

2023 JUL 11 AM 9:08

**Town of Freetown
Conservation Commission**

Minutes of the Monday, June 12, 2023 Meeting
Held hybrid, at the Multi- purpose Senior Center, 227 Chace Road, and over Zoom

Present in Person: Keven Desmarais and Charles Sullivan. **Present over Zoom:** Margaret French.

Absent: Keith Mello and Chris Mather.

Call to Order: Keven Desmarais called the meeting to order at 6:03p.m.

Note: As this meeting was conducted as a hybrid and a member participated remotely, all votes taken were by roll call.

Continued Notice of Intent – 30 Island Road Extension

Mr. Desmarais called the public meeting back to order. Victoria Alfaro, the Planning & Land Use Administrator, was contacted by the representative to request a continuance to the July 10th meeting.

A motion was made by Charles Sullivan, seconded by Margaret French, to continue the public hearing until July 10, 2023, at 6:00pm, hybrid at the COA and over Zoom. The motion carried unanimously.

Request for Determination of Applicability – Quanapoag Road

Charles Macomber, of the Highway Department, and representative James Noyes from Greenman-Pedersen, Inc., were present. Sam Campbell, from Greenman-Pedersen, Inc., was on Zoom. Mr. Noyes stated the slope is sliding into the cranberry bog and starting to take a part of the road with it. It's about 700 linear feet. It's mostly to reshape it, right now it's country drainage and will remain country drainage on the easterly side. The bog side will have the tall slope paving (MassDOT's terminology, it's the use of stones about 2-3 cubic feet in diameter), relocating the ditch, and pushing it out a little on the bog side. Mr. Desmarais noted that the bog is owned by the refuse district, and the owners are appreciative of the Town's effort to do this. The cross section on the north side, the pavement reclamation is still banked on the inside as water flows down in there, it will continue that flow. Getting into the slope's stability, the slope paving on that side with the new ditch. The bottom of the ditch will be 3 feet wide and once filled up, will be 6 feet wide and will be spilled over in the cranberry bog. The street side will flow off the side of the road, a guardrail will be put in, and the flow off the road will go into the stones. Any sand or sediment will get trapped within the stones and won't make it to the bottom of the ditch. Mr. Campbell discussed the site photos. The ditch has become shallow over the years, sedimentation was accumulating, and the beginnings of some vegetation was establishing. Mr. Noyes said the operator stated the area should be dry but because of the sedimentation, it's damming up storm water longer than usual. The operator said it's not draining; it's dry most of the spring and summer months until they flood the bogs. Mr. Campbell's next photo showed the guard posts with significant erosion down the slope and adjacent to the edge of the roadway. Another view of the channel shows it's been filled in pretty significantly and you can see some of the issues on the slope as well. The next photo showed where white flags were placed to note where the back of the reconstituted ditch will end up. Mr. Noyes said that's where they'll cut the bog. The new ditch will be to the left of the line (shown in the picture). Mr. Campbell had the wetlands delineated by ECR Consultants in December of 2022. There's an intermittent stream west of the road but it will not be impacted. And the bordering vegetated wetlands, is already associated with the cranberry bog itself. The total area of alteration is 859sf. It's broken into 550sf from the ditch relocation and restoration, and 309sf from the proposed slope stabilization and restoration of the hydraulic connection from bog to intermittent stream. This will make it dry, as it should be, in the spring and summer. Measures are in place to ensure the wetlands are protected during construction. The work is considered normal maintenance of the land and will improve the conditions on site. Mr. Desmarais asked if the work needed to be done as soon as possible as they're losing the road. Mr. Macomber stated yes, as last winter's frost basically heaved that road toward the bog.

A motion was made by Charles Sullivan, seconded by Margaret French, to issue a negative determination. The motion carried unanimously.

Request for Determination of Applicability – 8 Highland Ridge Road

Nyles Zager, from Zenith Consulting Engineers, LLC, was present. Mr. Zager stated this is a 3-bedroom single family home with a failed septic system. The lot is small and the wetland is on the north side of the property A

portion does fall off the property in the rear, and it's forcing them within the buffer zone since the well is in the front of the property. It also forces them to put it in the back in order to meet the town requirements of not being within 100 feet of a well. The soil is decent and the water table is very high. The proposal is to remove some vegetation but put in some silt sock, clear the trees, remove the existing septic system, put in a new 1,500-gallon 2 compartment H-20 monolithic septic tank, 1,000-gallon monolithic pump chamber and presby system. The grade from the back of the house down to the wetland is fairly significant (5-6-foot elevation change). In order to build the system, they would need to build the area up to meet the ground water separation required by title 5. The septic system itself will be 50 feet from the wetland, and they will be staying outside the 25-foot buffer with all the work. Mr. Zager is providing a dewatering basin necessary during construction as it's a wet site on the south side of the septic system. Once the work is done and inspected by Mr. Zager and the Board of Health, the worked area will be filled, loamed, seeded, and stabilized. Mr. Desmarais asked if there's a liner. Mr. Zager stated yes, the liner helps to pull that grade further in, so it's a huge benefit.

A motion was made by Charles Sullivan, seconded by Margaret French, to issue a negative determination #3. The motion carried unanimously.

Notice of Intent – 11 North Hillside Street

Richard Rheume, from Prime Engineering, Inc was present. Mr. Rheume prepared the plans for the proposed addition. Mr. Rheume noted there's an existing garage in the place where the addition would be going. The garage will be demolished. They're adding a family room against the existing dwelling, a two-car garage, with a driveway in the front. On the top of the plan is the edge of a salt marsh. Near the lawn with the above ground pool with deck, Mr. Rheume is proposing silt fencing to go around the construction. He's also proposing a driveway. There's a flood plain but the addition would be built a foot above it. They will be providing storage (with a 7-foot clearance) underneath which is a non-habitable place. They're not getting anywhere near the salt marsh. They're in the flood plain but because it's ocean flood plain, they don't have to worry about compensatory storage. Mr. Desmarais asked if they'd have the grading blend right into the existing grade. Mr. Rheume said yes, there's an existing tree that would need to come out but they'd like to preserve the trees on the edge. Mr. Desmarais was thinking about spoils, how much material will be brought out, where it would be kept. Mr. Rheume stated 3 feet of material will be placed immediately on the side of it. Mr. Desmarais stated if it can become a neutral site, it's best for everyone.

A motion was made by Charles Sullivan, seconded by Margaret French, to approve the plan as submitted with the condition of siltation control to be provided for all spoils, piles, and materials to be delivered to the site and held on the site for more than 24 hours. The motion carried unanimously.

Discussion to take Action Relative to Ratifying Enforcement Orders

- a. 14 Washburn Road, Map 227 Lot 60**
- b. 112 South Main St**

Mr. Desmarais confirmed the enforcement orders were sent out over a month ago stating they needed to contact the Commission within 30 days. Neither property made contact. A second enforcement order, which noted the previous enforcement order, was sent. The Commission was contacted by an engineering firm, and plans have been dropped off for the 14 Washburn Road address. Mr. Desmarais noted they're being responsive to the order and believes they'll be compliant. Mr. Desmarais said they haven't heard from 112 South Main Street. Ms. French asked if they're still cutting. Mr. Desmarais said no, all activity on the property has ceased. The owner verbally said all he wants to do is clean up the property before he sells it. Mr. Desmarais would like to move forward with the recording. Mr. Desmarais, Ms. Alfaro, and Mr. Sullivan spoke to Town Counsel on Zoom. Counsel said it has to be well thought out, and done at a measured pace. A letter, that outlines the Commissions position, will be sent from town council. The letter will also outline what position they believe the applicant is in, what their responsibilities are, and if they're unresponsive going forward, the potential liabilities they'll face. Counsel has done this before and have been successful verses sending out daily fines. They want to give the owner every opportunity to come into compliance. If they don't comply, the Commission can either start daily fines or take them to court. This would all be explained in the letter from Town Counsel. Once the letter is completed, a

copy will be sent to the Commission so if there's a mistake or anything glaring, a member can email or call Ms. Alfaro directly and she'll reach out to Counsel.

A motion was made by Charles Sullivan, seconded by Margaret French, to send a letter from Counsel, based on Counsel's own advice, to help with 112 South Main Street. The motion carried unanimously.

Reappoint Mark Rocca to Gatekeeper effective 07/01/2023-06/30/2024

Mr. Desmarais asked about the salary of the position. Ms. Alfaro stated the Selectmen are having a meeting tonight and would be voting on this.

A motion was made by Charles Sullivan, seconded by Margaret French, to reappoint Mr. Rocca to gatekeeper. The motion carried unanimously.

Minutes

A motion was made by Charles Sullivan, seconded by Margaret French, to accept the 05/08/2023 & 06/01/2023 meeting minutes as submitted. The motion carried unanimously.

Meeting Adjourned

A motion was made by Charlie Sullivan, seconded by Margaret French, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 6:42 p.m.

This is a True Record by me.

Attest: _____
Deanna Hayes, Senior Clerk