

Freetown Conservation Commission

Minutes of the Monday, April 8, 2019 Meeting
Town Hall – Assonet, Mass.

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2019 APR 23 AM 9:16
J. A. Brown

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

Absent: Janine Robidoux.

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

Request for Determination of Applicability – 117 Chace Road, East Freetown

Mark Rosofsky was present to discuss his proposal, which is to replace an existing metal-frame canvas storage structure with a new metal-frame canvas storage structure of the same size. Mr. Rosofsky stated the existing structure is approximately 73 feet from the wetlands, and the new structure would be approximately 78 feet from the wetlands, providing an overall improvement in distance. Mr. Desmarais asked how the tent is secured to the ground, and Mr. Rosofsky replied that it would sit on poured-in-place blocks, approximately 16x16, and that the spoils from creating the blocks would be used to grade the interior of the tent.

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

Request for Determination of Applicability – 192 Chace Road, East Freetown

Rob Lowell and Shaun Provencher were present from the Department of Conservation and Recreation. Mr. Desmarais started the discussion by informing the audience that this was not a public hearing, therefore there was no requirement to allow public input, and also what was and was not in the purview of the Conservation Commission.

Mr. Lowell began by explaining that the DCR intends to raze the existing house, clean the property of debris (trailer, boat, etc.), with all debris loaded into dumpsters and carted off-site. He noted that there was vinyl-asbestos tile discovered in the bathroom of the house, which would be abated properly. At the end, they propose to level and grade the lot and provide parking for approximately five cars for access to the newly-acquired state forest property north of Chace Road. Mr. Lowell stated they were filing because of the proximity to small wet areas and drainage culverts on Chace Road.

Mr. Desmarais opened the floor to questions from residents, reminding the audience of the purview of the Conservation Commission. Gary Mendes, Chace Road, stated his belief that the DCR does not properly maintain the Freetown State Forest and should not open this new area to parking or public use until the remainder of the properties are better cared for. He attempted to present photographs of debris in Freetown State Forest, at which time Mr. Desmarais cut him off and stated he was outside the scope of the meeting. Mr. Mendes requested a phone number to contact the state directly. Mr. Lowell agreed to meet with him after the meeting and give contact information.

Mr. Rosofsky asked what plans the state had for future access on the property. Mr. Provencher replied there was a plan to construct hiking trails in the Proprietors Way corridor. Mr. Mendes asked why the DCR had not filed a Notice of Intent, and Mr. Desmarais stated that this project did not require a Notice of Intent, whereas the future trail plans would. Mr. Mendes asked if the trail plans would require abutter notices to be mailed out, and Mr. Desmarais stated they would. Mr. Rosofsky noted that he still had the floor. Mr. Mendes stated the state is not taking care of the property they already own. Mr. Desmarais shut off the discussion again and stated the meeting must return to the main point.

Mr. Rosofsky asked if the DCR would consider blocking the parking area until the trails are constructed in the future; in other words, place boulders or other deterrents along Chace Road to prevent cars pulling completely off the road while allowing cars to pull over for emergency vehicles, etc. Mr. Provencher responded that neither he nor Mr. Lowell could make that decision, but could discuss it with their superiors. Mr. Provencher also noted that the parking area would be so enclosed with boulders, etc., as to prevent additional cars from parking. Mr. Lowell noted the DCR could also look to gate Proprietors Way to prevent vehicle access. Mr. Mendes noted that he has been putting the chain across Proprietors Way.

Rachel Lech, Chace Road, asked why the parking area was being constructed now when overall plans have not been finalized. Mr. Desmarais reminded the room again of what was within the scope of the meeting and what was not. Mrs. Lech reiterated her question. Mr. Provencher replied that the necessary heavy equipment would be on-site for the demolition and clearing of the property, so it made sense to do the parking area at the same time. Mrs. Lech contended the parking area would be an invitation to trouble; Mr. Lowell believed removing the house and existing debris would lessen past troubles. Mr. Provencher stated the work on the trails should begin approximately one month following demolition of the house, so the timeframe was not extensive.

Mr. Desmarais offered to try and facilitate a meeting between the DCR, town fathers, and neighbors to discuss the overall project, but noted that the discussion had gone far afield from what was actually before the Conservation Commission.

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

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

It was acknowledged that the plans omitted from the last meeting were present. The plans were briefly reviewed and complied by providing the requested information.

A motion was made by Mr. Sullivan, seconded by Mrs. Ternullo, to issue a positive determination #2a. The motion carried unanimously.

Notice of Intent – Austin Bog, Dr. Braley 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.

Joseph Shanahan was present from Clean Energy Collective. He introduced his company as having started in Colorado approximately five years ago, and now operating in thirteen states, including sites locally. They are proposing a five-megawatt facility on about 5.5 acres. Some of the panels would be on an upland bog. Soil borings have proven out that the bog is, in fact, an upland bog. Mr. Shanahan noted that the Notice of Intent refers to the fence as being six feet high, but that the national power standards call for a seven-foot fence, so this will be a deviation from what was applied for. He also noted that Clean Energy installs their fences with a six-inch gap along the bottom to allow wildlife to cross.

Mr. Desmarais noted the application is currently out for peer review, so there would be no vote at this meeting.

Mr. Shanahan added that construction would take approximately six-to-eight weeks, after which there should be no noticeable noise or disruption to the neighborhood; no noise, no traffic, no lights.

Michael Boudreau, 67 Dr. Braley Road, asked about ambient noise from the facility. Mr. Desmarais advised Mr. Boudreau that this would be a concern for the upcoming Planning Board hearing. Mr. Shanahan replied that there should be no ambient noise of the type Mr. Boudreau asked about.

Mr. Desmarais asked about construction. Julie Goodwin from Prime Engineering addressed the construction concerns. She stated there would be very little earthwork involved, and that there should be an overall zero percent increase in impervious surfaces. She added that the intent would be to keep the same vegetation as currently on-site, and that straw wattle would be used for siltation control. Mr. Desmarais asked for robust plantings and a planting schedule to be provided. Mr. Shanahan noted they use a UMass pollinator mix, as well.

Mr. Mather requested that the wattle be staked every two-to-three feet due to the soil conditions on the property. Mr. Shanahan agreed and consented to this being a condition of the Order of Conditions.

Mr. Boudreau asked if the berm around the pond would be protected. Mr. Shanahan addressed the mitigation for any impacts to the berm and surrounding area. Mr. Desmarais asked that any trees be cut at the highest possible point. Mr. Shanahan agreed.

Mr. Desmarais asked if there would be overhead wires servicing the site. Mr. Shanahan replied there would be.

A motion was made by Mr. Sullivan, seconded by Mrs. Ternullo, to continue the hearing to Monday, April 22nd at 7:00 at the Town Hall. The motion carried unanimously.

Request to Extend Order of Conditions – Freetown State Forest Trail Repairs

A motion was made by Mrs. Ternullo, seconded by Mr. Sullivan, to grant a three-year extension to the Order of Conditions. The motion carried unanimously.

Continued Notice of Intent – 170 South Main Street (Riverfront Business Park), Assonet

Mr. Desmarais called the continued public hearing back to order. It was noted that the applicant requested another continuance, to May 13th. A motion was made by Mr. Sullivan, seconded by Mr. Mather, to continue the public hearing to Monday, May 13, 2019, at 7:00 p.m. at the Town Hall. The motion carried unanimously.

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

No significant developments were reported.

Bills & Minutes

Bills paid since the previous meeting were recounted. The minutes of March 25, 2019, were received. A motion was made by Mr. Sullivan, seconded by Mr. Desmarais, to accept the minutes as presented. The motion carried 3-0-1 with Mrs. Ternullo abstaining.

New Business

It was noted that vacancies posted on the Town website show that a member of the Conservation Commission is designated to sit on the "Open Space and Recreation Committee" and on the "Clean Community Advocates Committee". No members were interested in serving on either committee.

Other Business Properly Before the Commission

None.

Meeting Adjourned

A motion was made by Mr. Sullivan, seconded by Mrs. Ternullo, to adjourn at 8:00 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk