



Planning Board Minutes – June 29, 2021

A meeting of the Town of Freetown **Planning Board** was held on **June 29, 2021 at 6:00 pm** at Freetown Police Station Community Room. **Present:** Chairman Keven Desmarais, Robert Jose, David Crose, Christopher Mello, James Frates **Absent:** Debra Robbins

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Cheryl A. Estrella

Continued Public Hearing – 1 Madiecha Way

Chairman Desmarais called the public hearing back to order.

Chairman Desmarais entertained a motion to continue the public hearing for 1 Madiecha Way to September 7, 2021 at 6pm at the Freetown Police Station Community Room. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Continued Public Hearing – Michkev RE LLC

Chairman Desmarais called the public hearing back to order.

Chairman Desmarais said that the applicant has requested a continuance to July 13th.

Chairman Desmarais entertained a motion to continue the public hearing for Michkev RE LLC to July 13, 2021 at 6 pm at the Freetown Town Hall. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Continued Public Hearing – Simmons Street – Pettey Solar LLC

Chairman Desmarais called the public hearing back to order

Chairman Desmarais explained that the project is still in peer review and has requested a continuance.

Chairman Desmarais entertained a motion to continue the public hearing to July 13, 2021 at 6 pm at the Freetown Town Hall. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Continued Public Hearing- Gurney-Mola Solar LLC

Chairman Desmarais called the public hearing back to order

Chairman Desmarais explained that the project is still in peer review and has requested a continuance.

Chairman Desmarais entertained a motion to continue the public hearing to July 13, 2021 at 6 pm at the Freetown Town Hall. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Continued Public Hearing – 32 Middleboro Road

Chairman Desmarais called the public hearing back to order.

Nick Clini, Atlantic Design Engineers, explained that the site was designed to direct all stormwater on the facility to the north side. Mr. Clini explained that a culvert on Clermont Way was removed and erosion control on the east, on the west and the backside of the basin was added.

Frank Ashley, 52 Middleboro Road, said the project proposes taking water from 16.1 acres of land and reducing it down to a small retention pond and putting it above his cow pastures which is going to leech onto his field. Mr. Ashley added that cows can't graze on muddy ground. Mr. Ashley said his solution is to tile the property line and have it feed into his reservoir so that he can control the flow. Mr. Ashley said if the applicant can't do it legally then they can pay him to put the tile lines in to dispose of the water that they are dumping on his property. **Chairman Desmarais** asked Mr. Clini if it possible to use tile line for stormwater management. Mr. Clini said no and that he didn't believe it would work and it would not meet the stormwater management standards.

Mr. Ashley said that even with a retention pond the water will flood out his field and that the solution is still to tile the property line which will fix all the water problems.

Chairman Desmarais said to be fair this is not taking all the water, it's not a parking lot it's a meadow

Chairman Desmarais asked if the project meet all the stormwater standards

Dylan O'Donnell, Environmental Partners Group, said it does meet all the stormwater standards.

Mr. Clini said they proposed temporary sediment layers to promote infiltration until the pollinator friendly blends take hold and they have added silt fence double erosion controls on the north side. They had also added sediment logs on the eastern side.

Mr. Ashley said they are going to remove all the trees off the property that absorb hundreds of gallons of water a day, that's how much water is going to go into the retention pond.

Mr. Jose said they cannot legally put water on your property, that is the burden they have said the met. **Mr. Jose** asked if a tile line was put on the border to catch the water, how would that affect your stormwater calculations and change where the water go. Mr. Clini said they can't put water on another property as that would violate the stormwater standard.

Mr. Ashley said he is trying to tackle drainage on the surface and the subsurface. **Chairman Desmarais** said it would be hard to prove subsurface drainage. **Chairman Desmarais** said the Board should go out to the site and take a look. Mr. O'donnel said the flow going to that design point is not increasing upon current conditions. **Chairman Desmarais** said he understands, that in theory the water is not all going to get there. **Chairman Desmarais** asked what kind of storm is the retention pond designed to overflow in. Mr. Clini said a 100 year storm. **Chairman Desmarais** clarified and said it's not necessarily a 100 year storm, it's more like every 10 years.

Chairman Desmarais suggested doing the site walk on Friday the 2nd at 2 pm. Mr. Ashley said it works for him. **Mr. Jose** told Mr. Ashley that he has the right to hire an engineer and dispute the report.

Chairman Desmarais entertained a motion to continue the public hearing to July 13, 2021 at 6pm at the Freetown Town Hall. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Discussion on Appointment of Planning Board Representative for Soil-Conservation Board

Chairman Desmarais entertained a motion to appoint Debra Robbins as the Planning Board representative for the Soil-Conservation Board. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Discussion on Surety Change Request for Locust Acres Subdivision

Kory Mederios, CEC, said called by the new developer to create a new construction estimate for this project and that the new estimate is more than double the rudimentary estimate.

Chairman Desmarais said 80,000 plus 40% is around 115,000 so if the applicant would like to get the Board a bond or cash in that amount then that will be great.

Receive Minutes/Schedule of Bills Paid

Mr. Jose made a motion to approve the April 20, 2021 meeting minutes and the May 4, 2021 meeting minutes. **Mr. Frates** seconded. The motion passed unanimously.

Continued Public Hearing – Off Chipaway Road Solar Array

Azu Etoniru, ET Engineering, said one of the main concerns at the previous meeting was with the inverters and the noise. Mr. Etoniru said at their peak the inverters can go up to 100 db and that the noise disappears for every 100 feet down to ambient levels. Mr. Etoniru added that during the daytime you can't even hear it at all due to all the background noise

Kathy Rego asked where are the noisemakers going to be located in relation to these solar panels.

Mr. Etoniru said it's labeled inverter on the plan and not anywhere near where they can be heard from residences. Mr. Etoniru said he dug bunch of test pits and the soil were categorized as A soils, which drains very quickly, graded the area like a bowl so none of the water will leave the area. Mr Etoniru added that the wetland resources have been reviewed and confirmed through the Conservation Commission under an order of resource delineation.

Chairman Desmarais said the distances to the residences were put on the plan as was discussed last time and that the entrance and egress were also included.

Ron Rego said his main concern is southern corner of the project and how close the panels appear to be to residences. Mr Rego asked if the transformers and inverters were going to make noise at night?

Chairman Desmarais said they are going to use the DEP noise standard which means it can't be higher than 10 db at the property line.

Ms. Rego asked if each section has it's own drainage. Mr. Etoniru said they did. Ms. Rego asked who confirms the applicant is doing what they said they are supposed to do.

Chairman Desmarais said the Conservation Commission, Environmental Partners Group, and the Zoning Enforcement Official.

Ms. Rego asked if trees will be being cut down. Mr. Etoniru said yes, where the solar panels are going. Mr. Rego asked if they are going to cut down trees within 100 feet of the property line. Mr. Etoniru said no. Ms. Rego said her greatest concern is with the amount of solar going up in town.

Chairman Desmarais said this is smart growth, that allows the town to collect well over a million dollars a year on solar revenue. **Chairman Desmarais** added that the townsfolk voted at town meeting to go in this direction. Ms. Rego asked why do they have to put them so close to the house. **Chairman Desmarais** said they are over 700 feet away.

Mr. Jose said the state of Massachusetts requires solar in town.

Mr. Rego asked where the trucks are going to come in?

Mr. Etoniru said in the existing cow path, off of Chace Road.

Chairman Desmarais entertained a motion to continue the public hearing to August 3, 2021 at 6 pm at the Freetown Community Room. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Public Hearing – 1 Janice Marie Way

Chairman Desmarais opened the public hearing.

Nyles Zager, Zenith Consulting Engineers, said there are no wetlands and no flood zones. Mr. Zager said they are proposing a 60 x124 foot building that is going to have 4 contractor bays, with 13 parking spaces; 1 of those handicapped van accessible. Mr. Zager said the erosion control plan shows an entrance pad, wrapping the entire site in siltsock, and silt sacks in all the catch basins including the one on Janice Marie Way.

Mr. Zager said they are asking for 3 waiver:

1. waiver from side setback landscape buffer They propose reducing it by 50% to 20 ft and will provide landscaping in those buffer zones.
2. to use allow the NAVD-88 Datum in lieu of the USGS Datum.
3. a waiver from the requirement of the submittal of an impact statement.

Chairman Desmarais asked why there multiple forebays. Robert Fouquette, applicant, said he plans to rent out all of them

Chairman Desmarais asked if they could put the 2 rows of trees out front? Mr. Zager said the septic system is there. Mr. Fouquette said the plantings will be thick enough to act as a visual buffer.

Chairman Desmarais asked if any lighting was proposed. Mr. Zager said no.

Mr. Jose said his only concern is that the 100 year overflow would go onto a municipal road. Mr. Zager said it would going into the road anyways due to the topography.

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

Mr. Jose made a motion to conditionally approve the project as designed with all 3 waivers, with the condition that a sufficient impact statement is provided at the next meeting. **Mr. Mello** seconded. The motion passed unanimously.

Continued Public Hearing – 67 Chace Road Solar Array

Chairman Desmarais called the public hearing back to order.

Mr. Etoniru said he will apply everything that was discussed at the Off Chipaway Road public hearing to this project.

Chairman Desmarais said that special attention should be paid to the entrance & egress and the noise level.

Chairman Desmarais said EPG will be reviewing this for stormwater management and drainage.

Chairman Desmarais entertained a motion to continue the public hearing to August 3, 2021 at the Freetown Police Station Community Room. **Mr. Jose** moved and **Mr. Frates** continued. The motion passed unanimously.

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

Respectfully Submitted,

C. Nils McKay

Planning Technician