

2023 APR -5 PM 12: 27

**Town of Freetown  
Planning Board**

Minutes of the Tuesday March 21, 2023  
Held at the Police Station Community Room, 15 Memorial Drive

**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.

**Any other business to properly come before the Board**

Mr. Jose reminded the Board to complete their Conflict-of-Interest training before April 30, 2023. Carl Bizarro, Freetown Building Commissioner and Zoning Enforcement Officer, was present. Mr. Bizarro stated that he is excited to work together with the Planning Board. Mr. Jose thanked Mr. Bizarro for coming in to meet the Board and stated there needs to be a good balance between the two departments because once the Planning Board issues a decision, it is the Zoning Enforcement Officer's job to enforce it.

**Approval Not Required – 152 Middleboro Road**

Nyles Zager, of Zenith Consulting Engineers, was present. Mr. Zager explained that this is a simple Form A plan and that the owner would like to divide the lot to sell for profit. Mr. Jose asked if the line dividing Parcel A & B is going away. Mr. Zager responded with yes, it would be one continuous parcel. Mr. Jose asked wouldn't it be easier if the dashed line was to show the old line going away & to show a solid line for the new lot. Mr. Zager said that's how they typically do it, but they can show the dashed line if that's preferred.

A motion was made by Jim Frates, seconded by Chris Mello, to endorse the plan as submitted. The motion carried unanimously.

**Continued Site Plan Review and Special Permit – 52 County Road**

Mickey Higgins, of Delta Realty, LLC, the owner, was present. Nyles Zager, of Zenith Consulting Engineers, stated the Board had concerns, so they sent this out to peer review. The remaining open comments from Environmental Partners started that they want inlet protection on the catch basin and it's been added to the plan. They have removed a small section of pavement on the east side of the building on Middleboro Road. It will filter into the grass strip. They can't go sub-surface because of the condition of the high-water table. Additional grading has been proposed and is on the plan done by GPI. Mr. Jose asked if there are arrows and signage to direct traffic. Mr. Zager replied yes, it's what the arrows represent. Mr. Crose asked if Mr. Zager is a representative presenting the plan. Mr. Zager replied yes, he was hired by Delta Realty, LLC to present the project to the Board and that GPI made the plan. Mr. Frates asked about parking. Mr. Zager stated it hasn't changed, they are providing 6 spaces including a handicap space, located in front of the building. There is 30 feet from the back of the parking spaces to the canopy so there's additional space for the cars backing up. Mr. Frates asked how many employees would be working at a time. Mr. Higgins responded with 1 sometimes 2 during shift change. Mr. Jose stated there's hatched marks in the back, on north side. Mr. Zager said it's not being touched and will stay as is. They will remove pavement behind building to capture the run off. Mr. Jose asked if the guardrail is staying. Mr. Zager confirmed yes. Mr. Higgins is buying property, and as of today, no changes have been proposed. Mr. Zager stated they will be removing the request for special permit and the hours of operation will remain the same. Mr. Bizarro asked if there'd be outdoor vacuums used. Mr. Higgins said no. Mr. Bizarro asked about snow removal. Mr. Higgins responded that they currently use the area by the point. Mr. Bizarro asked about a potential drive-thru. Mr. Higgins said there is not enough room on the site.

Sammy Sipher, of 58 Middleboro Road, asked if there are lights at the back of building. Mr. Higgins responded that there is no additional lighting and that all existing lights will remain. The proposed lighting at the back entrance will be downcast.

Tarsha Veiga, of 16 Middleboro, asked if there will be Cape Cod berms and what are the depths of them. Mr. Zager stated the water will pitch around the building and it will be flat to angle stormwater, it'll be about a foot to a foot and a half deep. Ms. Veiga asked about no signage for entrance and exits. Mr. Zager replied the parking spaces will define the site better than what's currently there. Ms. Tarsha stated that doesn't define it from the street to the canopy or the street to the gas pump, that there's no barrier. Mr. Jose explained that the applicant's property lines are approximately 20' from the edge of the roadway, and that the state owns the space in between. Mr. Higgins stated the site plan notes traffic markings on property Mr. Jose, asked about a no drive zone. Mr. Zager responded that they're crosshatched. Nick Psychopaidas, current owner of 54 County Road, stated that Mr. Higgins purchasing their property will alleviate traffic, and people will no longer be parking on both sides, as there's currently a lot of movement. Ms. Veiga asked about mitigated traffic via stripping. Mr. Jose replied yes, it's proposed. Ms. Veiga asked if Everybody's Pizza will still be operating. Mr. Higgins stated he has no intention of running a pizza place.

Mr. Zager went through the waiver request letter. They are requesting waivers from Section ii.b.3 to allow the use of navd-88 vertical datum rather than usgs datum, Section ii.b.3 to allow the use of 1"=20' scale rather than 1"=40' scale, Section ii.b.3.e to not show proposed water or septic utilities, Section ii.b.3.m to not show proposed grading, Section ii.b.3.n to not show the size and location of existing and proposed water supply mains and hydrants, Section ii.b.3.u to not show 1"=2000' locus, Section ii.b.3.v to not provide existing and proposed zoning requirements in tabular form, Section ii.b.4 to waive the requirement for an impact statement and Section ii.c.1 to waive the requirement of landscaping. waiver request, no special permit. Went through waiver request list, traffic. Mr. Jose asked that the O+M be sent to the Board. Mr. Zager replied okay. Mr. Jose asked about water. Mr. Higgins stated there is no hydrant, only a tap. Mr. Jose asked about a stop sign or do not enter signage. Mr. Higgins replied they could paint the words stop, exit, and enter on the ground.

A motion was made by Jim Frates, seconded by Chris Mello, to close the public hearing. The motion carried unanimously.

A motion was made by Jim Frates, seconded by Chris Mello, to approve the site plan dated March 20, 2023 and grant the waivers requested with the conditions that an O+M be submitted and the words stop, enter, and exit are painted on the ground. The motion carried unanimously.

#### **Continued Site Plan Review – 4 & 7 Campanelli Drive**

Tim Keogh, of Americann, Inc, and Garrett Horsefall, of Kelley Engineering Group, were present. Mr. Horsfall received the final letter back from EP today, and a majority of the items have been closed out. Mr. Horsefall explained that EP agrees with waivers, except pavement section and will comply if the Board decides not to grant the waiver. Mr. Jose stated that they will have premature breakup on thinner concrete however it is private property and for the owner to maintain. Mr. Horsfall went through waiver lists and proposed conditions from EP to include test pits prior to construction, submittal of a SWPPP, and new plan to accompany SWPP with each phase as each phase will have a different site contractor operating them.

A motion was made by Jim Frates, seconded by Chris Mello, to grant the waivers listed in the November 5, 2022 letter and as recommended by EP in their March 21, 2023 letter. The motion carried unanimously.

A motion was made by Jim Frates, seconded by Chris Mello, to approve the waiver for pavement thickness for standard duty and heavy duty as shown on the site plan. The motion carried unanimously.

A motion was made by Jim Frates, seconded by Chris Mello, to approve the site plan as submitted with the condition that test pits be performed prior to construction, a SWPPP be submitted, and a new plan to accompany the SWPPP be submitted with each phase. The motion carried unanimously.

**Discussion – MBTA Overlay Zoning District**

Ms. D'Antoni stated that the data the state gave is incorrect and that they placed the train station in the wrong spot. This could affect the number of developable acres and percent needed to put the new district in the half mile radius of the train station. Mr. Jose stated that the Attorney General issued a letter saying that they will sue Towns that do not comply. The Fire Department also sent a letter stating that they recommended 3 stories maximum for this new district.

**Minutes**

A motion was made by David Crose, seconded by Chris Mello to approve the 03.07.2023 meeting minutes as submitted. The motion carried 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 7:36 p.m.

This is a True Record by me.

Attest: \_\_\_\_\_  
Deanna Hayes, Senior Clerk