

**Freetown Conservation Commission**  
Minutes of the Monday, August 13, 2018 Meeting  
Town Hall – Assonet, Mass.

2018 SEP 11 AM 9:04

*J. Brown*  
Town Clerk

**Present:** Christopher Mather, Janine Robidoux, Charles Sullivan, and Maria Ternullo.

**Absent:** Keven Desmarais.

Prior to the start of the meeting, two abutters for the Betty Spring Road filing asked what that hearing would be about. When informed that it was a delineation and not a larger project, they asked if a copy of the plan would be available. Nyles Zager, engineer for the project, showed them a copy of the plan. The abutters stated that had answered their questions, and they exited.

**Call to order:** Charlie Sullivan called the meeting to order at 7:03 p.m.

**Continued Notice of Intent – 170 South Main Street (Riverfront Business Park), Assonet**

Mr. Sullivan called the continued public hearing back to order. It was noted that the applicant requested another continuance, to September 24th. A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to continue the hearing to September 24, 2018, at 7:00 p.m. at the Town Hall. The motion carried unanimously.

**Notice of Intent – 178 Slab Bridge Road, Assonet**

Mr. Sullivan called the public hearing to order. On consensus, the reading of the hearing notice was waved. Mr. Zager approached, along with property owner Charlton Hazell. Mr. Zager stated that Mr. Hazell is proposing to build an attached garage with breezeway onto the existing single-family dwelling. All work would be in a previously-disturbed, landscaped area. Mr. Zager stated the area around the house is outside of the Natural Heritage area. Mrs. Robidoux asked for clarification, and Mr. Zager stated that a previously-disturbed, landscaped area is generally viewed as having no habitat of concern since it is already disturbed; although Natural Heritage has not responded, Mr. Zager provided proof of notice and expressed his confidence that the project would be exempt.

Mr. Zager stated all work would be within the 100-foot buffer zone, with a small amount in the 25-foot buffer zone. He also stated there would be some brush clearing, but no tree removal is proposed. He concluded by stating the garage was planned to be built on a slab.

A motion was made by Mr. Mather, seconded by Mrs. Robidoux, to close the public hearing. The motion carried unanimously. A motion was made by Mr. Mather, seconded by Mrs. Robidoux, to approve the plans as submitted. The motion carried unanimously.

**Abbreviated Notice of Resource Area Delineation – 0 Betty Spring Rd. ("Quanapoag Lot"), E. Freetown**

Mr. Sullivan called the public hearing to order. On consensus, the reading of the hearing notice was waved. Mr. Zager approached, along with property owners Gregory and Jeffrey DeTerra. Mr. Zager described the property, explaining that it had formerly been a gravel pit and had since grown in. Mr. Zager stated the wetlands in flag series 1 and 2 were isolated lands subject to flooding, while the wetlands in flag series 3 are a bordering vegetated wetland (BVW). Mr. Zager stated his clients requested that they stop at the eastern side of the BVW as they currently have no plans to use the western part of the property. Mr. Zager described the area from the BVW line west as being BVW for "pretty much the entire rest of the property" with some small pockets of upland.

Mr. Mather asked when the flagging was done. Jeffrey DeTerra responded that the flagging was done around December. Mr. Zager stated the flags were located again in April during other work. Jeffrey DeTerra stated he had walked the property with Keven Desmarais to discuss the wetlands areas. Mrs. Robidoux asked who had done the flagging, and Mr. Zager responded Bob Gray from SABATIA in Pocasset.

A motion was made by Mrs. Ternullo, seconded by Mr. Mather, to close the public hearing. The motion carried unanimously. A motion was made by Mrs. Ternullo, seconded by Mr. Mather, to approve the plans as submitted. The motion carried unanimously.

At this time, Mr. Mather left the meeting.

### **Request for Guidance – 4 Cleveland Avenue, East Freetown**

Brandon Cardoza was present to discuss his plans for the property, which he acquired from John Parks and which is still under a valid Order of Conditions issued to Mr. Parks. Mr. Cardoza made three requests by letter:

1. To remove trees near the roadway and three dead trees within the 25-foot buffer zone. Mr. Cardoza felt the trees near the roadway posed a danger to the travelled way and to abutting properties, and that the dead trees in the buffer zone posed a danger to his property and any construction he might undertake. Mr. Cardoza planned to remove the pines and replace with oaks or other deciduous trees. Commissioners agreed on unanimous consensus to allow the trees to be removed.
2. To renovate the existing two-car garage and expand it toward the street. Mr. Cardoza would like to backfill the crawlspace under the garage, rebuild the existing garage on the existing foundation, and expand the garage structure toward the street. One corner of the garage is within the 25-foot buffer zone, but the disturbance in that buffer zone won't increase. Commissioners agreed on unanimous consensus to allow the garage work.
3. To remove buried tires found during work to date. The clerk reminded the commissioners that Mr. Parks had removed several hundred tires under a previous Order of Conditions. Mr. Cardoza located more tires while working on the property, and had been advised by Keven Desmarais to remove the tires he found sooner rather than later since they constituted pollution. Mr. Cardoza removed the tires using Mr. Desmarais' guidance in the methodologies of John Parks. Mr. Cardoza showed pictures of tires removed, along with a boat, the frontend of a 1968 Pontiac, and other garbage and debris found while removing the tires. As the work was completed, no action was necessary.

Mr. Cardoza also presented a plan of alterations he wished to make to the footprint of the house to be constructed. He stated Mr. Parks had been looking to downsize, while he has a younger and growing family. Commissioners reviewed the plan Mr. Cardoza had had drawn. Mr. Sullivan advised Mr. Cardoza that given past interest from neighbors as to the development of the property, Mr. Cardoza should file for an Amended Order of Conditions to protect himself from appeals. Mrs. Robidoux agreed. Mrs. Ternullo stated that the proposed work would be farther from the wetlands than Mr. Parks had proposed, and that the request for filing should not be viewed as a negative reaction.

### **Old Business**

The following items were addressed under Old Business:

- Tom Luiz was present to provide an update on his work at 13 Estelle Avenue. Mr. Luiz was given the dates of the September meetings and will pass those on to his engineer.

- The clerk provided a general update on the Conservation Restriction process. The proposed restriction would cover approximately 207 acres.
- The Certificate of Compliance for 22 Keene Road was signed.

### **New Business**

The following items were addressed under New Business:

- A letter will be sent to the Town Forest Committee asking what plans they may have for signs on the Conservation Commission properties. The Conservation Commission will look to place simple signs along the road designating properties as belonging to the Conservation Commission in locations that do not conflict with the plans of the Town Forest Committee.
- The clerk provided a general update on the Agricultural Commission, noting that between the two sponsoring boards (Conservation Commission and Planning Board) and the Board of Selectmen, something needed to be done to establish and populate the Agricultural Commission. A suggestion was made to send letters to those in town engaged in agriculture to inform them of the commission and generate interest. Mr. Sullivan suggested posting the vacancies on the town's website, also.
- The clerk reviewed properties that had been acquired by the Conservation Commission and the state for rezoning to Open Space & Recreation. The parcels are mostly zoned General Use now with some Residential. Consensus was to review the list with Mr. Desmarais and then send a letter to the Planning Board.

### **Bills & Minutes**

Bills paid since the previous meeting were recounted. The minutes of July 26, 2018 were reviewed. A motion was made by Mrs. Robidoux, seconded by Mr. Sullivan, to approve the minutes as received. The motion carried 2-0-1 with Mrs. Ternullo abstaining.

### **Other Business Properly Before the Commission**

None.

### **Meeting Adjourned**

A motion was made by Mrs. Ternullo, seconded by Mrs. Robidoux, to adjourn at 8:11 p.m. The motion carried unanimously.

This is a True Record by me.

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