

2022 NOV 29 AM 9:23

**Town of Freetown
Planning Board**

Minutes of the Tuesday September 20, 2022
Held at the Police Station Community Room, 15 Memorial Drive

Present: Robert Jose, Debra Robbins, Jim Frates, and David Crose.

Absent: Chris Mello.

Call to Order: Robert Jose called the meeting to order at 6:01 p.m.

Public Hearing – Proposed Amendment of Article 11.3.D.b

Attorney Patrick Matthews was present. Attorney Matthews stated that the purpose of this petition article is to return lost value of real estate. The removal of the common ownership language would result in a town wide change. Property owners' opportunity to develop these parcels have been taken away because the lot could not conform to current zoning standards. Mr. Frates asked if the lot still must conform to current regulations. Attorney Matthews responded yes. Craig Cabral, resident, said that they would have to meet curing zoning. Ms. Robbins asked what Towns have adopted this. Attorney Matthews responded several towns, Hingham is one of them. Dan Loranger, resident, asked about the setbacks and zoning. Attorney Matthews replied that it depends on when the lot was created. Mike McCue, resident, and Assistant Assessor for the Town said that this amendment would create several dozen lots. Mr. Jose asked about structures that straddle the property lines. Attorney Matthews replied that the lots cannot be separated. Mr. Frates stated that some residents will not want this because it could create higher densities and the value of the land will increase greatly. Attorney Matthews stated that they could do a Form A. Mr. Frates replied that it is expensive to do the engineering for a Form A, in addition to the fees for the application and recording. Mr. Jose asked how the Assessors tax would these lots. Mr. McCue responded that the lots would be interpreted as buildable, and the value would increase. The increase would not take effect until approximately 2024, and if residents choose to do a Form A that takes time to be updated and a resolution would not be seen until approximately 2026.

A motion was made by David Crose, seconded by Jim Frates, to take no position on the article. The motion carries with one abstention from Debra Robbins.

Public Hearing – Proposed Amendment of Article 11 (Assonet Bay Shores Overlay District)

Attorney Patrick Matthews was present. Attorney Matthews stated that Assonet Bay Shores started as mainly a summer community in the 60's. People bought contiguous lots to pass on to their children, then the by-law changed to combine the lots. This change would have minimal impact on schools. If the property owners did not want their lots to be separated, they could do a Form A through the Planning Board to legally separate them. Assonet Bay Shores has town water now and many of the septic systems have been upgraded and must adhere to title 5. Mr. Crose asked why they put in some of the restrictions about painting the houses, no more than two stories, no chickens, etc. Mr. McCue stated there are already similar restrictions now on development. Mr. Jose asked if this only included certain lot numbers. Attorney Matthews replied yes. Mr. Jose asked if this would fall under spot zoning. Attorney Matthews replied no. Mr. Jose asked about the number of lots this would create. Attorney Matthews replied he does not know. Mr. Jose asked about the setbacks because they are not mentioned in the overlay district. Attorney Matthews replied that there could be different interpretations of it. Craig Cabral, resident, stated that is would be the zoning when the lot was created. Mr. Jose replied that after consulting with Town Counsel, their opinion was that the argument could be made that there are no setbacks and that it is unclear what the setbacks are. Mr. Frates stated that it would be left up to the Zoning Enforcement Officer. Mr. Crose asked if the 1960 plan they referenced in the petition has setbacks listed. Mr. Jose replied no.

A motion was made by Jim Frates, seconded by David Crose, to recommend the article. The motion carries unanimously.

Continued Special Permit – 78-80 Middleboro Road

Michael McVeigh, the applicant's representative, and Daniel Loranger, the applicant, were present. Mr. McVeigh stated that the lot has been vacant for a few months while the applicant searched for a new tenant. They now have acquired a long-term lease with a family-owned business. The new use would be custom marble working using the existing space. There will be structured hours for this business, different from the car repair and detailing shop that previously used the space. This is currently zoned residential. Mr. Jose asked if shorter hours, 9am-12pm on Saturdays would work. Bruna Rabelo, the new tenant, replied yes. They would store the stone slabs and fabricate them inside. They will use some of the space as a show room. Mr. Jose asked about the parking. Ms. Rabelo replied that there would be six employees. Mr. Loranger stated that they could get approximately 12 parking spaces max in the front, but there is space out back for parking. Ms. Rabelo stated they would get approximately two customers per day going into the show room. Mr. Crose asked about the lighting. Mr. Loranger replied that there are no floodlights but there is one downward facing spotlight in the back.

A motion was made by Debra Robbins, seconded by David Crose, to allow the change in use to stone fabrication and show room, with the conditions that the hours of operation are Monday through Friday 9am-5pm and Saturday 9am-12pm, 4 parking spaces for customers and 1 handicapped space be provided. The motion carries unanimously.

Continued Minor Site Plan Review – 1180 Innovation Way

Michael Fabiano, from Highpoint Engineering, stated that Environmental Partners had no issues.

A motion was made by Debra Robbins, seconded by David Crose, to approve the minor site plan review. The motion carries unanimously.

Continued Site Plan Review – 0 Braley Road

A motion was made by David Crose, seconded by Debra Robbins, to continue the public hearing to November 15, 2022. The motion carries unanimously.

Continued Site Plan Review – 31 Innovation Way

The applicant requested a continuance due to being in peer review.

A motion was made by Debra Robbins, seconded by David Crose, to continue the public hearing to October 4, 2022. The motion carries unanimously.

Minutes

A motion was made by Jim Frates, seconded by David Crose, to approve the 09.06.2022 meeting minutes as submitted. The motion carries unanimously.

New Business – Discussion and Take Action Relative to Scanning Files

Ms. D'Antoni explained that the Selectmen's office has grant money remaining that the Planning Board could use to scan and destroy files. Records retention for most Planning Board records is 1 year. There is an application that must be submitted to the state prior to destroying the records.

A motion was made by Debra Robbins, seconded by David Crose, to approve scanning plans and destroying them after 1 year. The motion carries unanimously.

Old Business – Discussion and Take Action Relative to Planning and Land Use Administrator Job Description

Mr. Jose explained that this revision includes wording stating the primary duties are to support the Planning Board.

A motion was made by Debra Robbins, seconded by Jim Frates, to approve the job description as written.

Meeting Adjourned

A motion was made by Jim Frates, seconded by David Crose, to adjourn. The motion carries unanimously, and the meeting was adjourned at 7:54pm.

This is a True Record by me.

Attest: _____
Victoria D'Antoni, Planning Technician