

2017 NOV -7 AM 11:25

Freetown Conservation Commission
Minutes of the Monday, October 16, 2017 Meeting
Town Hall – Assonet, Mass.

Present: Keven Desmarais, Janine Robidoux, and Maria Ternullo.

Absent: Christopher Mather and Charles Sullivan.

Call to order: Keven Desmarais called the meeting to order at 7:03 p.m.

Continued Notice of Intent – Hart Lot, Buddy’s Crossing, Wamsutta Way, etc., East Freetown

Mr. Desmarais called the continued public hearing back to order. It was noted that the applicant requested another continuance. A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to continue the hearing to November 6th at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Continued Notice of Intent – Clermont Way, East Freetown

Mr. Desmarais called the continued public hearing back to order. Nobody was present for the applicant.

A motion was made by Mrs. Ternullo, seconded by Mrs. Robidoux, to continue the hearing to 7:20 p.m. at the Town Hall. The motion carried unanimously.

Continued Notice of Intent – 21 Point of Pines, East Freetown

Mr. Desmarais called the continued public hearing back to order. It was noted that the applicant requested another continuance. A motion was made by Mrs. Ternullo, seconded by Mrs. Robidoux, to continue the hearing to November 6th at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Request for Determination of Applicability – 7 Lang Road, East Freetown

Mr. and Mrs. Lima were present to discuss the project, which consists of building a two-car garage in an area that is currently lawn. Mr. Desmarais noted the original land clearing and construction for the house came before the Conservation Commission in approximately 2008. It was noted that the closest the garage appeared to be to the wetlands was 35 feet, which was outside the 25-foot buffer zone that the commission usually requests be left undisturbed.

A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to issue a negative determination #3, with the conditions that silt fence be installed for the duration of the project and that the owners contact the Conservation Commission for an inspection at the completion of the project. The motion carried unanimously.

Request for Determination of Applicability – 57 Cliff Drive, Assonet

Carolyn DiFrancesco was present for the discussion. She explained that the property has an existing seawall/retaining wall that is braced on the bay side, and they would like now to install several dead-men in the yard to brace the wall from the upland side. Mr. Desmarais asked if any work would be taking place on the bay side of the wall, and Mrs. DiFrancesco stated there was no intent to work on that side, only in the yard.

A motion was made by Mrs. Ternullo, seconded by Mrs. Robidoux, to issue a negative determination #3, with the conditions that siltation control be available onsite in case it is needed. The motion carried unanimously.

Request for Determination of Applicability – 10 Mill Street, Assonet

Jonathan Pink, engineer, and George Wyatt, homeowner, were present to discuss a septic system repair for this property. Mr. Pink estimated it would take approximately two to three days to complete the removal of

the old cesspool and installation of the new system. Mr. Desmarais asked the type of system being installed, and Mr. Pink replied it would be a Presby system.

A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to issue a negative determination #3, with the conditions that spoils be kept upland of the siltation control if remaining on site. The motion carried unanimously.

Continued Notice of Intent – Clermont Way, East Freetown

Mr. Desmarais called the continued public hearing back to order. Brian Wallace was present on behalf of the applicants. Mr. Wallace noted that the detention basin had been moved west and away from the cranberry bogs on Frank Ashley's property. He also noted that the original proposal of two eighteen-inch culverts had been altered to three fifteen-inch culverts to better handle the flow of water. They also added additional siltation control and plantings.

Mrs. Robidoux asked about the planting schedule, April to Halloween. Mr. Wallace stated that was a goal for 2018, and would be checked yearly for three years.

Mr. Desmarais reviewed the latest letter from Environmental Partners. One question raised was why the filing fee did not account for single-family homes. Mr. Wallace stated that the homes themselves as well as the septic systems were intended to be outside the buffer zones, but that the lots would file individual notices of intent if necessary.

Mr. Desmarais asked if Environmental Partners had reviewed the latest drafts of the plans. Mr. Wallace stated they had not.

Mr. Desmarais asked about the pitch of the gravel access road to the detention pond. Mr. Wallace discussed the arrangement of the access road. Mr. Desmarais asked Mr. Wallace to ensure that the access road was pitched so as not to become a conduit for water itself.

Mr. Desmarais asked about the EPA permits necessary for this project. Mr. Wallace stated they were just starting to apply for those permits, and it would likely take several months.

Mr. Desmarais noted that all controls should be in place during construction, including the ability of the detention pond to handle water.

Frank Ashley, III, owner of the adjacent cranberry bogs with his father, Frank Ashley, Jr., spoke to their concern that the detention pond is still too close to the cranberry bogs. Frank Ashley, III, noted that their berries are considered fresh picked fruit, and that any spillage or seepage from the Clermont property to their property could result in the ability of the Ashleys to market their crop. Mr. Ashley specifically pointed to petroleum products, and how a hint of petroleum in the bogs could render their crops unmarketable.

Mr. Desmarais asked what is a safe distance for the detention pond to be from the bog, and Mr. Ashley stated that distance was irrelevant; it was the materials infiltrating the groundwater and the bogs, regardless of distance. Mr. Ashley pointed to the standards of the federal GAP (Good Agricultural Practices) Program as their benchmarks.

Mr. Wallace stated the basin had been moved westerly (further from the Marcus Ashley property and closer to Middleboro Road) to accommodate concerns over the cranberry bogs. Frank Ashley, III, stated that the topography of the Clermont, Ambrose, and Ashley properties would always funnel water onto the Ashley property. He stated that his family has reconfigured culverts, pipes, and watercourses over time to handle

increased water, particularly after the development of Pinewood Court, but that he did not feel they could handle the amount of water this project would push onto their property.

Mr. Desmarais asked what the detention pond is designed to handle. Mr. Wallace stated it is designed to handle a 100-year storm plus one foot of water, as the Planning Board requires the extra foot above the 100-year storm. Mr. Ashley reiterated that they cannot handle the water they already get on his property, and that any more water from the Clermont property could cause injury to his livelihood.

Mr. Desmarais asked Mr. Wallace to ensure the applicants are accommodating the cranberry bogs as much as possible. He asked that Environmental Partners be made aware of the Ashleys' concerns and review the plans with that in mind.

A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to continue the hearing to November 6th at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Any Other Business Properly Before the Commission

Tom Gregoire and Sunny Torres, treasurer and president (respectively) of the Assonet Bay Shores Association, approached the board to discuss donating the marshlands, tide meadows, and other properties owned by the Association to the Conservation Commission, excluding the beach property on Cliff Drive. Brief discussion was held on the subject, and it was noted that although a vote could not be taken since this was not an agenda item, consensus was that the Conservation Commission would agree at a future meeting to accept the donation.

Request for Certificate of Compliance – 103 Narrows Road, Assonet

Mr. Desmarais noted this was an old filing for a dock, and that the dock had been in place for many years with no issues. A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to issue a complete Certificate of Compliance. The motion carried unanimously.

Request for Certificate of Compliance – 3 Cameron's Way, East Freetown

Mr. Desmarais noted this was for the 2016 project that never commenced. A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to issue a Certificate of Compliance denoting an invalid Order of Conditions. The motion carried unanimously.

Request for Certificate of Compliance – 58 Middleboro Road, East Freetown

Mr. Desmarais noted that he and Mr. Sullivan had both felt the work here was completed substantially in compliance with the Order of Conditions. A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to issue a complete Certificate of Compliance. The motion carried unanimously.

Request for Certificate of Compliance – 3 Cameron's Way, East Freetown

Mr. Desmarais noted this was for the 2017 project and that there had been no inspection as of yet. No further action was taken.

Parcel of Land at Horse Pound Swamp

This is another parcel the Treasurer intends to accept through deed in lieu of foreclosure. It is an unbuildable quarter-acre bounded by the Audubon Society at Horse Pound Swamp. Consensus was to accept this land at a future town meeting.

Bills

Bills paid since the previous meeting were recounted.

Minutes of Previous Meeting

The minutes of September 18th and October 2nd, 2017 were reviewed. A motion was made by Mrs. Ternullo, seconded by Mrs. Robidoux, to approve the minutes as received. The motion carried unanimously.

Meeting Adjourned

A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to adjourn at 8:39 p.m. The motion carried unanimously.

This is a True Record by me.

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