



Planning Board Minutes – October 6, 2020

A meeting of the Town of Freetown Planning Board was held on October 6, 2020 via Zoom. Present: Chairman Keven Desmarais, James Frates, Debra Robbins, Robert Jose, David Crose Absent: Christopher Mello

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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 October 20, 2020 at 6 pm via Zoom. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Concurrent Public Hearings – Neon Innovation Way

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

Chairman Desmarais explained that the applicant is seeking 4 special permits and a site plan review. The special permits are for sign illumination outside of normal hours, restaurant operation outside of normal hours, internally lit sign, and operation of a retail fuel establishment involving storage and distribution. The site plan review is required due to the size of the proposed project and the number of vehicular trips per day.

Chairman Desmarais said that the only comment that the Board received from other departments was from the Assessor's office and they said that the assigned address for that property is 30 -36 Innovation Way.

Attorney Thomas Killoran, Killoran & Killoran, introduced himself and said he represents the applicant DEVCON Innovation Way LLC. Mr. Killoran said the site is situated sort of in front of the Amazon Warehouse and is roughly 4.5 acres in size in the General Use/ Science and Technology Overlay District. Mr. Killoran said they submitted a list of waiver yesterday.

Brandon Carr, DePrete Engineering, shared the plans on his screen and explained that this parcel is pretty much the last full one before you get into Fall River. Mr. Carr explained that the development they are proposing consists of 3 buildings: a gas/convenience store with drive-thru, 3500 square foot restaurant with drive-thru, and a 6900 square retail/restaurant mixed use building with drive-thru. Mr. Carr added that they are not sure if they will have a drive-thru on all buildings but they wanted to design the project assuming they will. Mr. Carr said that the northern (right) driveway will be accessible from either direction on Innovation Way but vehicles exiting will have to take a right turn. Mr. Carr said the town requires 69 parking spaces and they are proposing 77.

Mr. Carr said they are proposing connections to Fall River Sewer & Water for this site and said they have been told in concepts that Fall River Sewer & Water have the capacity to service the site. Each building will have a

sewer pump that will use a gravity system. Stormwater would be collected using in-line catchbasin to catchbasin, this requires a waiver because the town requires an off-line one. Mr. Carr explained that the proposed drainage already meets the removal requirements and designing the system as an offline one would only increase the removal by 1-3%.

Paul Bannon, Beta Group, said that the presently the roadway is low volume, less than 5,000 vehicles per day. Mr. Bannon said they are working with the review engineers to finalize the estimated vehicle trips for the proposed project. **Mr. Frates** asked what direction trucks will go to get back on the highway. Mr. Bannon replied they will go left from the southern driveway, which is in line with diesel pump stations with the southern end of the property.

Mr. Jose asked if the project will be built in phases. Mr. Carr said they are unsure but if it was phased the area south of the north entrance would be build first. **Mr. Jose** asked what would be done with portion of the site that is not included in Phase 1. Mr. Carr said the drainage and stormwater systems will be installed, if there is no immediate interest in that area they will loam and seed it. Mr. Carr said whether or not they do a phased approach is based off the market. Mr. Killoran said the applicant's intention is to develop it all at once but it depends on the market climate.

Mr. Killoran explained that they are pretty confident this will be final waiver list. Mr. Killoran gave an overview of the waiver list:

1. Waiver to allow the applicant submit the menu board plan with the building permit application
2. Waiver to allow entrances between 30' and 35' feet long, which is wider than the town's requirement.
3. Waiver to allow drive-thru to be delineated with striping instead of the required curbing.
4. Waiver to allow for a side and rear landscape buffer of 5'
5. Waiver to the requirement that 10' median strip must be installed between head to head parking
6. Waiver to allow the use of a pavement section designed specifically for the site, which will deviate from the town standard.

Mr. Jose asked if they going to complete a geotechnical engineering report and submit the asphalt thickness before approval. Mr. Carr said it is their intention to submit that information to the town and EPG (Environmental Partners Group) when they apply for the building permit. Mr. Carr added that the pavement might be thicker than the town standard due to amount of truck traffic at the site.

7. Waiver to complete a noise assessment, given the proposed use and the location of the site.

Chairman Desmarais asked them to provide some information on the noise produced by the site. Mr. Killoran said they will discuss that before the next hearing.

8. Waiver to allow for flared end sections at the drainage outfalls.

Adam Kran, EPG, said they do not have a strong objection to this.

9. Waiver to allow HDPE pipe for drainage.

Mr. Kran said they have no objection to this, so long as there is sufficient cover.

10. Waiver to allow catch basin to catch basin connections.

Mr. Carr said the treatment system they have proposed provided 93% TSS removal and the state requirement is 80%. Mr. Carr said that it would cost around \$100,000 to make the changes EPG is suggesting and it would only increase the TSS removal by a couple percentage points. Mr. Kran said they don't see this as a common practice, even on private developments. Mr. Kran said there is a local requirement and the state handbook

notes that it should be an offline device. Mr. Kran added that if there is a storm any sediment in these basins is going to get sent to the downstream units and ultimately it's a system that you're not seeing so it could become one of those things that is out of sight out of mind. Mr. Kran said it looks like water may be backing up into the system at certain times and he hasn't seen certification that the downstream defender systems can remove particles when they have water coming into them at both ends. **Chairman Desmarais** said it sounds like there has to be more back and forth between the applicant and EPG. Mr. Kran said that they have been discussing this comment since the first review letter in July and it does not seem that anyone's opinion has changed much. **Chairman Desmarais** asked the applicant if they would like the Board to make a decision on the waiver tonight in order to provide some direction. Mr. Killoran said that they do not need the Board to vote on it tonight. Mr. Killoran stated that it is their understanding that there are other developments in town that have been allowed to construct their drainage in a similar fashion. **Chairman Desmarais** said different regulations or requirements could have been in place. **Chairman Desmarais** said the Board often differs to EPG and that the applicant will be given time to work with EPG.

Chairman Desmarais asked if they could go back to Waiver 1 which concerns menu boards. **Chairman Desmarais** said he went through the by-laws and that as long as the menu board meets the requirements for a conforming sign then a waiver is not required. Mr. Killoran said it seems like that waiver does not have to be included in the waiver list. **Mr. Jose** said if it's conforming then it's by-right and does not need to be waived.

Nick Giacobbi, applicant, said he would like to discuss the catch basins again. Mr. Giacobbi said he is an independent developer and \$100,000 is a substantial amount of money. Mr. Giacobbi said that the abutting property, Amazon, was approved for the same setup that they are proposing. Mr. Giacobbi said he wanted to make the Board aware of his position.

Chairman Desmarais said he would like to talk about hours of operation for the restaurant. Mr. Killoran said they are looking for a permit to operate 24 hours a day. **Chairman Desmarais** asked if this would apply to all the buildings. Mr. Killoran said that is what the applicant is proposing. **Mr. Jose** asked if the hours of operation restriction are in the General Zone or the Science and Technology Overlay District (STOD). Mr. Killoran said it's for General Zoning. **Chairman Desmarais** said there is not an hours of operation restriction for the STOD. Mr. Killoran said he believes that if the underlying zoning and the overlay district are in conflict then the overlay district takes precedence. **Chairman Desmarais** said the Planning Board does not determine what permits and applicant needs; that is the Zoning Enforcement Official's responsibility. **Chairman Desmarais** said the Board can grant the special permit but it may not be required.

Chairman Desmarais asked to talk about the special permit for the internally illuminated sign. **Chairman Desmarais** said he has concerns about giant signs that can be seen from far away and have a visual impact. Mr. Carr said that the signage plans by Dion Signs show the 3 proposed signs: a pylon sign that would be for the gas station and the other tenants, and 2 signs on the gas canopies. Mr. Carr said the proposed sign is 20 ft tall and they are not asking relief from any of the sign dimension requirements. **Chairman Desmarais** asked what the lumens of the signs are. Mr. Carr said there is little to no light spilling over the property line.

Chairman Desmarais said he does not think he will have an issue having signs illuminated for a business that is going to be open 24 hours, especially considering the area it's in and the businesses around it. **Mr. Jose** said he thinks the permit should be concurrent with the hours of the business so that if the business is not open 24 hours then the sign can only be lit while the business is open. Mr. Killoran said that it specifies in the by-law that only businesses that are open outside the normal hours of operation may be permitted to illuminate their sign outside the normal hours of operation.

Mr. Killoran said the last special permit being requested is to allow for fuel storage and gas station use, which is required in both the General Use Zone and the STOD. **Chairman Desmarais** said they are not ignoring the special permit but he believes that the site plan review will cover any concerns and questions about the gas station use, like how the traffic is going to work.

Chairman Desmarais said this type of activity has been encouraged at Innovation Way for a while and thanked the applicant for looking into Freetown.

Mr. Giacobbi thanked the Board.

Chairman Desmarais entertained a motion to continue the 4 special permit and site plan review public hearings to October 20, 2020 at 6:00 pm via Zoom. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Debra Robbins left the meeting at 7:35 pm

Continued Public Hearing – 125 South Main Street

Chairman Desmarais called the public hearing back to order.

Nyles Zager, Zenith Consulting Engineers, said the current proposed layout is much different than what was proposed the last time this project was presented. Mr. Zager said they are still proposing 72 residential units. Mr. Zager said the area where the self-storage business was located is now the village green area. Mr. Zager said that the modular company the applicant is planning on using and the building sizes and layouts have changed. Mr. Zager said the applicant has decided to add garages and that before these buildings were more angled and the village green was more centered in between the buildings. Mr. Zager said this has pulled a lot of the work away from the existing resources areas, like Rattlesnake Brook. Mr. Zager said they removed the self-storage business and they are not sure what kind of business will go in to satisfy the commercial aspect of the PMUD but it will most likely be a real estate office or hair salon.

Mr. Zager said they have not received peer review for these revised plans since they were only submitted a week ago and that they wanted to explain the changes to the Board given how much the project has changed.

Chairman Desmarais said Freetown badly needs 55+ over housing and that he believes everyone is in favor of the concept and that they just have to finish the peer review.

Mr. Jose asked if the business will be open to the public or just residents of the building. Mr. Zager said it would be open to the public. **Mr. Jose** asked if a business is required on this site or if the business can be reassigned to another lot under the PMUD. **Mr. Jose** said there was discussion at one point about percentage of use and swapping that use with other parcels. Mr. Zager said it comes down to the Board and that the intent of the by-law to create a commercial use. **Chairman Desmarais** said he will have to review that section to see what exactly it allows. **Mr. Jose** said his concern is having the general public around the over 55 residents, who are more often victims of crimes.

Mr. Kran asked if the change in use will change anything about their review. **Chairman Desmarais** said it's a different commercial storage use but it's not different change in use from commercial and residential.

Chairman Desmarais entertained to continue the public hearing to October 20, 2020 at 6 pm via Zoom. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

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