

Town of Freetown

Wetlands Protection Rules and Regulations

1. Purpose

The purpose of this regulation is to protect the wetlands, water resources, and adjoining land areas in the Town of Freetown by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control and prevention, fisheries, land containing shellfish, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this bylaw"). The Conservation Commission has the authority to adopt these rules and regulations for the use of conservation land (G.L. Ch. 40 §8C).

2. Exemptions and Exceptions

The application and permit required by these regulations shall not be required for work performed for normal maintenance or improvement of land which is lawfully in agricultural use (as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04) at the time the work takes place, provided that written notice has been given to the Commission prior to the commencement of work, and that the work conforms to performance standards and design specifications in regulations adopted by this Commission.

The application and permit required by these regulations shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Conservation Commission prior to commencement of work, and that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

The application and permit required by these regulations shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by these regulations. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this section, the exceptions provided in the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations (310 CMR 10.00) shall not apply under this bylaw.

3. Applications and Fees

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by the Town of Freetown Wetland Protection bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by the Town of Freetown Wetlands Protection by-law. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission in an appropriate case may accept as the application and plans under these regulations the Notice of Intent and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations (310 CMR 10.00).

Any person desiring to know whether or not a proposed activity or an area is subject to the Town of Freetown Wetland Protection by-law may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) shall include information and plans as are deemed necessary by the Commission.

At the time of a permit application or request for determination, or application for Certificate of Compliance, the applicant shall pay a filing fee specified in these Regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act, (M.G.L. Ch. 131 § 40) and Regulations (310 CMR 10.00).

Upon receipt of an application, or at any point during the hearing process, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the "consultant fee." The specific consultant services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydrogeologic and drainage analysis; and researching environmental or land use law.

If a municipal revolving fund has been established, pursuant to G.L. Ch. 44 §53E or a special act, for deposit and Commission use of filing and/or consultant fees described above, then such filing and/or consultant fees shall be deposited therein, for uses set out in the vote establishing the fund. This account shall be kept separate from the account established for filing fees paid under the state Wetlands Protection Act.

The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information available only through outside consultants is necessary for the making of an objective decision. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.

The Commission may waive the filing fee, consultant fee, and costs and expenses for a permit or other application or RDA filed by a government agency. The required advertising fees for public notification of the project cannot be waived.

4. Notice and Hearings

Any person filing a permit or other application or RDA with the Conservation Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is someone other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any permit application, Abbreviated Notice of Resource Area Delineation (ANRAD) or RDA, with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality.

The Commission shall commence the public hearing within 21 days from receipt of a completed permit application, ANRAD or RDA unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others deemed necessary by the Commission in its discretion, based on comments and recommendations of the boards and officials listed in section 5.

The Commission shall issue its permit, other order or determination in writing within 21 days of the close of the public hearing thereon unless the applicant authorized an extension in writing.

The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and Regulations (310 CMR 10.00).

5. Coordination with Other Boards

Any person filing a permit application, excluding Request for Determination, with the Conservation Commission shall provide a total of 5 copies. One copy will be forwarded to the Building Inspector/ Health Agent and one copy will be forwarded to the Planning Board. A copy shall be provided by certified mail to the Conservation Commission of the adjoining municipality, if the application or RDA pertains to property within 100 feet of that municipality. The Commission may act upon the application if no comments have been received within 14 days. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

6. Permits and Conditions

If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result there from, are likely to have a significant individual or cumulative effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

Where no conditions are adequate to protect those resource values, the Commission is empowered to deny a permit for failure to meet the requirements of this bylaw. The Commission may also deny a permit: for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; or for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Lands within 200 feet of rivers, ponds and lakes, and lands within 100 feet of other resource areas, are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may therefore establish performance standards for protection of such lands including without limitation, strips of continuous, undisturbed vegetative cover within the 200-foot or 100-foot area, or other form of work limit or setback to buildings, roads, landscaping and other features, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw. The specific size and type of protected area may be established by regulations of the Commission.

In the review of areas within 200 feet of rivers, ponds and lakes, no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by the Town of Freetown Wetlands Protection bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial purpose), logistics, existing technology, costs of the alternatives, and overall project costs.

To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize

or require replication of wetlands as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless of the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or possible presence of rare species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act Regulations (310 CMR 10.60).

The Commission shall presume that all areas meeting the definition of "vernal pools" under §IX of this bylaw, including the adjacent area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual meeting the qualifications under the wildlife habitat section of the Wetlands Protection Act Regulations.

7. Time Periods

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

Amendments to permits or determinations shall be handled in the manner set out in the Wetlands Protection Act Regulations and policies there under.

The Commission in an appropriate case may combine the decision issued under this bylaw with the Order of Conditions, Order of Resource Area Delineation (ORAD), Determination of Applicability or Certificate of Compliance issued under the Wetlands Protection Act (M.G.L. Ch. 131 § 40) and Regulations (310 CMR 10.00).

8. Recording

No work proposed in any application shall be undertaken until the permit, ORAD or determination issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform, the Commission may record the documents itself at the applicant's expense.

Upon completion of the work described in the Permit and shown on the final Plan of Record, the applicant may request in writing that a Certificate of Compliance be issued. The Commission, within 21 days of receipt thereof, shall review a request for Certificate of Compliance.

9. Definitions

The following definitions shall apply in the interpretation and implementation of these regulations.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality
- E. Placing of fill, or removal of material, which would alter elevation
- F. Driving of piles, erection, expansion of buildings, or structures that require a Building Permit.
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including cutting or trimming of trees and shrubs
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
- K. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term "pond" shall follow the definition of 310 CMR 10.04.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

The term "vernal pool" shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be 100 feet outward from the mean annual high-water line defining the depression, but shall not include existing lawns, gardens, landscaped or developed areas.

Except as otherwise provided in these regulations of the Conservation Commission, the definitions of terms and procedures shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations (310 CMR 10.00).

10. Security

As part of a permit issued under these regulations, in addition to any security required by any other municipal or state board, agency, or official, the Conservation Commission may require that the performance and observance of the conditions imposed hereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below:

- A. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit
- B. An Order of Conditions shall also include a condition that the applicant (or owner if the applicant is not the owner of the property) grants the Commission, the Town, and their agents' permission to enter the property in the event of default in order to perform any work reasonably necessary to cure the default. The applicant (or owner) should be required to sign the Order of Conditions as assenting to the conditions allowing entry and imposing the bond. The Order of Conditions should be properly recorded at the Registry of Deeds.
- C. In a situation where immediate action is necessary for the promotion and development of natural resources or to protect the Town's watershed resources, the Commission may expend available funds from the Conservation fund under M.G.L. Ch. 40 § 8.
- D. When the Commission requires a performance bond on a particular project, it should clearly define in the Order of Conditions what the performance covers and what conditions the applicant will be deemed to be in default.

11. Enforcement

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by the Town of Freetown Wetlands Protection by-law, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this by-law.

The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under these regulations and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce its regulations, and permits issued hereunder by violation notices, non-criminal citations under G.L. Ch. 40 §21D, and civil and criminal court actions. Any person who violates provisions of these regulations may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the Board of Selectmen and Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the chief of police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person, who violates any provision of these regulations, permits, or administrative orders issued hereunder, may be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may issue citations under the non-criminal disposition procedure set forth in G.L. Ch. 40 §21D, which has been adopted by the Town in section 7 of the general bylaws.

12. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

13. Appeals

A decision of the Conservation Commission shall be reviewable in the superior court in accordance with M.G.L. Ch. 249 §4.

14. Relation to the Wetlands Protection Act

These regulations are adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations (310 CMR 10.00) hereunder.

15. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination, which previously has been issued.

16. Use of Conservation Lands

16.1 DEFINITIONS

Commission: The Town of Freetown Conservation Commission

Conservation Lands: for this purpose of this regulation, "Conservation Lands" shall mean all properties with public access under the jurisdiction of the Freetown Conservation Commission by means of deed, conservation restriction, or vote of the Board of Selectmen, including any other land owned by or under easement or restriction with the Town of Freetown.

Enforcing Agent: Shall include the Freetown Police Department, Massachusetts Environmental Police, Town of Freetown Conservation Commission or Planning/Land Use Agent.

Motorized vehicle: means any mechanically propelled vehicle running on rubber tires, belts, cleats, tracks, skis, or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. Motorized vehicles include, but are not limited to, cars trucks, jeeps, SUVs, all-terrain vehicles, off-road vehicles, snowmobiles, motorbikes, mini-bikes, motorized scooters, motorcycles, or skidoos. Motorized vehicles also include motorized boats.

Use of Conservation Lands Regulation

16.2 PURPOSE

The Freetown Conservation Commission invites everyone to enjoy the conservation lands within the town of Freetown for passive recreation. The Town of Freetown Conservation Commission's goal in management of its property is to protect the values of the land. The values are related to the protection or preservation of biological and ecological diversity, water supply and water quality, aesthetics and recreation, community character and others the Commission deem important. These values are related to public health and safety and environmental protection. The Commission has adopted these regulations under its authority (M.G.L. Chapter 40, §8C) to make regulations for Town conservation lands in

order to protect wildlife habitat, prevent erosion, and provide an enjoyable experience for all persons using the trails. A list of conservation lands is available at the Commission office.

Any person operating, or allowing a motorized vehicle to enter or remain on any Town of Freetown Conservation Commission land must obtain from the Commission a Conservation Land Access Sticker. The driver and/or registered owner of a motor vehicle in operation and/or parked/standing upon the Conservation land found to be doing so without a permit or access sticker by the Conservation Commission Enforcement Officers or the Freetown Police Department shall be warned /fined: Warning for a first offense, \$25 for a second offense with the issuing of a resident sticker and Conservation Access sticker, for non-residents a \$10.00 fine which would include a Conservation Commission Access sticker, and \$50 for a third and subsequent offense.

16.3 ACCESS STICKERS: Upon payment of a \$10 fee the Conservation Commission shall issue an Access Sticker that will be valid for life.

16.4 BASIC REGULATIONS

1. Conservation lands and associated parking are open from dawn to dusk. Parking after dusk is prohibited.
2. Hours may be extended for hunting, a specific event, or use if prior written permission has been obtained from the Conservation Commission.
3. Any use by commercial or organized groups requires prior written permission from the Conservation Commission.
4. The Conservation Commission and the Town of Freetown are not liable for injuries, damage to personal property, theft of personal property or other losses incurred while using the conservation lands. Persons using the conservation lands assume any and all risks involved with use of the land.
5. These regulations may be made more restrictive for specific parcels as deemed necessary by the Conservation Commission. In emergencies or for the public safety, the Commission may make exceptions to these regulations.
6. All public safety by-laws of the Town of Freetown apply to conservation lands.
7. All cans, bottles, litter, and garbage or other materials brought onto the property are to be taken away by the user.
8. All persons using the Town's conservation lands are strongly urged to respect the boundaries of adjacent private properties and not to trespass thereon without the express consent of the landowner.

16.5 ALLOWED ACTIVITIES AND USES

1. Conservation land may be used for passive recreation, including hiking, jogging, canoeing, snowshoeing, cross country skiing, picnicking, education and nature study and bow hunting only.
2. Pets must be under owners control at all times and owners shall immediately remove and properly dispose of all pet waste. Pets shall not be allowed to dig holes or otherwise damage the land. Pets shall not be allowed to endanger wildlife or the natural vegetation.
3. Horses are permitted except on restricted trails. Horseback riding may be limited during wet seasons or when the ground is soft as such use damages the trails. All horse waste shall be removed immediately and properly disposed.

4. Non-motorized bicycle riding is permitted except on restricted trails. The bike rider shall not damage the trail or endanger other trail users. Neither shall the bike rider endanger wildlife or vegetation. The bike rider shall stay on the trails.
5. Use of the Town's conservation lands by groups is permitted with prior written notification and approval of the Conservation Commission.

16.6 PROHIBITED ACTIVITIES

1. No fires are permitted, except with prior written permission of the Conservation Commission.
2. No trapping or collecting of flora and fungi is allowed on Conservation lands without the express written consent of the Town of Freetown Conservation Commission.
3. No motorized vehicles are permitted outside of specified parking areas or access roads. Motorized vehicles are prohibited in all other roads except for emergency response by the Police and Fire Departments, or maintenance activities, or with prior written permission of the Conservation Commission.
4. No person shall cut, break, remove, deface, or defile any structure, fence, sign, growing trees, bushes, rocks, soil, plants, or flowers. No trails shall be cut or marked, no dams built, nor any structure such as a lean-to, bridge, etc. be constructed.
5. The disposal of trash, yard waste, or the dumping of any other material on conservation land is prohibited.
6. No person shall engage in business, sell, expose for sale or give away any goods, wares or circulars without written permission from the Conservation Commission.
7. No consumption or possession of any open alcoholic beverage are allowed on Conservation Commission lands.
8. No camping is permitted except with prior written permission of the Conservation Commission.
9. Use of firearms, paintballs, and pellet guns is prohibited except with prior written permission of the Conservation Commission.
10. The use of conservation lands for commercial purposes is not allowed except by written authorization of the Commission.
11. The making of loud or disturbing noise is prohibited.
12. Public nudity is prohibited.
13. Feeding wildlife is prohibited.
14. Any activities and uses not set forth here require the permission of the Conservation Commission.

16.7 ENFORCEMENT

Violations of these regulations may be punishable by fine.

Any enforcing agent taking cognizance of a violation of these rules may require the violator to provide his or her name and address. No person shall refuse or fail to provide his or her name and address upon the request of an enforcing agent.

Any enforcing agent taking cognizance of a violation of these rules, or having cause to believe any crime has been committed, may order the violator to leave the conservation land immediately and remain off the conservation land for a period of 24 hours. No person upon receiving such order shall refuse or fail immediately to leave the conservation land or, having left, no person shall enter the conservation land before the 24 hours period has expired. Persons who fail to comply with this regulation may be subject to a criminal charge of trespass.

The Conservation Commission, its agents and any Town of Freetown Police Officer shall have the authority to issue citations assessing monetary fines, depending on the extent and severity of the violation.

A violation of these regulations may be punished by a fine of not more than \$100 per day shall be imposed according to the following schedule: \$50 for a first offense, \$75 for a second offense, and \$100 for a third and subsequent offense. These fines may be imposed under the provision of M.G.L. Chapter 21D by any of the Enforcing Agents, Freetown Police Department or by Commission members or staff as well as the Planning Land use Administrator. Each day shall constitute a new offense. If a violator has had three offenses, they shall be banned from the Town of Freetown Conservation Commission land for one year following the third offense. Assessment of fines under this section shall not restrict the Conservation Commission from issuing additional penalties for violations under the Massachusetts Wetlands Protection Act and/or Freetown Wetlands Protection By-law and for requiring remediation for any damages. Failure to pay a fine assessed under this regulation within 21 days may result in criminal prosecution.

The foregoing Regulations shall be prominently posted on all Conservation lands, shall be available to the public, and shall be given to all individuals seeking use permits.