

**Town of Freetown
Planning Board**

Minutes of the Tuesday February 7, 2023
Held at the Police Station Community Room, 15 Memorial Drive

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2023 FEB 22 PM 2:04

Present: Robert Jose, Jim Frates, Chris Mello and David Crose.

Absent: Debra Robbins.

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

Continued Site Plan Review – 4 & 7 Campanelli Drive

The applicant requested a continuance to February 21, 2023, due to going through peer review.

A motion was made by Jim Frates, seconded by David Crose, to continue the public hearing to February 21, 2023, at the Council on Aging, at 6:00pm. The motion carried unanimously.

Continued Site Plan Review and Special Permit – 52 & 54 County Road

Nyles Zager, of Zenith Consulting Engineers, and Mickey Higgins, the applicant/owner, were present. Mr. Zager explained that he was not the engineer that designed the plan, however he was hired to present the project to the Board. Mr. Zager stated the applicant originally applied for a variance through the Zoning Board of Appeals and Site Plan Review and Special Permit through the Planning Board. The original proposal consisted of a 2160 square foot building that would utilize both 52 County Road and 54 County Road. Through the ZBA process, the plan was revised and the ZBA approved a plan that now shows a 1300 square foot building just on 52 County Road. 54 County Road is no longer part of the project. The canopy and fuel dispensers are to remain. There are six parking spaces, one of them is handicap accessible. Access to the building is through a 6-foot-wide sidewalk with 35 feet access to the canopy from the end of the parking spaces. The pavement will be striped, existing dumpster to remain, and the existing septic that is located partially under the proposed building will be upgraded. Under the stormwater regulations this is considered a redevelopment project. There is no current drainage system and no proposal to change that as of right now. There is no net increase in flow. Mr. Crose asked if the septic is on 54 County Road. Mr. Zager replied no, it's the opposite, the septic for 54 County Road is encroaching on the property of 52 County Road. Mr. Jose asked for the proposed line striping and directional arrows to be provided on a revised plan. Mr. Frates asked if cars are able to go around the building. Mr. Zager replied no they are not. Mr. Crose asked if the signage was changing. Mr. Higgins responded that per the ZBA decision and determination from the Building Commissioner/Zoning Enforcement Officer, they are going to confirm that the sign is not hanging over the property line, and if it is they will move it over, however the sign itself is not going to be changing at this time. Mr. Jose asked about the dimensions on the striping. Mr. Zager replied the access way and striping will be defined on the next plan. Mr. Frates asked about a lighting plan. Mr. Zager replied the lights will be downward facing. Mr. Higgins stated only one light will be added, and that is a back door light for the building. Mr. Zager stated they will add a note on the plan about the lighting.

Nicolas Velozo, of 249 Middleboro Road, asked if there is a proposal for 54 County Road. Mr. Higgins replied that only a new septic is being proposed at this time. They are under a purchase and sales agreement; they do not officially own it at this time. John Remedis, of 114 County Road, asked how much room there is from the building to the canopy, for people backing out of parking spaces. Mr. Zager replied there is 35 feet from the back of the spaces to the canopy. The standard is 24 feet; they are providing an additional 11 feet beyond that. Mr. Crose asked if they sell diesel. Mr. Higgins replied that they have low flow diesel. Mr. Frates asked if there is a lot of truck traffic. Mr. Higgins replied no. Mr. Jose asked how far the canopy is to the street. Mr. Zager responded approximately 20 feet.

Tarsha Veiga, of 16 Middleboro Road, asked about the traffic pattern. Mr. Jose stated the applicant will provide an updated plan to include the traffic patterns and it will be sent to peer review. Ms. Veiga asked if they will have to include shrubbery. Mr. Jose replied they may include some. Ms. Veiga asked about parking for 18-wheeler trucks. Mr. Jose replied that there is no requirement to provide that type of parking. Ms. Veiga asked about lighting. Mr. Jose replied that a note will be added to the plan regarding light and that no lumens are allowed to leave the sight. Ms. Veiga asked about plows at night. Mr. Jose said they have to keep the streets safe and cannot dictate what time the plows go out. Ms. Veiga asked about the timing of gas deliveries. Mr. Jose replied that is outside of the purview of the Board. Mr. Higgins replied that it typically happens during open hours. Mr. Jose asked how long this parcel has been a gas station. Mr. Higgins replied over 20 years. Ms. Veiga asked if trash pick up is within the hours of operation. Mr. Higgins replied yes, typically they do not come earlier than 6:30am. Mr. Jose asked if Mr. Higgins would be amenable to having trash pick up from 7:00am to 7:00pm. Mr. Higgins stated that he is amenable to that.

Stacy Sullivan, of 49 County Road, stated that 5:00am to 10:00pm is a lot because they have young children in the home. Ms. Veiga asked if there will be a restaurant inside the convenience store. Mr. Higgins replied no. Ms. Veiga asked if they plan to sell alcohol. Mr. Higgins said no not at this time. Ms. Veiga asked about litter. Mr. Higgins replied they will continue to have staff go out to pick up litter and that they currently have trash cans outside. Ms. Veiga asked about vendor hours. Mr. Higgins stated vendor deliveries come during open hours. Mr. Jose asked about the hours for the Special Permit. Mr. Frates stated they are only asking for one additional hour, to operate until 10:00pm.

A motion was made by Jim Frates, seconded by David Crose, to continue the public hearing to February 21, 2023 at the Council on Aging, at 6:00pm. The motion carries unanimously.

Approval Not Required – 1 Tasha's Lane

Debra LaPlante, the applicant/owner, was present. Mrs. LaPlante stated they want to move the lot line over.

A motion was made by Jim Frates, seconded by Chris Mello, to endorse the approval not required plan for 1 and 2 Tasha's Lane, dated January 23, 2023. The motion carries unanimously.

Review As-Built – 30-36 Innovation Way, TPG Construction

Thomas Killoran, the representative, was present. Mr. Killoran explained that there were minor modifications to the plan and that they are reflected on the as-built. The minor changes were the additional of a concrete pad at the Dunkin Drive thru window, an added cooler box for Dunkin Donuts and delivery ramp to their back door, an added concrete pad at the drive thru, an added delivery ramp to the Neon entrance, moved tesla Charging Stations to the left side of the pad, approved plan had them in front of pad, and that the restaurant building has not started yet. Mr. Jose asked if they are using the space for the restaurant as storage. Mr. Killoran replied yes. Mr. Jose asked if the concrete pads add to impervious flow. Mr. Frates replied no, they replaced asphalt with the concrete. Mr. Crose asked about the noise of the refrigeration unit. Mr. Killoran replied that it is minimal and has no impact on neighboring properties.

A motion was made by Jim Frates, seconded by Chris Mello to accept the as-built dated December 9, 2022. The motion carries unanimously.

Review and Take Action on Peer Review Refunds

a. 30-36 Innovation Way, Site Plan Review and Special Permit, TPG, \$227.25 + interest

A motion was made by Jim Frates, seconded by Chris Mello, to release the peer review funds in the amount of \$227.25 + interest for 30-36 Innovation Way. The motion carries unanimously.

Request for Permit Extension – 3 Quarry Drive

The applicant requested a 3-year extension due to going through Eversource.

A motion was made by Jim Frates, seconded by Chris Mello, to extend the Site Plan Review permit for 3 years. The motion carries unanimously.

Modification to Approved Site Plan – 31 Innovation Way

Brian Dunn, of MBL Land Development, and Stephen Gallagher of V.M.D. Companies, was present. Mr. Gallagher stated that they received site plan approval in October 2022 and since have been going through peer review. They need the additional waiver to allow parking in the front of the building, which is consistent with the approved plan. Mr. Dunn stated that all other items from EP have been addressed. Mr. Frates asked if this has been approved in Fall River. Mr. Dunn replied yes.

A motion was made by Jim Frates, seconded by Chris Mello, to grant the waiver from Article 11.23H to allow for parking in the front of the building. The motion carries unanimously.

Discussion – MBTA Zoning District

Mr. Jose stated that they will begin working on this new zoning district. They need to discuss whether or not this should be an overlay district or a stand-alone district. Mr. Crose asked if that meant they had to conform to both districts. Mr. Jose replied no, they can pick one or the other. Mr. Jose stated the district could go where we have Town water. Mr. Jose stated they could also look into a 40R district to offset the costs of kids entering the school system from the new housing units. They will reach out to KP Law for an opinion on if they are allowed to cap the number of units built through that district as well as contact the fire department about the number of stories a building should be and how that affects fire services. At the next meeting they will vote on whether or not to move forward with an overlay district.

Discussion – Warrant Article for 2023 ATM

Ms. D'Antoni stated that she would like the Board to consider submitting an article for the annual town meeting to request funding for an engineering study at the Assonet Four Corners. This intersection has come up many times about making improvements. Recently, they received a technical memo from SRPEDD that said more engineering and study is necessary to determine the feasibility of a roundabout at that location. This engineering study would not only look at the possibility of a roundabout, but it would also look at other options and have a public outreach component to educate the public about the best option to improve safety and get feedback as well. The article will be prepared for the next meeting.

Interview – Steven Tripp for Associate Planning Board Member

Mr. Tripp stated that he works for Veolia Water and has lived in Town almost all of his life. Mr. Tripp expressed that he has knowledge about water and sewer.

A motion was made by Jim Frates, seconded by David Crose, to recommend Steven Tripp for associate planning board member. The motion carries unanimously.

Minutes

A motion was made by Jim Frates, seconded by David Crose, to approve the 01.17.2023 meeting minutes as submitted. The motion carries unanimously.

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 8:22 p.m.

This is a True Record by me.

Attest: _____
Victoria D'Antoni, Planning and Land Use Administrator

