps. **Chairman Desmarais** agreed with EPG's comment that a lot of the visual impacts will be mitigated by the location of the sign and the amount of light already being generated by the surrounding lots. **Mr. Jose** said they approved a higher, lit-up sign on the side of Amazon. Mr. Kran said Amazon is downhill from this location and this site is higher. **Mr. Jose** said that he would like the hours of operation on the sign to match the hours of operation of the businesses.

Chairman Desmarais entertained a motion to close the public hearing for the internally lit sign special permit. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Chairman Desmarais entertained a motion to approve the special permit for an internally lit sign with the condition that if there is any reduction in hours of operation of the businesses then the sign can only be lit during those reduced hours. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Chairman Desmarais entertained a motion to close the public hearing for the sign illumination hours. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Chairman Desmarais entertained a motion to grant the special permit for sign illumination outside the hours allowed by the Sign By-Law. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Chairman Desmarais explained that Amazon already operates 24 hours a day and that if there is a 24 hour shipping operation in town then it makes sense to have a 24 hour gas station and restaurant.

Chairman Desmarais entertained a motion to close the 24 hour operation special permit. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Mr. Jose made a motion to grant the special permit to allow the restaurant to operate 24 hours a day. **Ms. Robbins** seconded. The motion passed unanimously.

Chairman Desmarais said he has no issue with this project.

Mr. Jose made a motion to close the public hearing for the fuel storage special permit. **Ms. Robbins** seconded. The motion passed unanimously.

Chairman Desmarais entertained a motion to grant a special permit for fuel storage at 0 Innovation Way. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Public Hearing – Rules and Regulation of the Planning Board as the Site Plan Review Authority

Chairman Desmarais called the public hearing back to order.

Chairman Desmarais entertained a motion to continue the public hearing to January 5, 2021 at 6 pm via Zoom. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Discussion with Danica Warns regarding Comprehensive By-Law Review

Danica Warns, Mass Audubon, made a powerpoint presentation explaining the purpose of comprehensive by-law review. Ms. Warns said that the purpose of the review is to allow communities to plan together for nature-based solutions and encourage more efficient stormwater management and low-impact development. Ms. Warns said that communities often unintentionally discourage sustainable growth by requiring large lots, wide, curbed roads, and non-native species. Ms. Warns added that another issue is not prioritizing LID or Low-Impact development which are designs that works with nature to manage stormwater and decrease the impact of development on surface and groundwater. Ms. Warns explained that the By-Law review tool looks at the Town's By-Laws through the low-impact development lens.

Chairman Desmarais explained that the Board is working on new Rules and Regulations for Large-Scale solar and asked that Ms. Warns review the draft copy of those regulations.

Lisa Lundrigan asked if input from residents would be allowed. **Chairman Desmarais** said that this is grant being utilized by the Planning Board and once proposed changes are being discussed then residents will be able to give input.

Chairman Desmarais thanked Ms. Warns for her presentation.

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

Respectfully Submitted,
C. Nils McKay
Planning Technician