

Freetown Conservation Commission
Minutes of the Monday, December 7, 2015 Meeting
Town Hall – Assonet, Mass.

Present: Keven Desmarais, Christopher Mather, Janine Robidoux, Charles Sullivan, and Maria Ternullo.

Call to order: Keven Desmarais called the meeting to order at 7:00 p.m.

Minutes of Previous Meeting

The minutes of November 16th were received. A motion was made by Mr. Sullivan, seconded by Mr. Mather, to accept the minutes as presented. The motion otherwise carried unanimously.

Notice of Intent – 72 Narrows Road, Assonet

A motion was made by Mrs. Robidoux, seconded by Mr. Sullivan, to waive the reading of the public hearing notice. The motion carried unanimously.

Jon Pink of AZOR Land Sciences was present to describe the project, which involves constructing a 28' x 28' detached garage, removing an existing concrete slab enclosure, and removing an existing concrete driveway and retaining wall. Overall, the pervious area will be greatly increased while the impervious area resulting will be comparably minimal. Mr. Desmarais noted that the spoils would need to be kept toward the front of the house to ensure no impact on the wetlands. A motion was made by Mr. Sullivan, seconded by Mr. Mather, to approve the plans with the stipulation relating to spoils. The motion carried unanimously.

Notice of Intent – 79 Cliff Drive, Assonet

A motion was made by Mrs. Robidoux, seconded by Mr. Sullivan, to waive the reading of the public hearing notice. The motion carried unanimously.

Kory Medeiros of SITEC was present to discuss the project, which involves building a two-story addition (equivalent to the basement and first-floor levels of the existing dwelling) with garage on the lower level. Most work will occur on the site of the existing paved driveway. The lower level of the addition will be a garage. Mr. Desmarais noted that the silt fencing proposed would be adequate in some locations, but not on the paved areas as depicted. A motion was made by Mr. Mather, seconded by Mr. Sullivan, to approve the plans with the condition that hay bales and/or straw wattle be used for siltation control on the hard surfaces. The motion carried unanimously.

Notice of Intent – 162 Chace Road, East Freetown

A motion was made by Mrs. Robidoux, seconded by Mr. Sullivan, to waive the reading of the public hearing notice. The motion carried unanimously.

Kory Medeiros of SITEC was present to discuss the project, which involves constructing a single-family dwelling on a former orchard lot. The access will be via a wetlands crossing in the location of a current pathway. Mr. Desmarais noted that it was clearly an old pathway, but was not well defined as a cart path or anything easily recognizable. Mr. Medeiros noted that the path current crosses a stream channeled with two ten-inch pipes, and these will be replaced by two twelve-inch pipes as depicted on the plan. Also noted was the proposed replication area to the northwest of the proposed construction area.

Mr. Desmarais suggested excavating the replication area first, then using the removed material from the existing wetland area to seed and create the replication area. Mrs. Robidoux requested that that suggestion be made a condition of the approval.

Neighbor Kayla Barrows asked for assurances that her well, septic system, and easement will not be adversely impacted by the project, and Mr. Medeiros responded that all well and septic placements were compliant with

state and local codes. Mr. Medeiros also noted that grading would be the closest impact, about fifteen feet from the current fence line.

Neighbor Gary Mendes asked if any wetlands near his property will be disturbed, and Mr. Medeiros said they would not. Mr. Mendes stated that Mr. Bourque used to keep cattle on the property and in the swamp, and asked for a stipulation that cattle could not be kept in proximity to his well. Mr. Medeiros responded that the current owner and expected buyer do not plan to keep cattle on the property at all. Mr. Sullivan asked about the small barn on the edge of the swamp. Mr. Desmarais stated the barn is at least partly in the wetland area and should be removed. Mr. Medeiros noted that the barn is decrepit and would be removed. Mr. Desmarais stated it would likely be a condition that the barn be removed by manual labor and that no heavy equipment be used.

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to approve the plans subject to the following conditions:

- Existing barn is to be removed, work to be done by manual labor with no heavy equipment.
- Existing wet soils on site are to be used to create the replication area.
- Current and all future property owners are to keep the pipe culverts in good repair at all times.
- Post-and-rail fence is to be installed from the point where the driveway opens up to the current clearing, extending along the replication area.

The motion carried unanimously.

Request for Determination of Applicability – 139 Dr. Braley Road, East Freetown

Mike Pimental of JC Engineering, Inc., was present to discuss the project. A new home is being constructed on Dr. Braley Road in Rochester, and the septic system will be installed on this lot in East Freetown. The property is outside of the flood zone because of the steep elevation changes between the project area and the wetlands. He noted that the Rochester Conservation Commission approved their portion the week prior.

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

Notice of Intent – 137 Dr. Braley Road, East Freetown

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to waive the reading of the public hearing notice. The motion carried unanimously.

Mr. Pimental represented this project, also, which calls for the construction of a new house on the lot beside the septic system lot. He stated they observed a twenty-five-foot “no touch” zone in preparing their plans. Mr. Desmarais was concerned about the steep inclines on the property and the potential for hay bales to fill and material to spill over. Mr. Pimental suggested putting silt fence along the hay bales.

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to approve the plans subject to the following conditions:

- Siltation control to consist of double-stacked hay bales with silt fencing.

The motion carried unanimously.

Notice of Intent – 10 Billy's Island Road, East Freetown

A motion was made by Mr. Mather, seconded by Mr. Sullivan, to waive the reading of the public hearing notice. The motion carried unanimously.

John Keegan was present to discuss the project, which was to remediate issues raised in a prior Enforcement Order. They are proposing to leave the site marked "Area 1" as it is, and to remove the soil pile from "Area 2". Mr. Desmarais requested inclusion of a post-and-rail fence from flag B-8 to flag B-14. It was noted that they are waiting to hear back from Natural Heritage, so the hearing could not be closed.

A motion was made by Mr. Mather, seconded by Mr. Sullivan, to continue the hearing to Monday, January 4, 2016, at 7:00 p.m. at the Town Hall. The motion carried unanimously.

General discussion followed on enforcement orders and how they are handled here versus in other towns. Some research will be conducted into levying small fines as an incentive for curing enforcement orders in a timely fashion.

Continued Public Hearing – Lamb's Village

Motion was made by Mr. Sullivan, seconded by Mr. Mather, to continue the hearing to Monday, January 4, 2016, at 7:00 p.m. at the Town Hall.

Notice of Right of First Refusal – 3 Quarry Drive, Assonet

A motion was made by Mrs. Ternullo, seconded by Mr. Sullivan, to express no interest in the property. The motion carried unanimously.

Notice of Right of First Refusal – 124 County Road, East Freetown

A motion was made by Mr. Mather, seconded by Mr. Sullivan, to express no interest in the property. The motion carried unanimously.

Bills

A motion was made by Mr. Sullivan, seconded by Mr. Mather, to pay bills as listed on the bill sheets. The motion carried unanimously.

Meeting Adjourned

A motion was made by Mrs. Ternullo, seconded by Mrs. Robidoux, to adjourn at 8:30 p.m. The motion carried unanimously.

This is a True Record by me.

Attest:

Michael T. McCue
Michael T. McCue, Senior Clerk

