

Freetown Conservation Commission
Minutes of the Monday, September 18, 2017 Meeting
Town Hall – Assonet, Mass.

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2017 OCT 17 PM 2:56
J. Brown

Present: Keven Desmarais, Janine Robidoux, and Maria Ternullo.
Absent: Christopher Mather and Charles Sullivan.
Call to order: Keven Desmarais called the meeting to order at 7:10 p.m.

Continued Notice of Intent – Hart Lot, Buddy’s Crossing, Wamsutta Way, etc., East Freetown

Mr. Desmarais called the continued public hearing back to order. It was noted that the applicant requested another continuance. A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to continue the hearing to October 2nd at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Notice of Intent – Clermont Way, East Freetown

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

Brian Wallace was present from J. C. Engineering for this project, which is to extend the existing dead-end Clermont Way east toward the property of Marcus Ashley to create new house lots on the Clermont property. Mr. Wallace gave a brief introductory presentation, highlighting proposed drainage basins, and then acknowledged that the project is still undergoing peer review for engineering. Mr. Wallace requested a continuance to allow the peer review to continue.

A motion was made by Mrs. Ternullo, seconded by Mrs. Robidoux, to continue the hearing to October 2nd at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Notice of Intent – 21 Point of Pines, East Freetown

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

Steve Gioiosa from SITEC Engineering was present to discuss this property. Mr. Gioiosa acknowledged that the property owner, David Rebeiro, had cleared a portion of the property near to Long Pond without filing for the proper paperwork. This Notice of Intent now comes before the Conservation Commission as the result of an Enforcement Order. Mr. Gioiosa stated trees and brush had been cleared from the site, and the owners would eventually look to put a small amount of topsoil and grass seed to help stabilize the property. He acknowledged that the “before” photos provided were taken in August, after the work had been carried out, because his firm was not involved until after Mr. Rebeiro received the Enforcement Order. Mr. Gioiosa also stated that the project had been referred to Natural Heritage, but that a response had not yet been received.

Mr. Desmarais acknowledged that Mr. Gioiosa was not involved in the project when the violations occurred, and Mr. Gioiosa acknowledged that he would receive the brunt of the commission’s displeasure since the property owners were not present. Continuing from there, Mr. Desmarais noted that the Enforcement Order was dated June 12th and among other things required the installation of silt fence to protect Long Pond; on a site inspection the morning of September 17th, the silt fence was found to be bundled up as it would have been on a store shelf, laying on the ground near the pond. Mr. Desmarais stated that he expected the silt fence to be up within 48 hours, preferably by the morning of September 19th, due to the impending tropical storm. Mr. Gioiosa stated the silt fence would be properly installed on the 19th or 20th, aiming for the 19th.

Mr. Desmarais also asked about the two pipes protruding from the ground on the site. In photographs from both the NOI submission provided by SITEC and taken by the clerk during site inspections, two side-by-side pipes were observed, both metal, one capped. Mr. Desmarais stated that they resembled a buried tank of some sort, either an oil tank or some sort of well site, "but could just as easily have been a couple of kids jamming pipes in the ground to throw rocks at them – who knows?" It was made clear there was no speculating as to what the pipes were, just what they resembled. Mr. Gioiosa stated he had not personally been to the site and was not aware of the pipes, but they would investigate what the pipes are connected to. Mr. Desmarais stated the pipes were clearly old, perhaps even from before the Rebeiros owned the property. Mr. Gioiosa stated if a tank was discovered, an "LSP" would be dispatched to the site to make sure any removal was done properly and surrounding soils were treated appropriately.



Mr. Desmarais stated that while it could not be determined who, brush and debris appears to have been dumped by several properties onto the Kelliher property on the opposite side of the Point of Pines road. He stated that while everyone is aware that responsibility for a violation follows the property owner, he did not feel it was right that the property owner should be responsible for removing debris that clearly came from neighboring properties. Mr. Gioiosa responded that they would remove any brush that appeared to have come from the Rebeiro property. Mr. Desmarais stated he would speak to Bob Kelliher about posting "No Dumping" or similar signs, as well. It was clarified that the dumping did not appear to be in the wetlands, just at the top of the slope.

Harold J. Dusoe, owner of 23 Point of Pines, was represented by his daughter Marybeth Suneson. Mrs. Suneson requested to know what the plan was for the Rebeiro property. Mr. Gioiosa stated that the Rebeiros are aware it's an unbuildable lot, and that they plan to use it as a yard for recreation. Mr. Desmarais reminded those present that the Conservation Commission has a limited scope, and the applicant's proposed use of the property was not germane to the discussion at hand.

It was noted that wood was said to have been piled against and over a neighboring fence. Mr. Gioiosa agreed to remove debris away from the property lines. Mr. Desmarais recommended that any debris on the site be removed.

A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to continue the hearing to October 2nd at 7:00 p.m. at the Town Hall. The motion carried unanimously.

Request for Determination of Applicability – 124 Richmond Road, Assonet

Brad Fitzgerald of SFG Associates was present to discuss the repair/replacement of a failed septic system at this location. Mr. Fitzgerald stated they would need a Board of Health variance, but that the Health Agent typically prefers the plans to be signed off by the Conservation Commission first. Mr. Desmarais stated that there is a new Health Agent who may want to do things differently, and that he would check with the new Agent for the future. Mr. Fitzgerald noted the highlight of the new system was that it would remove the cesspool from the water table. Mr. Desmarais asked how long the project would take, and Mr. Fitzgerald estimated one week.

A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to issue a negative determination #3, with the conditions that the spoils be outside the 100' buffer zone and the trench and cesspool be filled with clean material. The motion carried unanimously.

Discussion with Borrego Solar Relative to Washburn Road Site

Dave Albrecht was present to discuss minor changes to the Borrego Solar solar farm on Washburn Road. He noted that the areas to be cleared, stumped, etc., had been reduced after discussions with the Freetown Historical Commission, Massachusetts Historical Commission, and representatives from some of the local Indian tribes. These reductions were made in response to the protected area around King Philip's Cave (now at 2.43 acres) and other locations of importance that were identified. Mr. Albrecht reviewed some of the archaeological observations that had been made as well. Overall, the site would be disturbed less and the project would be reduced slightly in size.

A motion was made by Mrs. Ternullo, seconded by Mrs. Robidoux, to determine that the proposed alterations to the project were minimal in nature and not substantive enough to require additional filings, and to approve the plans submitted for this meeting dated August 25, 2017, as the plans of record. The motion carried unanimously.

Request for Certificate of Compliance – 18 Bullock Road, East Freetown

Mr. Desmarais visited the site and found that it was substantially compliant with the Order of Conditions. A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to issue a complete Certificate of Compliance. The motion carried unanimously.

Request for Certificate of Compliance – 4 Cleveland Park, East Freetown

Mr. Desmarais and the clerk visited the site and found that it was substantially compliant with the Order of Conditions. It was clarified that this was for the tire removal project, not the dwelling reconstruction, which is a separate Order of Conditions. A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to issue a complete Certificate of Compliance. The motion carried unanimously.

Update on Town Forest Committee

The clerk stated there had been several people interested in doing the work of the committee, but not in actually joining the committee. It was agreed to leave this posted indefinitely.

Bills

Bills paid since the previous meeting were recounted.

Minutes of Previous Meeting

The minutes of August 21, 2017 were reviewed. A motion was made by Mrs. Ternullo, seconded by Mrs. Robidoux, to approve the minutes as received with one spelling correction. The motion carried unanimously.

Any Other Business Properly Before the Commission

None.

Meeting Adjourned

A motion was made by Mrs. Robidoux, seconded by Mrs. Ternullo, to adjourn at 8:25 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk

Tire Removal
4 Cleveland Avenue, Cleveland Park, East Freetown









