

Freetown Conservation Commission
Minutes of the Monday, March 21, 2016 Meeting
Town Hall – Assonet, Mass.



Present: Keven Desmarais, Christopher Mather, Janine Robidoux, and Charles Sullivan.

Absent: Maria Ternullo.

Call to order: Keven Desmarais called the meeting to order at 7:05 p.m.

Minutes of Previous Meeting

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to approve the minutes of March 7th. The motion carried unanimously.

Abbreviated Notice of Intent – Tisdale’s Dam, Mill Street, Assonet

A motion was made by Mrs. Robidoux, seconded by Mr. Sullivan, to waive the reading of the public hearing notice. The motion carried unanimously.

Ken Rezendes (contractor), Ray Lavey (property agent), and Igor Runge (engineer) were present to discuss the project, which consists of adding a training wall approximately twenty feet long, and two feet higher than an existing wall, on the north side of Tisdale’s Dam. Mr. Lavey stated that the DCR put Churchill & Banks on notice that repairs needed to be made to the dam, particularly where the water was able to overflow on the north side during certain storms. Mr. Runge noted that smaller repairs have been made in the past, but the DCR is requesting something more significant now to prevent potential erosion and consequences stemming therefrom. He also noted that the proposed repairs would elevate the dam from a rating of “poor” condition to a rating of “fair” condition.

Mr. Desmarais asked how long the project would take to complete. Mr. Runge estimated two to three weeks. Mr. Desmarais asked when the project would commence. Mr. Rezendes estimated the mid- to late-April, following the appeal period for the Order of Conditions. He also stated that boards would be pulled to lower the water level in Tisdale’s Pond during work, and that some boulders that had fallen from the dam over time would be picked out of the river and put back where they belonged.

No comments or questions were raised from the public. A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to close the public hearing. The motion carried unanimously. A motion was then made by Mrs. Robidoux, seconded by Mr. Mather, to approve the plans as submitted with the condition that a spill kit be present on site adequate for the machinery and equipment in use. The motion carried unanimously.

Notice of Intent – Cameron’s Way (Lot 1B, roadway), East Freetown

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to waive the reading of the public hearing notice. The motion carried unanimously.

Mr. Desmarais stated that the applicant has requested a continuance. The area was not flagged in time for inspections. A motion was made by Mrs. Robidoux, seconded by Mr. Sullivan, to continue the hearing to Monday, April 11th at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Request for Determination of Applicability – Railroad

Mr. Desmarais explained that the railroads periodically apply herbicides to the rail corridors and that this activity is exempt from filing a Notice of Intent, and they are requesting confirmation of those exemptions. A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to issue a negative determination #5, citing as exemptions 310 CMR 10.03 (6) (b) and 310 CMR 10.58 (6) (a). The motion carried unanimously.

Continued Request for Amended Order of Conditions – 0 Chace Rd. ("Gurney Farm"), E. Freetown

Mr. Desmarais stated that the applicant has requested a continuance. The project is currently being dealt with by the Planning Board, and there have been some modifications made to the storm water management aspects as touched on at the last meeting. A motion was made by Mr. Mather, seconded by Mr. Sullivan, to continue the hearing to Monday, April 11th at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Continued Notice of Intent – 0 East Chipaway Road (Lamb's Village), East Freetown

John Robinson, engineer for the project, had notified the board prior to the meeting that they would not be ready to present until at least April 25th. A motion was made by Mrs. Robidoux, seconded by Mr. Mather, to continue the hearing to Monday, April 25th at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Continued Notice of Intent – 0 Aduke Way (Lot 1), Assonet

Kory Medeiros from SITEC was present to discuss the project. He reminded members that this was a single-family home with septic and associated site work. He noted that the silt fence, as shown on the plan, would be the limit of work as proposed.

Armand Trepanier, abutter at 11 Simmons Street, expressed concern with a drainage swale on the Aduke Way roadway parcel. Mr. Desmarais stated that it was a valid concern, but it was outside the scope of the hearing as the roadway is a separate parcel and the hearing is only for the house lot.

Richard Santos, abutter at 7 Simmons Street, asked if the property owners can cut down trees in the wetlands. Mr. Desmarais responded they could not. He explained that there are some circumstances where a landowner can do this, such as with approved forestry plans under Chapter 61A, but generally it is not allowed. Maria Santos, same address, asked about putting deed restrictions on the parcel forbidding the cutting of trees. Mr. Desmarais stated that the Conservation Commission has no authority to put deed restrictions on properties; only to issue the Order of Conditions, valid for three years, which would be referenced in future title searches.

General questions were asked and answered regarding what an Order of Conditions is and how they work.

A motion was made by Mr. Sullivan, seconded by Mr. Mather, to close the public hearing. The motion carried unanimously. A motion was then made by Mr. Mather, seconded by Mr. Sullivan, to approve the plans as submitted with the condition that the silt fence follow the property line between lots 1 and 2 between the septic system and the cul-de-sac to allow an area for storing spoils. The motion carried unanimously.

Continued Notice of Intent – 0 Aduke Way (Lot 2), Assonet

Mr. Medeiros was present to discuss this project, also. He stated this lot gets closer to the wetlands, so the plans call for a post-and-rail fence about five to seven feet from the wetlands.

Deborah Trepanier, abutter at 11 Simmons Street, asked about the distance from the septic system to the wetlands. Mr. Medeiros replied the town requires at least 75 feet for the leaching field, so the leaching field is 75 feet from the wetlands. The actual tank and system itself are required by Title V to be at least 50 feet away, so those are compliant with Title V.

Mrs. Trepanier stated she wanted to be on record as having concerns about the swale on the roadway and about an easement that is defined in her deed as a "drainage" easement and shown on more recent plans as a "utility" easement. Mr. Desmarais said the discrepancy in the easement is a matter for the courts and not the Conservation Commission.

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to close the public hearing. The motion carried unanimously. It was noted that there was an extraneous note on the plans, pointing out a septic system that does not actually exist and is not proposed. Mr. Medeiros agreed to submit new plans removing

that note. A motion was then made by Mr. Sullivan, seconded by Mrs. Robidoux, to approve the plans subject to submitting a new plan removing the erroneous note. The motion carried unanimously.

Bills

A motion was made by Mr. Mather, seconded by Mr. Sullivan, to approve the bills as listed on the bill schedule. The motion carried unanimously.

Meeting Adjourned

A motion was made by Mr. Sullivan, seconded by Mr. Robidoux, to adjourn at 8:40 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: Michael T. McCue
Michael T. McCue, Senior Clerk