

**Town of Freetown  
Conservation Commission**

Minutes of the Monday, January 22, 2024 Meeting  
Held hybrid, at the Police Station Community Room, and over Zoom

**Present in Person:** Charles Sullivan and Steven Tripp

**Present over Zoom:** Christopher Mather and Margaret French

**Absent:** None

**Call to Order:** Charles Sullivan called the meeting to order at 6:00 p.m.

*Note: As this meeting was conducted virtually and members participated remotely, all votes taken were by roll call.*

**Request for Extension of Order of Conditions – 0 Track Land & 165 South Main Street, SE 026-0612  
Request for Extension of Order of Conditions – 0 North Braley Cross, SE 026-0613**

Jean Fox from MBTA and Dr. Lars Carlson, the professional wetlands scientist for VHB, were both present. Dr. Carlson explained that they have an existing order of conditions that would be set to expire in February. They are requesting a three-year extension due to the project not yet completed. The extension is for two separate rail lines, New Bedford mainline and the Fall River secondary. Both order of conditions was issued on the same day and are set to expire on the same day.

A Motion was made by Christopher Mather, seconded by Steven Tripp, to approve both extensions of order of conditions for three years. The motion carried unanimously.

**Continued Notice of Intent – 90 South Main Street**

Victoria Alfaro explained that the public hearing was closed at the last meeting. Mr. Mather asked Mr. Sullivan if was able to review the documents. Mr. Sullivan confirmed that he had reviewed the material. At the last meeting, Mr. Mather had requested that a schedule be set up for erosion control around the manhole drains so that silt does not accumulate and to be able to hold the applicant accountable. He requested that it be added to the permit as a condition of approval. Mr. Sullivan stated that it would be a condition listed on the permit. He also stated that a condition that was set forth in the Mass Wildlife letter be added to the permit as well.

A motion was made by Christopher Mather, seconded by Margaret French, to approve with the above-mentioned conditions. The motion passed 3-1, Steven Tripp opposed.

Mr. Mather inquired about the concerns Mr. Tripp had and why he opposed. Mr. Tripp stated he had concerns that in the last month the field had flooded twice, will continue to flood and that the herring spawn in that area. Mr. Mather stated that the applicant met the requirements and they have the right to do the project by law. He commented that the Committee must protect wetlands but also abide by the laws. He appreciated Mr. Tripp's opinion.

**Modification to Approved Site Plan – 11 North Hillside Street, SE 026-0691**

Mr. Sullivan explained that the project is to add a retaining wall at the property.

A motion was made by Christopher Mather, seconded by Margaret French, to approve the modification to the approved site plan. The motion carried unanimously.

**Continued Notice of Intent – 30 Island Road Ext.**

Mr. Sullivan explained that the applicant had requested another continuance. Mrs. Alfaro explained that Natural Heritage had requested more information on the cofferdam and have not submitted a final determination.

A motion was made by Christopher Mather, seconded by Margaret French, to continue the public hearing to the next meeting on February 12<sup>th</sup> at the Police Station. The motion carried unanimously.

### **Request for Determination of Applicability – 2 Memorial Drive**

Mrs. Alfaro, the Planning & Land Use Administrator, spoke about the project on behalf of the Planning Board. The project location is Central Park. There is an existing trail that goes around the ball fields and connects to the back of the COA. There is a gravel parking lot. They are applying for a MassTrails grant. The current trail is wide enough but would need improvements to make it completely accessible. Work that needs to be done is to excavate material out and lay new material on top. A small culvert installed on Bullock Road. The drainage from the roadway would continue to erode the trail if a culvert is not installed. No clearing is proposed. They are proposing to add picnic tables, trash receptacles, and supplement the current wooden benches. Mr. Tripp asked if this would be coming from the self-evaluation and transition plan that evaluated the Town buildings and recreational facilities to improve them and make them more accessible. Mrs. Alfaro explained that the trail was not specifically called out in that plan. Planning and other departments are working to improve town wide accessibility. She added that it is a great location to give people with strollers and mobility issues to be able to utilize the trail.

A motion was made by Steven Tripp, seconded by Christopher Mather, to issue a negative determination #3. The motion carried unanimously.

### **Discussion on the Wetland By-law and Rules and Regulations**

Mr. Sullivan explained that the by-law mirrors the Wetlands Protection Act (WPA). He expressed his personal opinion that there is no need to be more technical or extra in the by-law that is more than the statute. He welcomed the others on the Commission for their input. Mr. Tripp stated that the codification will take out duplications. Mrs. Alfaro commented that when she read the rules and regulations, it read as though the Conservation Commission is supposed to hold two separate hearings for the projects. One hearing for their own under the WPA and then another. This is not normally practiced. She suggested that the content be kept the same but to clarify it. Mr. Sullivan asked the Commission if they would agree to allow Mrs. Alfaro to make edits and then discuss and vote on it at the next meeting. The Commission agreed. Mr. Sullivan suggested that the Commission review the enforcement section and discuss any needed changes. He stated that they have not had a lot of problems with enforcement orders. He referenced a recent matter that happened at 112 South Main. Firmer ground and explicit details on how to navigate the enforcement orders need to be clearer. Mr. Mather commented that when someone is aware of the law but does not care about the law and does not comply, then actions have consequences and they should be penalized. Mr. Sullivan stated that usually when the issue is brought to people's attention, they corporate. The enforcement orders are rare but they need to be prepared for when they do happen. He would like for the Commission to mull over the enforcement section and review it at another meeting. Mr. Sullivan added that there are minor things that come before the Commission that would not need formal action to be taken up at a formal meeting. He gave an example of how a gentleman wanted to remove invasive species by a brook on his property. Mr. Sullivan would like to set up a policy for matters that do not need the full Commission and could be carried out by the administration in the office. Mr. Mather commented that if conditions were needed then those could not be taken care of in the office. Mr. Sullivan agreed. Mrs. Alfaro added that according to the WPA, an administrative form can be used but only for minor exemptions. She gave examples of specifics that would and would not be minor exemptions. Mr. Sullivan agreed that the form would only be used for the minor exemptions.

### **Discussion on the Proposed Revisions to the MA Wetlands Protection Act Regulations**

Mrs. Alfaro informed the Commission that there are some changes as far as the coastal resource areas. They are adding performance standards to the land subject to coastal storm flowage. Another stormwater standard that would be added is standard eleven and amending other stormwater standards. She had reached out to the peer review engineering to get some feedback on how these changes would affect how projects would develop. She touched upon some of the proposed revisions for stormwater. She suggested the Commission to keep this subject in mind for any comments they would like submitted. The deadline for public comments to be submitted to the State was March 1<sup>st</sup>.

### **Minutes**

A motion was made by Margaret French, seconded by Steven Tripp, to approve the 01.08.2024 meeting minutes as submitted. The motion carried unanimously.

**Meeting Adjourned**

A motion was made by Steven Tripp, seconded by Christopher Mather, to adjourn meeting. The motion carried unanimously, and the meeting was adjourned at 6:37 p.m.

This is a True Record by me

Attest: \_\_\_\_\_  
Nicole DeMoranville, Senior Clerk