

Freetown Conservation Commission
Minutes of the Monday, March 3, 2021 Meeting
Held Remotely via Zoom.us

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2021 MAY 17 PM 3:41

Cheryl A. Fitts

Present: Keven Desmarais, 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 5:00 p.m.

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

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.

Request for Certificate of Compliance - 0 Bullock Road, East Freetown

Mr. Desmarais explained that the Commission was unable to perform a site inspection and this request will be continued to the next meeting.

Continued Notice of Intent – 40 Braley Road, East Freetown

Mr. Desmarais explained that this project was called to order on February 22, 2021 and then continued because of a posting issue with the agenda. There was no meeting held on February 22, 2021.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to waive the reading of the public hearing notice. The motion carries unanimously.

Nyles Zager, from Zenith Consulting Engineers presented this project. Mr. Zager explained that the existing house is to be raised and the construction of a new single-family home with a detached garage and a septic system. All work that is being done will be encapsulated with silt sock for erosion control measures and all areas will be loamed and seeded to ensure stabilization once work is completed. Mr. Desmarais asked if Mr. Zager could further explain the dewatering detail. Mr. Zager stated that the dewatering basin is to ensure that the excess water from digging the foundation has a place to dissipate. Mr. Desmarais asked if there was a way to pull the garage a little further away from the wetland and how we address the roof drainage on the garage. Mr. Zager stated that because of the height of the water table there is not enough room to move the garage unless they bring in fill. They are providing the down spout with overflow and can provide a pad to ensure that it will dissipate properly.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to close the public hearing. The motion carries unanimously.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to approve the plans as submitted with the condition that all downspouts and rain pads be installed to prevent any erosion down the line. The motion carries unanimously.

Continued Notice of Intent – 125 South Main Street, Assonet

Mr. Desmarais explained that this project was called to order on February 22, 2021 and then continued because of a posting issue with the agenda. There was no meeting held on February 22, 2021.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to waive the reading of the public hearing notice. The motion carries unanimously.

Nyles Zager, from Zenith Consulting Engineers, presented this proposed 2 36-unit apartment building project. Mr. Zager stated that the property is located in flood zone AE26 and flood zone X. Rattlesnake Brook bisects the parcel. Mr. Zager explained that there are six catch basins to catch all water and direct it through drainage piping into two detention basins and after a 100-year storm event it overtops and goes into the existing drainage work onto South Main Street. There are three first defense units that treat stormwater total suspended solids (TSS) and water quality. There several erosion control measures in the plan including silt sack, silt sock, dewatering basin, and a construction entrance pad. Mr. Zager stated that this project has been reviewed by Environmental Partners Group and approved by the Planning Board.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to close the public hearing.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to approve the plans as submitted.

Continued Notice of Intent – 12 Forge Road, Assonet

Chris King, from Atlantic Design Engineers, stated that they have clarified stormwater technical issues. Mr. Desmarais stated there were still outstanding items on the peer review. Mr. Desmarais asked if the open item relative to infiltration trenches was addressed. Mr. King clarified that they added a 2-inch layer of pea stone. Adam Kran, from Environmental Partners Group, was able to read over the peer review response, and stated he still had concerns about the Standard 3 infiltration requirement. Mr. Kran explained that the applicant has provided the calculation for this Standard 3 in the second round of documents and said they would get that from the detention basin. However, the detention basin is very close to groundwater so it is not clear that it would drain and there still some question on whether or not they would be in compliance with the regulations. Mr. Kran stated that there should be a minimum of 2 feet separation in the basin, which they currently do not have. Mr. King replied that it is worth noting that the groundwater in that area was observed to be 7 feet below the existing grade in the northern end, and roughly 2-3 feet at the southern end and that there is a chance that they will have that separation. Mr. King stated that similar to other projects, there have been conditions of approval for other projects making this issue subject to further inspection at the time of construction by EPG. They would require the contractor notify the Town that they are going to be at the point of the install where they would like to confirm the separation to groundwater provided. Mr. Desmarais asked if they were to condition this, what would happen if they were in the 2 feet? Mr. King stated that they would implement a solution more localized to the concrete pads themselves, that could include raising the whole area or making a stone bed with a shallower depth. Mr. Desmarais then asked Mr. Kran his opinion on this matter. Mr. Kran stated that they would likely have an option that could meet the standard however he would like to note a few things based on what was said. The test pits that have been conducted, there was one that showed the water was relatively deep however there was also another series of test pits where they were previously planning to put trenches but there was high groundwater, so they had to relocate the trenches accordingly. Mr. Kran doesn't disagree that it is doable, however there is a lot of typical information they don't yet have. Mr. Desmarais stated that typically with technical conditions like this the Commission asks that the applicant provide an official list of conditions for approval that the Commission can approve also. Mr. Desmarais asked Mr. King would be able to get more information on what was discussed for Mr. Kran to review and requested conditions of approval by the next meeting. Mr. King stated that they are able to provide that.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to continue the public hearing March 22, 2021. The motion carries unanimously.

Continued Notice of Intent – 41 Water Street, Assonet

John DeSousa, from Northcounty Group, was present. Mr. Desmarais apologized that the RDA for this property for an emergency repair of the stone wall, was not advertised. The amount of work granted on the RDA was exceeded and subsequent to that, an enforcement action was taken. The enforcement order requires a Notice of Intent and stopping work. Mr. DeSousa stated that the contractor that started the work, began working prior to having a meeting about how to conduct the work. The wall was supposed to be done in small

segments and on a smaller scale. Mr. DeSousa expressed he agrees with the Commission that the removal of trees with heavy machinery was in exceedance with the RDA. Mr. DeSousa said in order to stabilize the area, they should hand spread some hay to help stabilize the slope and plant rye grass because it will germinate during this season. Mr. Desmarais stated that there was nature debris and brush that may have fallen over into the drainage area near the neighbor's property that needs to be cleared out. Mr. Desmarais would like to see a plan of stabilization and a tree planting plan to make up for what was taken down. Mr. DeSousa stated they are already working a revegetation plan and looking to plant as least as many as the contractor removed. Mr. Desmarais stated that it would be prudent to have a separate filing than the Notice of Intent that is going through peer review because that could take a while. Mr. DeSousa said they could have a separate Notice of Intent with a stabilization plan by Tuesday. Mr. Desmarais stated he would like to see the Notice of Intent within two weeks, they need to stabilize in the meantime. Mr. Desmarais asked for clarification on the retaining wall that was proposed along the entire perimeter. Mr. DeSousa answered that they are no longer proposing to do a full depth reconstruction of the sea wall. Mr. Desmarais asked that if we don't already have it, if we could have an updated plan that shows what was removed from the proposed plan. Mr. DeSousa said that the boat ramp has also been removed from the plans as well. Adam Kran, from Environmental Partners Group, stated that they have not received funding to work on the project and therefore has not started their peer review. Mr. Desmarais asked that Mr. DeSousa get the funding and Notice of Intent over to the Commission as soon as possible otherwise the Commission will have to vote on the project as is. Attorney Mike O'Neil was present to represent Lori Riley and Jeff Medeiros who are direct abutters. Mr. O'Neil said that they do not object to the house, they object to the large barn and garage that does not comply with the Rivers Protection Act. Mr. O'Neil stated that in relation to the emergency RDA, they request that the work is stopped. The work was supposed to be the repair of wall and there were trees being removed. Mr. O'Neil asked the Commission to vacate the RDA.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to vacate the approval of the RDA request for the wall repair due to the fact that the Commission had to issue an enforcement order and the exceedance of the RDA, and that it wasn't required to be advertised. The motion carries unanimously.

Mr. Desmarais noted that we have received two letters from Attorney Mike O'Neil, and that they will be forward to Adam Kran since he will be working on the peer review. Mr. O'Neil stated that in a previous Environmental Partners Group peer review letter, they pointed out the need for a Chapter 91 and/or Army Corps of Engineer approval because of the work in the river. Mr. DeSousa replied that Chapter 91 and Army Corps Review is for work in the navigable waters, and they are not doing work in the waterbody itself. Mr. Desmarais stated that Environmental Partners Group will review this matter once they receive funding to do so, and that they will do this in the beginning in case the applicant needs to apply for the Chapter 91.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to continue the public hearing to March 22, 2021. The motion carries unanimously.

Continued Notice of Intent – 6 Quitticus Avenue, East Freetown

Mr. Desmarais explained that this project was called to order on February 22, 2021 and then continued because of a posting issue with the agenda. There was no meeting held on February 22, 2021.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to waive the reading of the public hearing notice. The motion carries unanimously.

Kory Medeiros, from SITEC, Inc. was present. Mr. Medeiros explained that there was an Order of Conditions that was issued recently, however that proposal was never built; this will take the place of the old filing. A portion of the work is taking place in the buffer zone of BWV and they are in the outer reach of the 200-foot riverfront area. The applicant has proposed to construct the retaining walls on the sides of the proposed dwelling as well as pump chambers that are now in the proposed septic system which allows them to minimize the impact and gives the most separation from the riverfront that they can. Mr. Desmarais stated he has read

the alternative analysis and agrees with Mr. Medeiros. Mr. Desmarais asked if they are raising the elevation for the construction of the home. Mr. Medeiros stated that yes, they are proposing a slight elevation.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to close the public hearing. The motion carries unanimously.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to approve the plans as submitted. The motion carries unanimously.

Continued Notice of Intent – 3, Locust Street, Assonet (Single-family home)

Kory Medeiros, from SITEC, Inc. was present. Mr. Medeiros stated that the outstanding issue was the riverfront analysis which has now been provided. The house is shifted as far away from the 200-foot riverfront buffer as it can be due to local health and building regulations. Placards on the trees stating that any work beyond the limit of work requires filing with the Commission has been added to the plans. The proposed tree line has been widened slightly. There is also a tightening up of the grading to allow the surface water coming down the driveway to cleanly dissipate. Mr. Desmarais asked that the placards be put on posts instead of a tree. Mr. Medeiros stated that they can do that.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to close the public hearing. The motion carries unanimously.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to approve the latest revision of the plans dated February 8, 2021, including the alternative analysis. The motion carries unanimously.

Continued Notice of Intent – 39 Sammy's Lane, Assonet

Kory Medeiros, from SITEC, Inc. was present. Mr. Medeiros stated that the illustration of the proposed tree line and the erosion control line has been more clearly noted. The drainage of the driveway has swales installed to help the water evenly dissipate. The no activity zone placards will be put on posts.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to close the public hearing. The motion carries unanimously.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to approve the latest revision of the plans with the condition that the placards be placed on trees instead of posts. The motion carries unanimously.

Request to Extend NOI Submittal Deadline - 218 Middleboro Road, East Freetown

Mr. Desmarais stated we received a complaint that there was work done within the buffer zone to the wetland and after an inspection, an enforcement order was issued. The applicant has reached out requesting a 30-day extension for the required submittal of a Notice of Intent. Mr. Desmarais stated that since they are already passed the original 30 days, they will grant a 15-day extension.

The property owner, Richard Miranda from Sixty Thousand Investments, was present. Mr. Miranda stated that no work has been going on at the property for eight months and that he received the letter late. Mr. Miranda stated that the gentlemen that did the work on the property has passed away and no work has been going on since then. Mr. Desmarais stated that the work has been done without a permit, and that we have only recently received a compliant within a couple of months. Mr. Miranda stated that they did not receive the letter for roughly 45 days. Mr. Desmarais asked that regardless of having an engineer or not, Mr. Miranda should fill out the Notice of Intent. The Commission was unaware of any issue of the paperwork getting to Mr. Miranda, assuming there was a tardiness issue, the Commission needs to see that Mr. Miranda is working towards the submittal of the Notice of Intent. Mr. Desmarais stated that by the time of the next meeting on March 22nd, that we should have a Notice of Intent application provided to our office understanding that there

may be some outstanding items that we will require during the public hearing process, but to exhibit a good faith effort of the applicant's part, an extension will be granted to the 22nd.

A motion was made by Charlie Sullivan, seconded by Keith Mello, to grant an extension up until March 22nd. The motion carries unanimously.

New Business

Minutes

A motion was made by Charlie Sullivan, seconded by Keith Mello, to approve the February 8, 2021 and February 22, 2021 meeting minutes as submitted. The motion carries unanimously.

Meeting Adjourned

A motion was made by Charlie Sullivan, seconded by Keith Mello, to adjourn. The motion carried unanimously, and the meeting adjourned at 6:58 p.m.

This is a True Record by me.

Attest: 
Victoria D'Antoni, Senior Clerk