

Freetown Conservation Commission
Minutes of the Monday, November 26, 2018 Meeting
Town Hall – Assonet, Mass.

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Present: Keven Desmarais, Janine Robidoux, and Charles Sullivan.

Absent: Christopher Mather and Maria Ternullo.

Call to order: Keven Desmarais called the meeting to order at 7:05 p.m.

Continued Notice of Intent – 13 Estelle Avenue, East Freetown

Dave Fredette was present, along with property owner Tom Luiz. Mr. Fredette reviewed changes made to the plans since the last meeting, stating that Mr. Luiz has decided to use large, natural boulders for the retaining wall rather than interlocking blocks; that wording on the plan was updated to reflect that the docks and boat ramp are existing and not proposed; and that the new plan shows hay bales for siltation control. Mr. Fredette also noted the area considered "priority habitat" comes right up to the beachline.

Mr. Luiz inquired about when he could work on the existing dwelling itself, both carpentry work on the structure and filling in the cellar. Mr. Desmarais advised that Mr. Fredette check with the Natural Heritage program to be certain, but that he did not see any reason they could not do that work now. Note was also made that Natural Heritage had requested additional information from Mr. Fredette to complete their review.

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to continue the hearing to Monday, January 14, 2019, at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Request for Certificate of Compliance – Narrows Road (Bleachery Dam), Assonet

Mike Labossiere was present from the Fall River Water Department. Mr. Sullivan noted that he and the clerk had walked the site on Sunday and found the project to be completed. A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to issue a Complete Certificate. The motion carried unanimously. Mr. Labossiere presented the Commission with a copy of a letter dated May 25, 1970, where the Freetown Conservation Commission advised Fall River that the dam was in a hazardous state and the bleachery property was in "deplorable condition". All agreed that although government had moved slowly, the results were commendable.

Continued Notice of Intent – 170 South Main Street, Assonet

Mr. Desmarais noted the applicant requested another continuance. A motion was made by Mrs. Robidoux, seconded by Mr. Sullivan, to continue the hearing to December 17, 2018, at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Request for Determination of Applicability – 0 South Main Street (Greany's Pit), Assonet

Steve Wiehe of Weston & Sampson was present on behalf of Borrego Solar Systems to discuss their proposal. The Conservation Commission previously permitted the installation of solar panels on top of the eastern half of the capped fly ash landfill, closest to the expressway. The proponent of that project withdrew, and as the new proponent Borrego wishes to add six acres of panels on the western half of the landfill nearer to Payne's Cove and south of King's Point. Mr. Desmarais asked if there was any additional impact proposed in areas governed by the Wetlands Protection Act, and Mr. Wiehe stated there would not be any. Mr. Desmarais asked if the area would be loamed and seeded, and Mr. Wiehe stated only as necessary.

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

Notice of Intent – Cliff Drive, Assonet

Notice of Intent – Oaklawn Road, Assonet

Jim Noyes of GPI and Laura Krause of Nover-Armstrong were present to discuss these two projects on behalf of the Freetown Highway Department. In both locations, drainage will be installed to alleviate water problems on the roads.

In the case of Oaklawn Road, Mr. Noyes described that the road had drained naturally to a low spot over time which, coupled with a stonewall on Larry Tate's property line has created a wet area. He noted that new basins will be installed on the southerly section of the road that will drain approximately one-quarter of the water back to existing drainage systems on Highland Ridge Road. The remaining northerly areas will be better-routed to continue draining to the low, wet area. Ms. Krause described the wet area as an emergent aquatic wetland, formed by a nearby stream and a history of roadway drainage.

Mr. Desmarais asked if any consideration had been given to breaching the stonewall and allowing the water to flow. Mr. Noyes stated the wall defines the property line and most likely belonged to Mr. Tate rather than the Town. Mr. Desmarais asked what would be done with the existing wet area, and Mr. Noyes stated the existing material would be removed and stockpiled, followed by four-to-five inches of excavation, and then replacement of the original material. Mr. Desmarais asked when the work would be completed, and Mr. Noyes replied as soon as possible.

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to close the hearing for Oaklawn Road. The motion carried unanimously. A motion was made by Mrs. Robidoux, seconded by Mr. Sullivan, to approve the plans as submitted. The motion carried unanimously.

With Cliff Drive, Mr. Noyes noted the new pipes in the road would have ideally run straight, but were meandered to avoid interfering with the municipal waterline. He noted that Cliff Drive pitches steeply toward the water, as does an existing clay pipe running through the property at 55 Cliff Drive. The clay pipe is in good condition and will be incorporated into the improved drainage rather than be replaced, avoiding damage to the yard.

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to close the hearing for Oaklawn Road. The motion carried unanimously. A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to approve the plans as submitted. The motion carried unanimously.

Request for Determination of Applicability – 9 Cameron's Way, East Freetown

Tim Santos was present, along with property owner Luis Coelho. Mr. Santos described that Mr. Coelho would like to build a four-bedroom house, that there is bordering vegetated wetlands to the west side of the property, and that the driveway will be between the 50- and 100-foot buffer zones.

Mr. Desmarais asked if the driveway would be asphalted, and Mr. Coelho stated it would be. Mr. Desmarais asked where the lowest point is on the driveway, and Mr. Santos described it as being about where the number 102.1 is printed on the plan. Mr. Desmarais asked about the flow of water, and Mr. Santos stated it would sheet off the driveway. Mr. Desmarais asked if the lot would be clear-cut within the area surrounded by hay bales, and Mr. Coelho stated it would be.

Mr. Sullivan stated he had walked part of the property, and that he believed the driveway should be pitched to the east to prevent the flow of water from affecting the wetlands. Mr. Santos stated that would not be a problem.

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to issue a negative determination #3, with the condition that the driveway pitch to the east to mitigate runoff toward the wetlands. The motion carried unanimously.

Request for Determination of Applicability – 69 County Road, East Freetown

Nyles Zager was present to discuss the project, which was to replace the septic system. Mr. Zager stated the septic is near the barn so as to be sufficiently distant from the well per Title V requirements. The septic will be a raised system with no need for a pump. Silt socks would be placed from the barn to the property line and then along the property line, as shown on the plans.

Mr. Sullivan noted he had walked the property, and that there was a fair amount of debris in standing water, notably tires and what looked like an old tractor. Brief discussion was held on whether the standing water was part of Bolton Cedar Swamp. Mr. Desmarais noted that the debris should be removed before or during work. All acknowledged that it was likely this debris was from a previous owner and not the current owner.

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to issue a negative determination #3, with the condition that the debris in the wet areas is to be removed by the completion of the project. The motion carried unanimously.

Request for Determination of Applicability – 2 Mark's Lane, East Freetown

Mr. Zager was also present for this application. The homeowner is seeking to add an in-law apartment to the existing home, and must increase the septic system to handle an additional bedroom. All work will be further away from the wetlands than the existing system, but still within 100 feet. Mr. Desmarais requested that the silt fence be extended to the driveway, and Mr. Zager stated that would not be a problem.

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

Request for Certificate of Compliance – 15 Chace Road, East Freetown

Mr. Sullivan noted that he and the clerk had walked the site on Sunday and found the project to be completed. A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to issue a Complete Certificate. The motion carried unanimously.

Request for Certificate of Compliance – 1 Lark Lane, Assonet

Mr. Sullivan noted that he and the clerk had walked the site on Sunday and found the project to be completed. A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to issue a Complete Certificate. The motion carried unanimously.

Update on Enforcement Order – 41 Water Street (Cudworth's Wharf), Assonet

Mr. Desmarais reviewed the response from Town Counsel with regard to this property. He noted the owners and/or responsible parties have still not responded to correspondence from the Conservation Commission. A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux to have Town Counsel send a cease-and-desist letter and demand a response be made to the Conservation Commission, and also to forward copies of correspondence to the D.E.P. The motion carried unanimously.

Discussion on Trail Proposal – Mass. Department of Conservation & Recreation

It was noted that the D.C.R. is planning to construct trails off of Proprietors Way, on the lands they recently acquired from the Rezendes family. At least one of the trails would cross Conservation Commission property (the Paull & Pierce lots) and may cross another (the Newhall Woodlot). The D.C.R. is looking for feedback from the Conservation Commission on whether they would be allowed to cross the properties.

Several neighbors to the area appeared to address the Conservation Commission, specifically Gary Mendes, Jay Lech, and Rachel Lech. All expressed a variety of concerns with the proposal, including increased traffic to the site, inappropriate use of the land, failure of D.C.R. to adequately care for the Freetown State Forest, the condition of the Bradley house, illegal dumping, trespassing, crime, etc. All stated they did not want the D.C.R. to construct the trails. Mr. Mendes noted the condition of the Ledge, and felt that D.C.R. should take better care of what they already have open to the public rather than expanding the trail system.

Mr. Desmarais stated that this is a state project and that the state is not asking the Conservation Commission for permission to build the trails, only to cross the town-owned lots. He noted that if the permission were denied, the state would likely move the trails to be entirely on state property, and then the Commission's permission would not be needed.

Extensive discussion continued on the same concerns that were raised before.

By consensus, the Commission took no action, and will wait to see firm plans and/or a Notice of Intent filing before giving the matter any further consideration.

Request for Determination of Applicability – 5 Costa Drive, East Freetown

Mr. Desmarais briefly reviewed the proposal. It was noted that this project has been previously-approved with an Order of Conditions, but that the Order expired before the property owners were able to do anything. They are seeking to do the same work again.

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

Bills & Minutes

Bills paid since the previous meeting were recounted. The minutes of November 5, 2018 were received. A motion was made by Mr. Sullivan, seconded by Mr. Desmarais, to accept the minutes as presented. The motion carried 2-0-1, with Mrs. Robidoux abstaining.

Other Business Properly Before the Commission

None.

Meeting Adjourned

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to adjourn at 9:10 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk