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AGB

**Freetown Conservation Commission**  
Minutes of the Monday, August 15, 2016 Meeting  
Town Hall – Assonet, Mass.

**Present:** Keven Desmarais, Christopher Mather, and Charles Sullivan.

**Absent:** Janine Robidoux and Maria Ternullo.

**Call to order:** Keven Desmarais called the meeting to order at 7:10 p.m.

**Minutes of Previous Meeting**

The minutes of July 11th were received. A motion was made by Mr. Sullivan, seconded by Mr. Mather, to approve the minutes as received. The motion carried unanimously.

**Notice of Intent – Makepeace Road & Landon Hill Path (Freetown State Forest), Assonet**

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

Dick O'Brien of Conservation Works, LLC, was present. He explained that his firm carried out trail repairs on Landon Hill Path in accordance with an emergency certificate previously issued by the Conservation Commission. Mr. O'Brien explained that the repairs were not done to eliminate the use of the trails by dirtbikers, but to fix damage done by repeated use by dirtbikes and similar uses. Over time, trails had braided into wet areas and the work was done to narrow the trails back to their original widths.

Mr. O'Brien explained that his firm constructed a "turnpike" on the trail, essentially lining the trail with large stones native to the vicinity and then filling the space in with compacted gravel. They also used cut brush and other natural debris to fill in the braided areas to better define the trail. The hope is this will allow the dirtbikes to continue riding, but in a defined corridor.

Mr. O'Brien discussed briefly that there is a desire to repair several other trail locations in the vicinity of Copicut and Makepeace roads using similar techniques, and he asked that any Order of Conditions make allowances for carrying this work out as time and funds allow.

Mr. Desmarais asked if the application specified the other trail locations. Mr. O'Brien responded that in the narrative included with the application, other sites were identified. Review of the narrative showed the total project consisted of three sites on Landon Hill Path (including the one repaired in June), one site east of Makepeace Road on the trail leading from intersection CS11 on the Bioreserve map, and one site east of Haskal Path near the parking lot at the town line on Bell Rock Road.

Paul Ziobro asked where the stones used for the turnpikes came from. Mr. O'Brien responded that there was enough stone of the appropriate size along the sides of the trails to use. If there hadn't been, they would have purchased similar stone and brought it into the site.

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

Mr. Sullivan requested that a letter be sent to the DCR asking them to maintain the trails that have been repaired, and also to allow the trails to grow in slightly on the sides to prevent ATVs from making use of them.

A motion was made by Mr. Sullivan, seconded by Mr. Mather, to approve the plans as submitted, along with the future work on the other identified sites. The motion carried unanimously.

**Request for Determination of Applicability – 127 Middleboro Road, East Freetown**

Eric Saftler from Blue Selenium Solar was present to discuss the project, consisting of erecting solar panels on a field in between cranberry bogs to help power the farm. Stephen Ashley, property owner, described the area of the farm where the panels would go. Mr. Desmarais asked if precautions were going to be taken to prevent runoff into the bogs, and Mr. Ashley stated he would protect his crops.

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

**Request for Determination of Applicability – 67 Cliff Drive, Assonet**

Tom Copeland of T.E.C. Landscaping was present to discuss the work proposed. Mr. Copeland will be rebuilding an existing seawall that shows signs of future failure. The section of the wall that's bulging will be taken down by hand to the large base stones and then built back up by hand to be flush and stable. The rebuilt wall will be topped with a thin concrete cap like the existing wall. Mr. Mather asked how water would bleed through the wall, and Mr. Copeland responded that it is a dry laid wall except for the cap, so the water will bleed through.

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

**Request for Determination of Applicability – 2 Katlyn Drive, East Freetown**

Darren Michaelis of Foresight Engineering was present. Mr. Michaelis recounted that this property was a gravel pit that was converted to a manmade cranberry bog, fed by a manmade pond. The cranberry operation proved unprofitable, so the property owner, John Mello, is in the process of filling the bog and converting it to productive croplands. Mr. Michaelis stated that testing had been done, and the bog proved to be an upland bog well removed from the water table. Mr. Desmarais stated that information Mr. Mello received from the D.E.P. had been incomplete; he was told he could fill the bog, but was not initially told he needed to file an RDA. This filing was to cover the gap.

A motion was made by Mr. Sullivan, seconded by Mr. Mather, to issue a negative determination #1. The motion carried unanimously.

**Request for Determination of Applicability – 3 Lark Lane, Assonet**

Tristan Wallace of Prime Engineering was present to discuss the project, which consists of abandoning an old and failed septic system and replacing it with a new septic system. Mr. Wallace showed on the plans where the existing system was at the rear of the house, and the new system would be in the front yard. Mr. Desmarais asked if there would be any Board of Health waivers requested, and Mr. Wallace said a waiver would be requested for the distance of the system to the foundation – eleven feet rather than twenty.

Mr. Wallace stated the existing tree line at the rear of the property would be maintained, where it was relatively in line with the top of the slope. Mr. Desmarais asked Mr. Sullivan about observations made during the site inspection on August 14th, and Mr. Sullivan described seeing several trees felled and sectioned. Mr. Wallace was unaware that any tree clearing had taken place. Mr. Sullivan also noted construction debris was strewn about the yard. Mr. Wallace was aware that previous debris had been removed, but not that new debris had appeared.

Mr. Desmarais noted that the siltation control followed the top of the bank. He stated the old system should be removed and carted off, not simply abandoned in place. Mr. Wallace agreed. Mr. Desmarais stated that construction debris needed to be enclosed in a dumpster, not left in the open. Mr. Wallace agreed to inform the homeowner.

Mr. Wallace was given several of the new warning placards regarding work in a buffer zone and advised to put them up in the yard before any more trees were removed that shouldn't be.

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

**Request for Determination of Applicability – 12 Gerard Avenue, East Freetown**

Michael and Jeannine Moniz, property owners, were present to answer questions regarding their proposal to replace a septic system. Mrs. Moniz stated that the existing septic system was in perfect working order, but they were being forced to replace it for Title V compliance as part of the process of selling it. Mr. Sullivan noted that during the site inspection, it was noticed that grass clippings have been being dumped on the slope toward the swampy area. Mrs. Moniz stated this was the work of her neighbor. Mr. Sullivan felt this could be corrected with two sections of rail fence and a warning placard.

A motion was made by Mr. Sullivan, seconded by Mr. Mather, to issue a negative determination #3, with the notation regarding grass clippings. The motion carried unanimously.

**Continued Notice of Intent – Lamb's Village, East Chipaway Road, East Freetown**

A motion was made by Mr. Mather, seconded by Mr. Sullivan, to continue the hearing to Monday, September 19th at 7:00 p.m. at the Town Hall. The motion carried unanimously.

**Continued Notice of Intent – 30 Washburn Road ("Rocky Woods"), East Freetown**

Mr. Desmarais called the continued public hearing to order. He then read the concluding/summary comments from Environmental Partners' peer review, as follows:

In conclusion, it is our opinion that based on site conditions, observations in the field and the review of the wetland flag locations, the wetland resource areas (BVW's) identified by wetland flags series A, C, D and E have been delineated in accordance with the Regulations and that the Plan submitted for the Site Use Review represents an accurate depiction of the resource area boundaries on the site. The area located upgradient of wetland flags B-4 and B-5 and below flags D-49 and D-50; however, should be re-evaluated to determine if the BVW is more encompassing that shown on the Plan. If additional wetland flags are placed in the field, these should be surveyed and put onto the Plan and the necessary adjustments made to the extent of the 100-foot buffer zone on the site. It is noted in the Wetland Assessment that the resource areas on the westerly side of the dirt road were not evaluated/delineated because the proposed solar generating facility is not located on this portion of the site. Should any changes be made to the layout of the facility that impact the westerly side of the site; this portion of the site will need to be re-visited to determine the presence of any wetland resource areas.

As stated in the Wetland Assessment, the most recent Massachusetts Natural Heritage Atlas (13<sup>th</sup> Edition, valid October 1, 2008) and MassGIS, show there is no estimated and/or priority habitat of rare species/wildlife and no certified vernal pools on the site. There is however; a potential vernal pool as noted in the Wetland Assessment (and observed in the field) located within the C/D flag series BVW. Further, as stated in the Wetland Assessment the entire site is designated as an Outstanding Water Resource (OWR) area associated with the Assawompset Pond Public Water Supply Watershed.

Dave Albrecht of Borrego Solar stated that the set of plans being presented at this session were the final revisions based on Environmental Partners' comments.

Cora Peirce commented on work that had been done in July without proper permits. This included road clearing, test boring, and other work that disturbed areas on the property. Mr. Desmarais reiterated prior comments that work outside the wetlands areas and Wetlands Protection Act scope could have been done by the property owner by-right. While it was not in keeping with good faith to do the work mid-permitting process, it was not necessarily "wrong". However, in light of the fact that this type of error was made (and it was acknowledged to have been made by an out-of-state subcontractor and not by Borrego Solar), Mr. Desmarais stated he would be requesting a pre-construction meeting during a routine Conservation Commission meeting as a condition of approval, and inspections at least weekly during construction by Environmental Partners.

A motion was made by Mr. Sullivan, seconded by Mr. Mather, to approve the plans as revised, subject to the following conditions:

- A pre-construction meeting will be held during a regularly-scheduled Conservation Commission meeting with all contractors and related parties present.
- Environmental Partners will conduct inspections, at least weekly, during the construction process.
- Tires and other debris noted to be in the wetlands during site inspections are to be removed.

The motion carried unanimously.

**Request for Certificate of Compliance – Maple Tree Crossing (Richmond Road), Assonet**

A motion was made by Mr. Sullivan, seconded by Mr. Mather, to issue a complete certificate. The motion carried unanimously.

**Bills**

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

**Any Other Business Properly Before the Board**

None.

**Meeting Adjourned**

A motion was made by Mr. Sullivan, seconded by Mrs. Robidoux, to adjourn at 8:35 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: Michael T. McCue  
Michael T. McCue, Senior Clerk