

Freetown Conservation Commission
Minutes of the Tuesday, November 12, 2019 Meeting
Town Hall – Assonet, Mass.

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Present: Keven Desmarais, Charles Sullivan, and Maria Ternullo.

Absent: Christopher Mather and Janine Robidoux.

Call to order: Keven Desmarais called the meeting to order at 7:23 p.m. It was noted that Mark Rosofsky was videotaping the meeting.

Continued Notice of Intent – 0 Chace Road ("Gurney Farm"), East Freetown

A motion was made by Mr. Sullivan, seconded by Mrs. Ternullo, to continue the hearing at the applicant's request to Monday, November 25, 2019, at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Continued Request for Determination of Applicability – 224 & 234 Chace Road, East Freetown

Jamie Bissonnette was present from Zenith Consulting Engineers on behalf of the property owner, Jose Soares. Mr. Bissonnette described silt sock as the proposed method of erosion and sedimentation control around the resource areas. Mr. Desmarais noted the existing warehouse, and that an additional 5,000 square foot warehouse was proposed immediately to the west and ten feet distant from the existing warehouse. Mr. Bissonnette stated that was correct.

Mr. Desmarais asked about the access road that was recently cut in from Chace Road; Mr. Bissonnette responded that the access road would remain gravel for the foreseeable future, and that (as demonstrated by dashed lines on the plan) the lot lines between the two lots would be adjusted by Planning Board action at a future date to accommodate the access road. Mr. Desmarais stated it would be a condition that the owner would have to return to the Conservation Commission in the future if the access road is to be paved.

A motion was made by Mr. Sullivan, seconded by Mrs. Ternullo, to issue a negative determination #3, with the condition that the access road cannot be paved in the future unless the owner returns to the Conservation Commission for approval. The motion carried unanimously.

Continued Request for Determination of Applicability – 5 Koss Avenue, East Freetown

Mr. Bissonnette was present on behalf of the property owner, Patrick Moriarty. Mr. Desmarais stated he had visited the site and observed that the area in question appeared to be an old manmade cow or otherwise agricultural pond, and that he did not believe it to be a protected resource area. Mr. Bissonnette agreed, and stated the owner wished to fill it and eliminate the pond. Mr. Desmarais asked why it was not a wetland, and Mr. Bissonnette reviewed guidelines and a state checklist for determining whether a wet area qualified as a protected resource area; in this instance, among other reasons, the pond is not capable of receiving a quarter acre-foot of water. Mr. Desmarais asked if the pond was a vernal pool, and Mr. Bissonnette stated it was not mapped as such by Natural Heritage.

A motion was made by Mr. Sullivan, seconded by Mrs. Ternullo, to issue a negative determination #1, that the area is not an area subject to protection under the Wetlands Protection Act or within a buffer zone to such an area. The motion carried unanimously.

Continued Notice of Intent – 170 & 170-Rear So. Main St. (Guimond's Farm/Algonquin Gas), Assonet

Mr. Desmarais outlined the process/procedure for a public hearing to those who were gathered. It was noted formally at this time that Mr. Rosofsky was recording the meeting.

Atty. Tom Killoran introduced himself and Brandon Carr of DiPrete Engineering, who would speak on behalf of the project. Also noted as present were Ray Lavey and Richard Baccarri of Churchill & Banks and a Mr. O'Leary on behalf of Copart, the applicant for the project.

Mr. Carr introduced the project as an auto auction and storage facility. He noted the parking lots are proposed to be chip-sealed rather than paved.

Mr Carr stated the coastal floodplain elevation for this property is 15, and there is a 200-foot riverbank associated with the Taunton River. Portions of the drainage system will be within the floodplain area, but no impervious surfaces will be within the floodplain area. Drainage is designed to handle storms that may reach the 15-foot elevation for the coastal floodplain. Mr. Carr also stated there is allowed up to 10% disturbance in the riverfront area, and the proposal comes in at around 2%.

Mr. Carr described the stormwater treatment chain as beginning separately for the shipping and receiving area closer to South Main Street and for the storage area; the shipping/receiving area has oil and water separators due to the nature of the work being done in that area. After that initial difference, the treatment chain is the same for both areas, flowing to lined riprap swales, concrete shuts, sediment forebays, sand filters, infiltration ponds, and outlet weirs.

Mr. Carr stated that DiPrete has been working with the Conservation Commission's peer review engineers, Environmental Partners Group, to reconcile differences between DiPrete's plans and EPG's suggested changes. Mr. Desmarais noted the handbook for stormwater management, and asked if the standards in the handbook have been met. Scott Turner of EPG responded that the areas where cars will be stored, along with the forebays and sand infiltration areas, appear to meet the standards. EPG received information on the causeway and entrance road on November 11th and is still reviewing that new information. Mr. Desmarais asked if the bulk of the proposal for the parking/storage areas meet or exceed the stormwater management requirements, and Mr. Turner replied that they do.

Mr. Turner raised a question about stormwater management at the entrance road from South Main Street. Mr. Carr replied that the applicant is not required to upgrade the existing drainage system as there is no disturbance planned to impact it. While they do plan to widen the turning radius of the road, Mr. Carr stated that asphalt will be removed elsewhere, giving no net gain to impervious surfaces and allowing the existing system to handle the load. Mr. Desmarais asked that this information be added to the narrative if not already present. Mr. Desmarais asked to clarify if the existing drainage system would be tied into the new drainage system, and Mr. Carr stated it would not.

Mr. Desmarais asked if EPG would have enough time to review the new and revised comments prior to the meeting on November 25th, and Mr. Turner stated that they would. Mr. Desmarais asked if proposed siltation control was adequate, and Mr. Turner responded that it looked fine, but that EPG had requested additional information. Mr. Desmarais asked if there was anything jumping out to EPG as egregious, and Mr. Turner responded that there was not. Mr. Desmarais asked if there is an operations and maintenance plan, and Mr. Carr responded that there is. Mr. Desmarais asked if there were any big ticket items outstanding, and Mr. Turner responded only the pending review of the entrance and causeway areas.

Mr. Desmarais asked if the previously-proposed conservation restriction covering Peace Haven and the area along the Taunton River was still in play. Mr. Lavey stated that it is. Mr. Desmarais asked Mr. Carr to prepare an overlay showing the areas subject to the conservation restriction. Mr. Desmarais stated he believed the applicants had met with the local Indian tribes and come to agreements on areas not to be disturbed, including Peace Haven, and Mr. Lavey stated they had met with at least three tribes.

Mr. Desmarais asked if there were questions or comments from the commissioners, and there were none. Mr. Desmarais asked if there were questions or comments from the audience, and there were likewise none.

A motion was then made by Mr. Sullivan, seconded by Mrs. Ternullo, to continue the hearing to Monday, November 25, 2019, at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Requests for Certificates of Compliance

On a motion made by Mr. Sullivan, seconded by Mrs. Ternullo, it was voted unanimously to issue the following a complete Certificate of Compliance to the following projects:

- a. 1886 Single-Arch Bridge, Assonet
- b. Cliff Drive, drainage improvements
- c. Oaklawn Road, drainage improvements
- d. Tisdale's Dam, Assonet
- e. 170 South Main Street (now 136 South Main Street)
- f. 170 South Main Street (Mill River Pipeline)

Mr. Desmarais stated that no action should be taken on the application for Birch Road at this time. The applicant was the same applicant for items (d), (e), and (f) above, and had applied for all items outstanding in his name, but he is no longer connected with the Birch Road project and that project is incomplete.

Discussion then turned to 30 Washburn Road, the solar field project in the vicinity of King Philip's Cave. Mr. Desmarais stated he and the clerk had conducted a site walk on November 11th. While most of the work was completed, they discovered upon reaching the wetlands area approximately 25 tires that had not been removed as required under the Order of Conditions. When the applicant was notified by the clerk, they responded that the tires had been removed and the area had been inspected by a representative of the Conservation Commission. However, as shown in photographs taken during the inspection, at least one tire had a sapling tree growing through it, indicating it had been there for some time.



Mr. Desmarais noted that the remaining tires may have technically been in the layout of Route 140 and not on the applicant's property. Mr. Sullivan felt that even if that were the case, these tires could have been removed at the same time for little additional effort, with which Mr. Desmarais concurred. Mr. Desmarais stated that it would be the applicant's responsibility to demonstrate the highway layout compared with where the tires are located. A motion made by Mr. Sullivan, seconded by Mrs. Ternullo, to issue a partial Certificate of Compliance until the matter of the tires is resolved. The motion carried unanimously.

Continued Notices of Intent – 25 & 27 Hemlock Point, East Freetown

As Rick Charon was not present, a motion was made by Mr. Sullivan, seconded by Mrs. Ternullo, to continue these hearings until Monday, November 25, 2019, at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Bills & Minutes

Bills paid since the previous meeting were recounted. The minutes of October 9th were received. A motion was made by Mr. Sullivan, seconded by Mrs. Ternullo, to approve the minutes as received. The motion carried unanimously.

New Business

None.

Meeting Adjourned

A motion was made by Mr. Sullivan, seconded by Mrs. Ternullo, to adjourn at 8:22 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk