

Freetown Conservation Commission
Minutes of the Monday, January 14, 2019 Meeting
Town Hall – Assonet, Mass.

RECEIVED
FREETOWN TOWN CLERK
2019 JAN 29 AM 10:18
J. A. Brown

Present: Christopher Mather, Charles Sullivan, and Maria Ternullo.

Absent: Keven Desmarais and Janine Robidoux.

Call to order: Charlie Sullivan called the meeting to order at 7:04 p.m.

Continued Notice of Intent – 13 Estelle Avenue, East Freetown

Dave Fredette was present for the discussion. The letter received from Natural Heritage regarding conditions for the site was reviewed, and it was noted that the letter required that those outlined conditions be included in any Order of Conditions that would be issued. Mr. Sullivan stated that Mr. Desmarais, while not able to be present, wanted to ensure the requirements for a muscle biologist were met before any work was done. Mr. Fredette indicated that he would be working on securing the services of a biologist before work commenced.

Discussion was held on work being done to the house. Mr. Sullivan clarified that trades work – electricians, plumbers, carpenters, etc. – limited to interior work only, could progress at any time. Mr. Fredette asked about filling inside the basement of the house, specifically over a layer of gravel to enable pouring a slab. Mr. Mather stated that work using machinery or equipment other than hand tools should not be undertaken since a portion of the house was within the 100-foot buffer zone.

Mr. Fredette asked if hay bales and silt fence would be adequate erosion control at the boat ramp. Mr. Sullivan responded that that should be adequate. Mr. Fredette envisioned a row across the ramp opening and a curved row from pier to pier. Mr. Fredette will update the plans to depict the 100-foot buffer line and the erosion control.

A motion was made by Mr. Mather, seconded by Mrs. Ternullo, to continue the hearing to Monday, January 28, 2019, at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Continued Notice of Intent – 170 South Main Street, Assonet

The clerk noted the applicant requested another continuance. A motion was made by Mrs. Ternullo, seconded by Mr. Mather, to continue the hearing to February 11, 2019, at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Continued Request for Certificate of Compliance – 78 & 80 Middleboro Road, East Freetown

Mr. Sullivan noted that he and Mr. Desmarais had inspected the property on January 13th, and there remains much outstanding work still. The clerk noted no new filings or information had come in. This item was tabled until the next meeting.

Request for Certificate of Compliance – 8 & 10 Billy's Island Road, East Freetown

Mr. Sullivan reported that at site inspections, the property owners were found to have not installed the post-and-rail fence (or any fence) as required in the Order of Conditions, and that a discarded couch and piles of brush were on the property. The clerk reviewed the letter from Steve Gioiosa of SITEC wherein the owners requested not to install a fence as the property was proposed for sale and the new owners may not like the specified style of fence. Consensus among members was that the fence should have been installed long enough ago to not be a factor in a real estate transaction now. A motion was made by Mrs. Ternullo, seconded by Mr. Mather, to take no action on this request until such time as the couch and brush piles are

removed and a fence is installed as required; once these conditions are met, the request will be taken up and dealt with expeditiously. The motion carried unanimously.

Request for Certificate of Compliance – 8 Huron Avenue, East Freetown

Mr. Sullivan noted that he and Mr. Desmarais had inspected the property on January 13th, and that outstanding issues from the last request had been taken care of. He recommended a complete Certificate of Compliance be issued. A motion was made by Mrs. Ternullo, seconded by Mr. Mather, to issue a complete certificate. The motion carried unanimously.

Continued Discussion, Proposed Conservation Restriction

Members were provided with copies of the first six pages of the restriction in their current draft form, to be reviewed. These pages will also be sent to one or more local Conservation Commissions for feedback.

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

Mr. Desmarais is working on Town Counsel and the Building Department on this.

Discuss Access to Icehouse Lot / MBTA Grade Crossing

The clerk distributed maps of the area. The Conservation Commission obtained the properties shown on Assessors Map 207 as lots 34 and 35 with the original intent of creating a parking area on lot 34 for recreational access to lot 35, lot 35 being the Icehouse Lot. The railroad divides 34 and 35. The MBTA has expressed an unwillingness to allow a crossing at this location. The Conservation Commission has an ancient right to cross lot 33, an unrelated, privately-owned residential parcel, in the vicinity of an outbuilding, but is reluctant to have the public cross private property. The MBTA has also expressed a desire to eliminate this right to cross.

The clerk stated the MBTA proposed constructing a walking path and/or boardwalk from Forge Road in the area of the Forge Pond Dam, assuming they could work with an abutting property owner. The MBTA was unclear as to whether they would bear the expense of the construction or try to shift that cost to the Town. The clerk further stated that both he and Mr. Desmarais had expressed to the MBTA that the Town would likely not agree to incur substantial costs for an access path. Mr. Desmarais had suggested that if access were lost, the Icehouse Lot may be inaccessible and become more of a "wildlife sanctuary".

Discussion ensued. All members present viewed any move by the MBTA to eliminate access as a form of taking, and were not receptive to the existing access being eliminated without alternative access.

Mr. Sullivan asked about the property on lot 38. The clerk responded that was the Richmond Heritage Trust, and that the lot and Doctor's Island were both under a conservation restriction with the Wildland Trust of Southeastern Mass. Mr. Sullivan asked how they access their property, and the clerk responded through an easement and grade crossing at 55 Richmond Road. Mr. Sullivan asked what was proposed for that grade crossing, and the clerk responded that the MBTA expressed a desire to eliminate that crossing, also.

Members were unsettled that the MBTA might effectively cut off 26+ acres from public access. Mr. Mather expressed his love of the views of Forge Pond and the river from these locations. Mrs. Ternullo asked if anyone makes use of the property now; the clerk stated he has personally visited the Icehouse Lot, but was unsure about the frequency of use by others.

It was agreed on consensus to approach the Wildlands Trust and see how they are responding to the MBTA before proceeding.

Updates on Old Business

Mr. Sullivan reported visiting Cove Lane with Mr. Desmarais to look over the area. They felt there was sufficient room to park two to three cars and allow for a fire engine to still turn around if needed. Mr. Desmarais had a concept for a mobile dock/ramp that could be placed in the area. Further discussion would continue at the next meeting.

Bills & Minutes

Bills paid since the previous meeting were recounted. The minutes of December 17, 2018 were received. A motion was made by Mrs. Ternullo, seconded by Mr. Mather, to accept the minutes as presented. The motion carried unanimously.

Other Business Properly Before the Commission

None.

Meeting Adjourned

A motion was made by Mrs. Ternullo, seconded by Mr. Mather, to adjourn at 7:58 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk