

Freetown Conservation Commission
Minutes of the Wednesday, July 31, 2019 Meeting
Town Hall – Assonet, Mass.

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2019 AUG 28 PM 2:11

J. Brown

Present: Keven Desmarais, Charles Sullivan, and Maria Ternullo.

Absent: Christopher Mather and Janine Robidoux.

Call to order: Keven Desmarais called the meeting to order at 4:04 p.m.

Recognitions

Representatives were present from the offices of State Representative Carole Fiola and State Representative Paul Schmid to present citations to the Freetown Conservation Commission in honor of its 50th anniversary, and to Maria Ternullo in recognition of her 25 years of service on the Conservation Commission.

Request for Determination of Applicability – 41 Water Street (Cudworth's Wharf), Assonet

New property owner Francisley Grizotte was present along with his contractor, Joshua. Mr. Grizotte would like to clean up the debris on the property. He is waiting for Ed Jean to remove some material that still belongs to Mr. Jean, and then they will proceed with cleaning up remaining debris and brush. Mr. Grizotte believed the wharf would be cleaned up within a few months. Mr. Desmarais asked to have the Conservation Commission do a site visit the second week of September to review the progress, and Mr. Grizotte agreed.

Mr. Grizotte and Joshua also presented plans for repairs to the retaining wall along the Assonet River. Mr. Desmarais reviewed the plans briefly, but reminded Mr. Grizotte that the current RDA filing is only for cleaning the property, and that the retaining wall repairs would require a separate Notice of Intent filing. Mr. Grizotte understood.

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

Continued Notice of Intent – 38 East Howland Road, East Freetown

Mr. Desmarais called the public hearing back to order. It was noted this hearing was originally scheduled for July 29th, and was continued to tonight when that meeting was not held. Elyse Tripp was present from Outback Engineering along with applicant John Travers. Miss Tripp reviewed the plans, noting that the proposed driveway, grading, and well were within the 100-foot buffer zone, and that the proposed driveway would "touch" the wetlands.

Abutter Mary Ann Buck, 36 East Howland Road, stated she was pleased that the proposed house would be further from her property than she had expected. She noted that she was advised approximately twenty years ago not to build a barn on the north side of her property (closest to 38 East Howland Road) due to an underground stream. She also advised Mr. Travers of other water-related issues in this area.

Mr. Desmarais asked what material the driveway would be constructed with. Miss Tripp responded that it would be paved in some fashion, but that Mr. Travers had not chosen the material yet. Mr. Desmarais asked about treatment of runoff, and the possibility of lining the driveway with swales. Mr. Travers offered to move the driveway further north. All felt that moving the driveway and using swales would help protect the wetland areas.

A motion was made by Mr. Sullivan, seconded by Mrs. Ternullo, to close the public hearing. The motion carried unanimously.

A motion was made by Mr. Sullivan, seconded by Mrs. Ternullo, to approve the plans with the condition that new plans be printing showing the locations of the swales at flags WF-5 to WF-7, and in the area of flags WF-12 to WF-14. The motion carried unanimously. [Note: Plans were delivered Friday, August 2nd.]

Request for Determination of Applicability – 7 Simmons Street, Assonet

Nyles Zager was present on behalf of property owners, Richard and Maria Santos, who are seeking approval for a new septic system. Mr. Zager described the property as being a filled wetland, as demonstrated by the soil evaluation. Mr. Desmarais asked where the existing septic system was located, and Mr. Zager responded it was where the new system would be installed, which is within fifty feet of the wetlands. Mr. Zager noted that the grade will adjust to preserve distance to the water table. Mr. Desmarais asked if the Board of Health had granted any waivers, and Mr. Zager responded that they will seek those variances next.

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

Review Surplus Property/Auction List from Treasurer

The Clerk provided information on two properties:

- The first, in Bolton Cedar Swamp, is a landlocked parcel of swampland adjacent to the New Bedford Waterworks force main. It was felt that it would only be of value to the New Bedford Water Department or to Acushnet Saw Mills. Mr. Desmarais thought the cost to auction it could exceed the highest bid. Consensus was to transfer this parcel to the Conservation Commission.
- The second was the Elijah Pierce Woodlot adjacent to the landfill. Derek Macedo, Board of Health Agent, felt that the property should not be sold but was better transferred to the Conservation Commission than to the Board of Health. Lengthy discussion ensued. Consensus was to transfer the property to the Board of Health.

Request for Determination of Applicability – 78-80 Middleboro Road, East Freetown

At the request of the applicant, this item was continued to Monday, August 26th.

Request for Certificate of Compliance – 1886 Single-Arch Bridge (South Bridge), Assonet

Mr. Sullivan requested that this item be continued to the next meeting. Item continued to Monday, August 26th.

Enforcement Order – 46 Braley Road, East Freetown

Mr. Desmarais recounted issuing an Enforcement Order at the property owner's request due to inadvertent clearing by a landscape worker. He stated the owner has been above-board and responsive, and that the matter is being taken care of.

Right of First Refusal – Austin Bog, etc.

Consensus was that the Conservation Commission was not interested in purchasing this property.

Any Other Business Properly Before the Commission

None.

Bills & Minutes

Bills paid since the previous meeting were recounted. The minutes of June 27th were received. A motion was made by Mr. Sullivan, seconded by Mr. Desmarais, to approve the minutes as received. The motion carried unanimously.

New Business

None.

Meeting Adjourned

A motion was made by Mr. Sullivan, seconded by Mrs. Ternullo, to adjourn at 5:30 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk