

Freetown Conservation Commission
Minutes of the Monday, April 11, 2016 Meeting
Town Hall – Assonet, Mass.



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

Absent: Janine Robidoux and Maria Ternullo.

Call to order: Keven Desmarais called the meeting to order at 7:17 p.m.

Minutes of Previous Meeting

A motion was made by Mr. Sullivan, seconded by Mr. Mather, to approve the minutes of March 21st. The motion carried unanimously.

Continued Abbreviated Notice of Resource Area Delineation – South Main Street, Assonet

Mr. Desmarais stated that the applicant and the review engineer would be meeting the following week, so there was nothing new to present. It was assumed that they would be ready by the next meeting. A motion was made by Mr. Sullivan, seconded by Mr. Mather, to continue the hearing to Monday, April 25th at 7:00 p.m. The motion carried unanimously.

Continued Request for Amended Order of Conditions – DeMoranville Farm, East Freetown

Mr. Desmarais stated that the review engineer for the Planning Board is still reviewing the project, so there was nothing new to present. It was assumed that they would be ready by the next meeting. A motion was made by Mr. Mather, seconded by Mr. Sullivan, to continue the hearing to Monday, April 25th at 7:00 p.m. The motion carried unanimously.

Request for Certificate of Compliance – 91 Richmond Road, Assonet

Mr. Desmarais stated he had visited the site and everything was in compliance. A motion was made by Mr. Sullivan, seconded by Mr. Mather, to issue a complete Certificate of Compliance. The motion carried unanimously.

Request for Certificate of Compliance – Proprietors' Acres, Section VII, East Freetown

This item was continued to the next meeting as there had been no site visit before this meeting.

Request for Determination of Applicability – 5 Cliff Drive, Assonet

Louis Cabral was present to discuss the project, which consists of completing landscaping work previously begun as part of an Order of Conditions. Mr. Desmarais explained that the Order of Conditions has expired, but the work being proposed is still compliant with the Order and would be an improvement to the property. A motion was made by Mr. Mather, seconded by Mr. Sullivan, to issue a negative determination #3. The motion carried unanimously.

Request for Determination of Applicability – 7 Marianno Avenue, Assonet

Andrew Hayes was present to discuss the project. They are proposing to build an addition to their existing dwelling, consisting of one bedroom and one bathroom. Mr. Desmarais stated he went to the site since the town's GIS mapping shows wetlands, but that it did not appear to be very wet; particularly, one area marked as a wetland seemed to be perfectly dry and at a higher elevation. Mr. Hayes stated he filed under an abundance of caution, to make sure everything was done right. The area is already a dry lawn, but he did not want to run afoul of any rules. Mr. Desmarais felt that hay bales or silt fence could be used, each being equally effective for sediment control. Mr. Hayes intends to use some of the spoils to level out areas of his lawn where the ground has settled, but not near any of the actual wetlands. A motion was made by Mr. Sullivan, seconded by Mr. Mather, to issue a negative determination #3. The motion carried unanimously.

Continued Notice of Intent – Cameron’s Way, East Freetown

Luis Coelho was present to discuss the project. He is proposing to extend Cameron’s Way by about 150 feet to allow for two additional house lots. The existing road services three lots. Mr. Desmarais asked if this was the final extension for this road, and Mr. Coelho replied that yes, it is. Mr. Coelho stated he would use silt fence for erosion control. A motion was made by Mr. Sullivan, seconded by Mr. Mather, to approve the plans as submitted. The motion carried unanimously.

Notice of Intent – 0 Bullock Road & 0 Rear Bullock Road (“Ethel S. Austin Lot”), East Freetown

Steve Long from Borrego Solar was present to discuss the project. Peter Hawes, one of the property owners, was also present but did not address the board. Mr. Long explained that they filed two notices of intent, one for each property, in the event that the solar farms are sold separately. No panels or other infrastructure cross the property line. However, the project is being treated as one project for this hearing.

Mr. Desmarais asked about drainage. Mr. Long stated they intend to plant meadow grasses to facilitate drainage. Mr. Desmarais asked if there were any plans for stormwater treatment. Mr. Long said there are not as they do not feel that anything significant is warranted.

Jodie Lamy, an abutter at 120 Quanapoag Road, asked about the isolated wetland on the property. Mr. Long responded that it was not a connected or significant wetland; it does not fall under the purview of the Wetlands Protection Act. Mr. Desmarais asked Mr. Long to explain why. Mr. Long stated that the area and depth of the wetland is too small and far too shallow to fall under the Act. It was more akin to a very large, shallow puddle than to a wetland.

Mrs. Lamy asked if the applicant would plan trees to replace the trees that are slated for removal. Mr. Long stated they would not. Mr. Desmarais added that the properties are forestry land under Chapter status with the Assessors; even if no solar panels were being proposed, the property owners could clear the land at any time and not plant replacement trees. Brief discussion was held on rollback taxes and the financial benefit to the town of the land being removed from Chapter status.

Mr. Desmarais stated that past experience would lend itself to believing the DEP would want more extensive drainage work done. Some at the DEP see solar panels as permeable, and some see them as impermeable. There is internal disagreement and no consistent answer as the big-wigs are still battling it out. Mr. Long agreed, and stated that Borrego has tried several times to get a definitive answer from DEP, but they continue to debate it amongst themselves. Mr. Desmarais offered to call the DEP office in Lakeville and request guidance.

Darlene Alves, Quanapoag Road, asked if there are any streams on the property that could be impacted by the project. Mr. Long stated there were no streams that would be impacted.

Mrs. Lamy asked if there would be a road cut through any of the wetlands, and Mr. Long stated there would not. They will use the existing road, but widen it to eighteen feet where needed.

Henry Alves, Quanapoag Road, asked how big of a solar farm can be sited in a residential area. Mr. Desmarais responded that there is no limit to the size. Mr. Alves asked how far the farm would be from any houses. Mr. Desmarais estimated from the plans that the panels would be 700 feet or more from any neighboring houses. Mr. Long acknowledged that there would be telephone poles about 100 feet from a property on Kelly Drive, and Mr. Desmarais stated the applicant is working with that homeowner to try and reduce any impact.

Mrs. Lamy asked how far the panels would be from the Lopes bog. Mr. Desmarais estimated 100 feet from the reservoir and 125 feet from the bog.

Mrs. Alves asked if there would be any toxins in the panels that could leach into the nearby wells. Mr. Long responded that there was no risk to neighboring wells. The technology and manufacture of the panels would prevent any adverse impact. Mrs. Alves asked what about the end-of-life of the panels, and Mr. Long responded that they would not be a problem then, either. It was noted that the anticipated life of these panels is twenty years, after which they could be replaced or removed altogether. Mr. Desmarais noted a solar farm near Boston was found to still be operating at 80% efficiency after twenty years, and Mr. Long responded that he believed that farm to be in Beverly.

Mrs. Lamy asked what the zoning of the property is. The clerk responded Residential.

Mr. Alves asked if there is liquid of any sort inside the panels. Mr. Long stated there is not. Mr. Desmarais offered to provide "cut sheets" showing the construction of the panels for the next meeting.

A motion was made by Mr. Mather, seconded by Mr. Sullivan, to continue the hearing to Monday, April 25th at 7:00 p.m. The motion carried unanimously. A site walk was scheduled for Sunday, April 24th at 10:30 a.m.

Bills

No bills were presented.

Any Other Business Properly Before the Board

A motion was made by Mr. Mather, seconded by Mr. Sullivan, to submit an article for the Annual Town Meeting seeking the transfer of certain tax title properties (namely the icehouse lot on Forge Pond and the fifty acres off High Plains) to the Conservation Commission. The merits of each property were discussed. The motion then 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