

Freetown Conservation Commission
Minutes of the Monday, June 13, 2016 Meeting
Town Hall – Assonet, Mass.

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Present: Keven Desmarais, Janine Robidoux, and Charles Sullivan.

Absent: Christopher Mather 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 May 16th were received. A motion was made by Mrs. Robidoux, seconded by Mr. Sullivan, to approve the minutes as received. The motion carried unanimously.

Request for Determination of Applicability – 13 Mark's Lane, East Freetown

Steven Pacheco, contractor, was present to discuss the project. The homeowners would like to place a small retaining wall on the property to level out their yard and prevent erosion. He proposes to use siltation control during the work.

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

Request for Determination of Applicability – Hart Lot & 0 Bullock Road, East Freetown

Evan Watson of Prime Engineering was present to discuss the submission. Prime Engineering has flagged the wetlands borders on the Hart Lot and adjacent land. They have identified two isolated lands subject to flooding, which they have determined to be non-jurisdictional. Mr. Desmarais noted there appears to be over 3,000 feet of flagging. Mr. Watson confirmed it was at least 3,000 feet if not more.

Discussion was held about sending the plans to Environmental Partners for peer review. Consensus of the board was to do so. Peter Hawes, one of the property owners, asked about the peer review process. Mr. Desmarais explained generally what would take place, and that Mr. Hawes would need to submit a check to cover the cost. Environmental Partners will be asked to estimate the cost prior to beginning.

A motion was made by Mrs. Robidoux, seconded by Mr. Sullivan, to continue the RDA to Monday, July 11th at 7:00 p.m. at the town hall. The motion carried unanimously.

Notice of Intent – 131 Howland 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.

Peter Lyons of Collins Engineering was present to discuss the project, which consists of a septic system repair. Members reviewed the plans but found no need for extensive discussion. Mr. Desmarais noted that the commission prefers spoils to be kept in the front yard, particularly where this property slopes in the rear. Mr. Lyons noted that they would be going before the Board of Health for minor waivers.

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to approve the plans as submitted. The motion carried unanimously.

Notice of Intent – 30 Washburn Road ("Rocky Woods"), 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.

Present on behalf of the applicant, Borrego Solar Systems, was Steve Long. Present in the audience for the hearing were Cora Peirce of the Pocasset and Pokanoket tribes, Joel Plissey representing East Freetown Grange #307, and Mary E. R. Brown, chairman of the Historical Commission; as well as Paul Ziobro, Althea Brady, Jon Campeau, Stephen Martin, Barry French, Steve Kirk, and Wendy Elsner, all interested residents. Several others were also present who did not sign in and did not address the board.

Mr. Desmarais began the hearing by stating that he was aware a number of people were present with concerns about King Philip's Cave, and that the Conservation Commission shares those concerns, but that the proper venue to discuss matters relating to the cave is the Planning Board hearing, which has been continued to July 12th. He stressed that the Conservation Commission can only look at matters falling under the Wetlands Protection Act, whereas the Planning Board has the power of Site Plan Review.

Mr. Desmarais asked if anyone was recording the hearing. For lack of a response, it was determined nobody was recording the hearing.

Mr. Long gave an overview of the work being proposed. They anticipate 13.9 acres to be cleared and grubbed. No wetlands were located on the western part of the property as no work is being proposed for that areas. They proposed to avoid ledge as much as possible and undertake minimal grading. They will improve the road where needed, approximately 1600' long and 14' wide, in gravel. There will be about 4,000 square feet of gravel road within the 100' buffer. They will be filing with the EPA due to the size of the project.

Mr. Desmarais asked if a representative of the property owners, Simeone Associates, was present. Mr. Long stated that they were. The representative did not identify themselves.

Mr. Desmarais asked if there had been any changes made to the plans since the Planning Board hearing opened on June 7th. Mr. Long stated there had not been any changes as of yet.

Althea Brady stated that she has used the existing right-of-way road in the springtime, and it is very wet. She did not understand how the applicants could say the road does not run through a wetland. Mr. Long stated that the area was reviewed and does not meet the criteria of a wetland. Mr. Desmarais stated that that is the position of the applicant, and that the town's review engineer is still looking over the project. Mr. Long stated that the review would be of the soil and plants present, not necessarily water present.

Steve Martin asked for a copy of the long-term pollution prevent plan and the operations and maintenance plan. He said they were not included in the forms he had. Mr. Long stated that they were included. Mr. Martin noted that the plans show a "potential" vernal pool, and questioned why it is not certified. Mr. Long stated that Borrego's wetlands scientists have looked at it and do not feel that it is a vernal pool. Mr. Martin believed that a vernal pool could only be looked at in the spring, and that it must be certified. Mr. Desmarais said there is a process for certifying vernal pools, but it is not quite as was being discussed. Mr. Martin asked if the groundwater on the property flows to Assawompset Pond, and Mr. Desmarais responded that it does eventually. Mr. Martin stated that his questions are now on the record and asked if he would receive answers. Mr. Desmarais replied that all of these concerns will come up during peer review; if the neighbors are catching it, the engineers will catch it. Mr. Martin asked where the chips will go from trees that are removed. Mr. Long stated that some will be used to create a berm on the site, while others will be hauled away.

Paul Ziobro asked if there will be any chemicals used for controlling plant growth. Mr. Long gave a definitive no and stated that Borrego does not use herbicides on any of their properties.

Cora Peirce of the Pocasset and Pokanoket tribes introduced herself and noted that she is a former Conservation Commission member in other towns. She noted that the local Indians have been coming to this location for generations, often parking on the side of Route 140 or coming in from Washburn Road. There are important reasons why they come to the location, and it would be detrimental for them to lose access.

Ms. Peirce expressed concern that solar projects often pulverize rocks and boulders that are in their way. She asked if the panels were going to be screwed into the ground, how deep they would be sunk. Mr. Long stated the screws would go down six to eight feet. Ms. Peirce expressed concern that there could be bones, tools, or other items beneath the surface that should not be disturbed. Mr. Desmarais stated that the commission shares those concerns, but that those concerns are outside the Wetlands Protection Act and should be brought to the Planning Board.

Mr. Ziobro asked if the drilling will use jackhammers or any sort of machine to shave or chip the rocks. Mr. Long stated potentially shaving or chipping, but no jackhammering.

Ms. Brady read excerpts from the Freetown Reconnaissance Report addressing the potential archaeological significance of the property and the potential for adverse results of development. Mr. Desmarais stated the engineers would review the project thoroughly.

Mr. Martin asked who the outside consultant is. Mr. Desmarais stated Environmental Partners is the review engineer on behalf of the town.

Mr. Long asked if the commission would conduct a site walk before the next meeting. Mr. Desmarais said most likely, yes.

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to continue the hearing to Monday, July 11th at 7:00 p.m. at the town hall. The motion carried unanimously.

Notice of Intent – 11 Howland Road, Assonet

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

Christopher Capone was present to discuss the project. Mr. Desmarais asked if he was correct in reading that the parcel under review does not yet exist. Mr. Capone answered affirmatively and stated that the applicants wanted to ensure the parcel would be buildable before going to the Planning Board and other departments.

Mr. Desmarais asked what type of stream runs through the property. Mr. Capone replied that it is a perennial stream with no known name.

Mr. Capone stated they are seeking approval of the plans, calling for a four-bedroom house. They are also requesting a condition that roof runoff run into dry wells.

Mr. Desmarais asked if there had been an alternatives analysis. Mr. Capone stated there had been, and that the proximity of neighboring houses, cranberry bogs, and zoning requirements all rendered this the only suitable location for the new lot.

Mr. Desmarais noted that siltation control was shown only in the buffer zone, and that the commission is typically concerned with clearing creep. He noted the preference for a post-and-rail fence to define areas that should remain untouched.

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

- Silt fence to be placed at the limits of work.
- Post-and-rail fence to be placed 5 to 10 feet to the rear of grading
- New plans are to be submitted showing the extension of siltation control
- Roof runoff is to run into dry wells

The motion carried unanimously.

Request for Certificate of Compliance – 23 Hemlock Point, East Freetown

Mr. Desmarais stated he had seen the property and the work was done in compliance. A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to issue a Complete Certificate of Compliance. The motion carried unanimously.

Bills

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to pay bills as submitted. The motion carried unanimously.

Proposed Gifts of Land

An "Acceptance of Donation" form was signed for the land being donated in and near Holly Ridge.

Continued Notice of Intent – Lamb's Village, East Chipaway 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.

Any Other Business Properly Before the Board

Mr. Desmarais described work that needed to be done to repair trails in the Freetown State Forest that run through wetlands. It was his opinion that the conditions constituted an emergency and required immediate attention. It was also noted that DCR only has funding for the project through June 30th. A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to issue an Emergency Certification for the work, with the understanding that there would be an after-the-fact filing. The motion carried unanimously.

Meeting Adjourned

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to adjourn at 8:52 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: _____
Michael T. McCue, Senior Clerk