

Freetown Conservation Commission
Minutes of the Monday, September 14, 2020 Meeting
Held Remotely via Zoom.us

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FREETOWN TOWN CLERK
2020 OCT 15 AM 9:49

Present: Keven Desmarais was present at the Town Hall. Keith Mello and Charlie Sullivan participated remotely via Zoom.

Absent: Chris Mather and Maria Ternullo.

Call to Order: Keven Desmarais called the meeting to order at 4:15 p.m.



Note: As this meeting was conducted remotely, all votes taken were by roll call.

Continued Hearings, to be Continued

On motions made by Mr. Sullivan, seconded by Mr. Mello, the following hearings were continued to the following dates, all at 5:00 p.m., hearings to be held remotely via Zoom:

- a. Continued Notice of Intent, 3 Locust Street, Assonet to October 19, 2020
- b. Continued Notice of Intent, 39 Sammy's Lane, Assonet..... to October 19, 2020
- c. Notice of Intent, 9 Cliff Drive, Assonet to September 28, 2020
- d. Notice of Intent, 41 Water Street ("Cudworth Wharf"), Assonet to September 28, 2020
- e. Continued Notice of Intent, 3 Quarry Drive, Assonet..... to September 28, 2020
- f. Continued Notice of Intent, 0 Chace Road, East Freetown to September 28, 2020
- g. Continued Abbreviated Notice of Resource Area Delineation,
67 Chace Road & 0 Rear Chipaway Road & 0 Rear Chipaway Road .. to September 28, 2020
- h. Abbreviated Notice of Resource Area Delineation,
112 Braley Road to September 28, 2020

At this time, Mr. Desmarais advised anyone listening along that all plans, files, etc., to be reviewed would be available on the Town's website during the meeting. He then reviewed the public hearing process.

Continued Notice of Intent – 19 Burns Lane, East Freetown

Nyles Zager was present from Zenith Consulting Engineers. The applicant seeks to construct a single-family dwelling with associated site work. Mr. Zager described the property as previously-disturbed, having on it ancient foundations, an old gravel driveway, and other evidence of use, and presently more or less an open field with graded areas. The site prep will raise the grade slightly in at least some areas. Perc tests have been successful, and the system is designed for a three-bedroom dwelling. Mr. Zager stated there is bordering vegetated wetlands around a stream and at the rear of the property. The majority of the house and septic system will be outside the 100-foot buffer zone.

Mr. Desmarais addressed a concern raised earlier in the day by neighbor Marc St. Laurent, regarding the location where the existing gravel driveway crosses the stream. He asked Mr. Zager if there is a culvert in that location, and if not then what will ensure the flow will continue uninterrupted. Mr. Zager replied that there is no culvert and the stream currently overtops the driveway. He did not believe there ever was a culvert there, and stated the applicant intended to leave the crossing as-is. Mr. Desmarais expressed concern that if the crossing was not addressed properly now and water overtopping the driveway continued to be a problem, a future homeowner might try to raise up the driveway, causing back-up and/or flooding of the stream. Mr. Zager stated he could review the plan and look into addressing that concern, and could meet one

or more of the commissioners in the field if needed. Mr. Desmarais stated he did not want to cause the applicant unnecessary expense, but wanted to be proactive. General consensus was that a field meeting would be productive. Mr. Sullivan stated, "An ounce of prevention is better than a pound of cure."

Mr. Desmarais opened the discussion to the public; no-one addressed the commission.

A motion was made by Mr. Sullivan, seconded by Mr. Mello, to continue the public hearing to Monday, September 28, 2020, at 5:00 p.m. on Zoom. The motion carried unanimously.

Notice of Intent – 0/16/18 Water Street, Assonet ("Assonet Inn")

Mr. Zager was present for this hearing, also. He stated that this project, a three-lot residential subdivision, has already been approved by the Planning Board and thoroughly reviewed by Environmental Partners Group. He believed all of EPG's comments had been discussed and addressed during the Planning Board process. Mr. Zager stated that as this is a three-lot subdivision, this project requires only best engineering practices and not formal stormwater management; they essentially need to prove that none of the abutters will be more impacted than they are currently.

Mr. Zager continued by describing the old right-of-way between 20 and 24 Water Street as being within the 200-foot outer riparian zone, but added that no work is proposed in that area. He stated the soils onsite are very sandy and gravelly, and that an existing drainage hole – specifically, the low spot behind the barn and paddock on proposed lot 3 – was believed to have been dug originally to excavate gravel and to catch water flowing down Taunton Hill before it reached the barn and the Inn.

Mr. Zager continued by stating that only the drainage infrastructure and first 300-350 feet of the road would be within the flood zone, all home construction, etc., is proposed outside the flood zone. Erosion control and dewatering basins are proposed. There are no wetlands on the property, and no work is proposed within the Riverfront area.

Mr. Desmarais stated that Mr. Zager was correct, the project had successfully completed the Planning Board process and review by EPG. He felt everything met or exceeded state and local regulations. He further stated that if this project had been proposed even three years earlier, it would not be before the Conservation Commission at all as the D.E.P. only recently began treating the flood zones as a resource area. He asked that a condition of approval be that there be at least enough siltation control onsite to protect any spoils or materials in the event of a flooding situation, and also that construction debris picked up at the end of each day.

Mr. Desmarais opened the discussion to the public; no-one addressed the commission.

A motion was made by Mr. Sullivan, seconded by Mr. Mello, to close the public hearing. The motion carried unanimously. A motion was then made by Mr. Mello, seconded by Mr. Sullivan, to approve the plans as presented with the conditions that there be at least enough siltation control onsite to protect any spoils or materials in the event of a flooding situation, and also that construction debris picked up at the end of each day. The motion carried unanimously.

Continued Request for Determination of Applicability – 76 Quanapoag Road, East Freetown

Dean Smith was present from Borrego Solar. He stated they would be staying outside the 100-foot buffer zones of all the wetlands areas, so they are remaining largely outside the Conservation Commission jurisdiction. A vegetated buffer will be left along Quanapoag Road, along the northern property line, and along neighboring residences. Mr. Smith added that Borrego worked with EPG to ensure meeting state guidelines for stormwater management, and that construction operations will be limited to times outside when

school buses will be running. He stated EPG had accepted all revisions and given the project a clean bill of health.

Mr. Desmarais asked if the Planning Board had approved the project, and Mr. Smith stated they had. Mr. Desmarais asked if Borrego wanted the Planning Board signoff first, and Mr. Smith stated that was correct. Mr. Desmarais asked if the isolated land subject to flooding (ILSF) at delineation Line A had been found to be nonjurisdictional and that compensatory storage was not required, and Mr. Smith answered affirmatively.

After consulting the options available, Mr. Desmarais believed the Conservation Commission should issue a negative determination #1. He asked the other members if they had any questions, and there were none.

A motion was made by Mr. Sullivan, seconded by Mr. Mello, to issue a negative determination #1. The motion carried unanimously.

Continued Notice of Intent – 45 & 63 Braley Road, East Freetown

Mr. Smith was present for this filing, also. He stated there are wetlands impacts on this site, as a crossing is needed to get from the road back to the solar site. Borrego has proposed a 3.6:1 replication ratio. They again worked with EPG, which resulted in adding some stormwater treatment facilities. They have agreed to reuse any excavated materials as part of their replication areas.

Mr. Desmarais cautioned that there should be significant plant life taking hold in the area before a Certificate of Compliance would be entertained. He again recommended excavating the area being filled and using that material to facilitate replication. He stated that the Conservation Commission can't require it, it seems to work well. Mr. Smith has no objections.

Mr. Desmarais opened the discussion to the public; no-one addressed the commission.

A motion was made by Mr. Sullivan, seconded by Mr. Mello, to close the public hearing. The motion carried unanimously. Mr. Desmarais stated that EPG has reviewed the proposal and everything seems to be in good order. In particular, the applicant is offering more replication than was required, which is always a good thing. He suggested that a condition of approval be that the peer review engineer should review, inspect, and sign off on the replication areas, with a positive finding required for a Certificate of Compliance. A motion was then made by Mr. Mello, seconded by Mr. Sullivan, to approve the plans as presented with the stated condition. The motion carried unanimously.

Continued Notice of Intent – 0 Will's Way, Assonet

Steve Gioiosa was present from SITEC, however, he was unable to unmute himself. This item was passed over temporarily.

Request for Determination of Applicability – 67 Cliff Drive, Assonet

Mr. Desmarais presented this project on behalf of Tom Copeland, who was unable to be present. Approval was given several years ago for this property, for the repair of a portion of a stonewall acting as a seawall. The current proposal is to use the same means and methods as the prior wall repair at this property, with all work to be done by hand and no machinery to be used. Mr. Copeland will take the wall down and rebuild it to strengthen it as it is bowing. This is not the same section of wall as before, but another section. Mr. Sullivan stated he remembered the last situation and had no questions.

A motion was made by Mr. Sullivan, seconded by Mr. Mello, to issue a negative determination #3. The motion carried unanimously.

Continued Notice of Intent – 0 Will's Way, Assonet

Mr. Gioiosa was now audible. He stated the main alteration proposed to this property, other than the access drive, is outside the buffer zones. Alterations to wetlands will be minimized and will abide by state standards. The project will require replication areas, which will be set as close to the actual crossings as can reasonably be accomplished. Mr. Gioiosa stated that approximately 160 plants will be brought in to help with replication, used in concert with recycled material from the site as much as possible. He added that EPG has reviewed and given approval to replication areas, stormwater management, and everything related to the Planning Board review. He concluded by stating the Planning Board has reviewed and approved the project, and that they have tried to maximize buffers and minimize alterations.

Mr. Desmarais asked if the replication area will be over 5,000 square feet, to which Mr. Gioiosa replied that was correct. Mr. Desmarais asked if the replication would be in multiple locations, and Mr. Gioiosa again answered affirmatively, adding that replication would come together with crossings, along with small areas elsewhere; overall, there would be three separate locations.

Mr. Desmarais opened the discussion to the public; no-one addressed the commission.

A motion was made by Mr. Sullivan, seconded by Mr. Mello, to close the public hearing. The motion carried unanimously. Mr. Desmarais suggested that as with the prior solar filing, a condition of approval be that the peer review engineer should review, inspect, and sign off on the replication areas, with a positive finding required for a Certificate of Compliance. A motion was then made by Mr. Mello, seconded by Mr. Sullivan, to approve the plans as presented with the stated condition. The motion carried unanimously.

New Business

- The clerk advised the members present on the Right of First Refusal process under Chapter 61, Chapter 61A, and Chapter 61B, and of the town's general reluctance to pursue purchasing property. Acushnet Saw Mills is requesting to remove 76 Quanapoag Road and portions of 45 and 63 Braley Road from the Chapter 61 Forestry program in order to construct the solar farms approved earlier in the meeting. A motion was made by Mr. Sullivan, seconded by Mr. Mello, to pass on exercising the Right of First Refusal and not to pursue purchasing the properties. The motion carried unanimously.
- Mr. Desmarais discussed the funding for seasonal part-time help, which looked like it would be approved at the Special Town Meeting to be held October 3rd. These positions would be for property maintenance at areas such as Porter Pasture.
- Mr. Desmarais stated there had been several applicants for the clerical position, but none appeared to have relevant experience. One has municipal experience, but none has Conservation Commission experience. He felt the hours may need to be increased to attract a qualified candidate.

Any Other Business Properly Before the Commission

The clerk stated he would be applying for forest stewardship grants for several additional properties owned by the Conservation Commission. These are the same grants that enabled Phil Benjamin to prepare forest stewardship and songbird habitat plans for Porter Pasture and the Betsy Taber Wildlife Sanctuary before. The properties to be applied for this year are the land off East Howland Road behind the Chace Farms subdivision (144 acres); the lands off Christopher Drive acquired from Endriunas Bros. and off Proprietors Way acquired through Tax Title (136 acres); properties off High Plains acquired through Tax Title (one to be acquired in October) (116 acres); and the Pond Neck Woodlot off Bryant Street on the Berkley line, acquired by donations from the Winslow heirs in the 1970s (21 acres). A motion was made by Mr. Mello, seconded by Mr. Sullivan, to apply for the grants. The motion carried unanimously.

Bills & Minutes

Bills paid since the previous meeting were recounted. Minutes from September 3rd were reviewed. A motion was made by Mr. Sullivan, seconded by Mr. Mello, to approve the minutes as presented. The motion carried unanimously.

Meeting Adjourned

A motion was made by Mr. Mello, seconded by Mr. Sullivan, to adjourn. The motion carried unanimously and the meeting adjourned at 5:33 p.m.

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk