

2023 MAY -9 AM 8:40

**Freetown Conservation Commission**

Minutes of the Monday, April 10, 2023

Held hybrid via Multi-Purpose Senior Center, 227 Chace Road, &amp; Zoom

**Present in Person:** Charlie Sullivan **Present over Zoom:** Margaret French and Keven Desmarais.**Absent:** Chris Mather and Keith Mello.**Call to Order:** Keven Desmarais called the meeting to order at 6:00 p.m.

*Note: As this meeting was conducted as a hybrid and a member participated remotely, all votes taken were by roll call.*

**Request for Determination of Applicability – 7 Freeman’s Circle**

Charlene Barboza, the applicant/owner, was present. Ms. Barboza would like to remove two trees with stumps to remain. Mr. Desmarais asked if Ms. Barboza hired a professional company to do the work. Ms. Barboza stated she has a couple estimates and the companies asked if she contacted the Conservation Commission. Mr. Desmarais appreciated the tree companies and Ms. Barboza for following this step.

A motion was made by Charlie Sullivan, seconded by Margaret French, to issue a negative determination #3. The motion carried unanimously.

**Request for Determination of Applicability – 265 Bullock Road**

Nyles Zager, from Zenith Consulting Engineers, was present. Mr. Zager stated this has been brought to the board in the past. Existing commercial building with four different buildings on site, are being occupied for the manufacturing of fiber glass tanks and things of that nature. It was previously brought before the Board as they wanted to dig a ditch to relieve storm water from the rear to the front. Mr. Zager stated they analyzed and found that the wetland it’s connecting is a very minor wetland. In order for it to connect, Mr. Zager felt a 12” ADS HDPE N-12 pipe would more than suffice. They would put the pipe in and fill it so they can have access to the rear of the property. It’s currently gravel, they just don’t have access due to the current ditch. Mr. Zager’s proposing silt sock on the property where the crossing and the filling will be. Mr. Desmarais wanted to make sure the pipe is in fact flowing away from the back of the wetland. Mr. Zager stated yes, it’s draining out more towards the front and ultimately flows out and discharges towards Bullock Road. Mr. Desmarais asked if it goes into the existing wetlands that the town already utilizes for storm water management. Mr. Zager said yes.

A motion was made by Charlie Sullivan, seconded by Margaret French, to issue a negative determination #3. The motion carried unanimously.

**Request for Determination of Applicability – 21 Elm Street**

Nyles Zager, from Zenith Consulting Engineers, was present. Mr. Zager said work is being done within the 100’ and they wanted to notify the board with what they’re doing and to show the proper stabilization and erosion control measures and move forward. They would like to put an addition on to expand the home. They did provide a silt sock for erosion control and a de-watering basin detail in case they do encounter water, they will be able to handle it. Once all the work is done, it will be restabilized with loam and seed. Mr. Desmarais asked if associated grating, and the loam and seeding (around the new foundation), will be the only work being done near the buffer zone. Mr. Zager stated yes.

A motion was made by Charlie Sullivan, seconded by Margaret French, to issue a negative determination #3 with the condition that the spoils be stored in an area protected by the silt sock. The motion carried unanimously.

**Discussion and Take Action Relative to Veterans/Senior Work-Off Program for Gatekeeper**

Mr. Desmarais verified there were two gatekeepers last year, Jonathan and Mark. Jonathan will not be coming back this year. The board could get a couple senior work-off applicants to fill in the gap, should someone be late or not around. Senior work-off program is when a senior can volunteer for the town, and be paid by having their real estate taxes reduced. Ms. French asked how many hours can they volunteer. They can volunteer for a couple hours or up to the maximum of 100 hours. Mr. Desmarais asked Ms. D’Antoni to reach out to the COA to get things started.

**Discussion and Take Action Relative to Utilizing eDEP**

Mr. Desmarais said this would essentially allow applicants to file electronically vs paper. The Building Department is currently doing this and Board of Health is going in that direction. Ms. D’Antoni said eDEP is though the state. It would be separate if conservation were to get online permitting, utilizing the same as the Town’s other departments. eDEP currently has a few applications available but not all of them. Applicants can fill them out and submit them online. The commission would then be able to see it. Then, when a permit is issued, it can be done online and the applicant could receive it. This would cut down on paper, and certified mail copies which cost around \$9 to send the permit to the applicant. If the commission does utilize eDEP with the online permits through Permiteyes, which is the software the Building Department uses, the applicant wouldn’t have to fill out two applications with the same information. They could upload a scanned copy of the version they submit to eDEP. Mr. Desmarais would like to do what is necessary so we can start utilizing eDEP.

**Discussion and Take Action Relative to Site Visit at 112 South Main Street**

Ms. D’Antoni reached out to DEP to help with enforcement as the property owner was continuing to do work when asked to stop and was issued an enforcement order. DEP’s recommendation was to have someone from the commission, the property owner, and someone from DEP go out for a site visit to discuss this all together. DEP only provides technical assistance so they can’t, as the appealing authority, aid in the enforcement. Mr. Desmarais asked about dates they would be able to do a site visit. Ms. D’Antoni said April 21<sup>st</sup> and 24<sup>th</sup> were proposed dates. Ms. D’Antoni was waiting to hear back from Andrew, our circuit rider for this region, to see if he’s available. Once the date is finalized, Ms. D’Antoni will let the board know when the site visit will take place. Mr. Desmarais stated there’s funds in the budget that were earmarked to bring in an, as needed, part-time consultant to help. Enforcements can take up a lot of time, and it can bring frustration when work is continuing to be done. Mr. Desmarais believes the commission should actively look for a consultant to help with enforcement, given that DEP’s roll would be limited to technical assistance. There was an advertisement for a consultant with one interested party, but the commission needs to keep looking. At the minimum, Mr. Desmarais would like this to be done by the time his appointment is up in July. It would be contacting the consultant, and they would take over and document the infractions, wetlands that, may or may not, have been impacted, buffer zones, and just getting a better handle on enforcement. Mr. Desmarais asked if the board had any ideas on the subject. Mr. Sullivan abstained from making any comments. Mr. Desmarais believes it’s a good way to make sure the Town’s interests, and the wetlands protection act’s interests are all being met.

**Minutes**

A motion was made by Charlie Sullivan, seconded by Margaret French, to approve the 03.27.2023 meeting minutes as submitted. The motion carried unanimously.

**Any other business properly to come before the Conservation Commission**

Ms. D’Antoni stated the Lambs Village extension they’d received expires today. Pastor Jose Moniz is present via Zoom. Ms. D’Antoni said the vote could be ratified at the next meeting, if the commission would like to discuss it today. Mr. Desmarais asked if it was still being worked on. Pastor Moniz said not necessarily. The City of New Bedford is putting in new pipes. Mr. Desmarais said some work is getting done and he’s willing to extend the order of conditions as long as the work continues. Pastor Moniz met with the engineers and architect. Pastor Moniz said they would be ready by May or June to have everything go to the bank. Mr. Sullivan was thinking of the issue at Estelle Ave, in regards to consistency, to extend the permit for one year.

A motion was made by Charlie Sullivan, seconded by Margaret French, to extend the order of conditions for one year. The motion carried unanimously.

**Meeting Adjourned**

A motion was made by Charlie Sullivan, seconded by Margaret French, to adjourn. The motion carried unanimously and the meeting was adjourned at 6:37pm.

This is a True Record by me.

Attest: \_\_\_\_\_  
Deanna Hayes, Senior Clerk