

**Town of Freetown  
Conservation Commission**  
Minutes of the Monday, September 11, 2023 Meeting  
Held hybrid, at the Police Station Community Room, and over Zoom

RECEIVED  
FREETOWN TOWN CLERK  
2023 OCT -4 AM 8:13

**Present in Person:** Charles Sullivan, Margaret French and Steven Tripp.

**Absent:** Christopher Mather

**Call to Order:** Charles Sullivan called the meeting to order at 6:02p.m.

**Extension Request for Order of Conditions-45 & 63 Braley Road, SE 026-0639**

Mr. Sullivan explained that the applicant is requesting a 3-year extension due to going through Eversource.

A motion was made by Steven Tripp, seconded by Margaret French, to extend the order of conditions. Motion was carried unanimously.

**Request for Determination of Applicability – 5 Glad Street**

David Mason, on behalf of Sam Speakman and Speakman Construction explained that it is an existing situation with an existing system tank and during a perk test it had been discovered that there are wetlands beyond the lawn area. Test holes have been done in the front yard, in order to relocate the system. Due to the wetlands, they are relocating the well to accommodate the new location of the septic leaching and new well location. The tank and pump chamber would remain in rear of yard, 10 feet from house, due to a finish basement and plumbing already being under the slab. Mr. Sullivan asked about being outside of the 100-foot buffer zone. Mr. Mason agreed.

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

**Continued Notice of Intent – 1 Tasha's Lane**

Mr. Sullivan explained that a file number is needed. Victoria Alfaro said they have received the DEP file number with no comments. Mr. Sullivan stated there is an issue with a covenant. Mrs. Alfaro explained that through the planning board a covenant is held on that lot and no building permits will be issued until the covenant is relieved.

A motion was made by Steven Tripp, seconded by Margaret French, to approve the condition that the covenant be released before any work can begin. The motion carried unanimously.

**Notice of Intent – 1 Thomasset Way**

Brian Thomasset, owner, stated he would have the changes to plans in about two weeks.

Motion was made to open the public hearing by Steven Tripp, seconded by Margaret French.

Motion was made by Steven Tripp to waive the reading of the public hearing, seconded by Margaret French.

Mr. Thomasset explained that over the weekend, the array was moved over another 5 feet and just waiting on the engineer to come do the survey. Mr. Sullivan asked that any changes to tree cutting and how you would go about it be added to the plan. Mr. Thomasset stated there should not be any tree cutting.

Motion made by Steven Tripp, to continue to next meeting on October 2<sup>nd</sup> at Council on Aging, seconded by Margaret French. Motion carried unanimously.

**Notice of Intent – 108 Proprietors Way**

A motion was made by Steven Tripp, seconded by Margaret French, to waive the reading of the public hearing notice. The motion carried unanimously.

A motion was made by Margaret French to waive the public hearing reading, seconded by Steven Tripp.

Nyles Zager from Zenith Consulting Engineers, explained that they filed under limited project. It is a crossing through the wetlands off of Proprietors Way to access a currently vacant site. They have had wetlands delineated by Steve Chmiel and he demonstrated that it is a bordering vegetated wetland. They are proposing to access the site by 4,300 square feet of wetland disturbance. It is under the 5,000 square feet that would trigger the Army Corp. They are proposing a 1.5 to 1 ratio replication on lot where potential house would be built. A 14-foot-wide gravel way with 3-foot-wide shoulders, to meet fire code, all outside buffer zone. A 20-foot-wide clearing access way to get to the replication area, a temporary disturbance area. The crossing is considered a limited project due to having no other means to access but to go through the wetlands, a filing must be done through wetland protection act, that is the reason for being here tonight. Mr. Zager explained that as far as the crossing, they will provide two 12-inch ADS pipes that will stand the width of the road of driveway to allow water to pass from one side to the other. A letter from DEP asked about the existence of a potential stream. Mr. Zager stated that he provided documentation that there is no current stream there, it is not mapped on the GIS maps, may have been a water body at one point but not an existing stream channel there anymore. Mr. Zager explained that a 75% grow rate is needed for replication, they are proposing monitoring through the growing season and provide a construction sequence on the plans. Mr. Sullivan asked about taking material from where filling in to move it to replication. Mr. Zager replied that the replication area would be dug out, plants and seed mix put into water table and should have a good success rate with that. James Rezendes, owner of property, commented on how they would have to add material.

Mr. Sullivan opened it to the public. He stated that comments are to only be on what is before the commission, the authority to regulate wetlands, and only accept questions and comments about the crossing of wetlands and remediation.

John Viarella of 17 Snuggles Way asked if the road being built would be a public road or a driveway. Mr. Zager stated that the road would be a private driveway to access the single-family home. Joseph Lech of 193 Chace Road asked how deep the water is in that area. Mr. Zager replied that it is about 2 to 3 feet and was determined through a survey. A topography through the wetlands was done and got surveyed to demonstrate what was there. Rachel Lech of 193 Chace Road stated that there were no waders. Mr. Sullivan stated that we are not having a debate and asked if there was a question. Mrs. Lech stated that there is a creek that runs one side to the other, what if during wet season, will they alleviate without flooding out abutters. Mr. Zager replied that the purpose of this is that we can't flood out abutters, we provided culverts under the road to allow water to pass through just like it does now, it is a practice that is done, people have the right to access their land. Jared Zitano of 191B Chace Road, stated that he understands the culverts but now removing vegetation from the area and installing a driveway, two 12-inch pipes is not enough, he would push for two 24-inch pipes. He is concerned about the culverts that run under Chace Road and would speed up the water flow. Mr. Zitano requested clarification about the stream. Mr. Zager replied to answer the question about the culvert is that there is no stream channel, all it is, is an equalization pipe allowing water to pass and repass, not speed or slow water. It is not interfering with existing culvert, same amount of water that is going there. As far as the stream, there are intermittent and perennial streams, it is not shown as a perennial stream on USGS maps, after wetland scientist reviewed, there is no documentation of an intermittent stream, may have been there at one point. Mr. Zitano stated that the stream runs constantly and has concern about vegetation being removed and how it will speed up water. Mr. Lech brought concern to the water level being more than three feet and about vegetation and wildlife. Donna Zitano of 191 Chace Road asked if there could be further discussion to consider to upgrade the 24-inch pipes to satisfy the abutters. Mr. Sullivan said yes. Mr. Zager said the idea of a bigger pipe will create more fill, 12-inch pipe handles a lot of water, more than enough to satisfy what is there. Mr. Sullivan said they will continue to have a site visit in the next two weeks.

Motion was made by Steven Tripp, to continue public hearing to October 2<sup>nd</sup> at the Council on Aging, seconded by Margaret French. Motion carried unanimously.

#### **Discussion and Take Action Relative to Issuing Fines – 112 South Main Street**

Mr. Sullivan stated that it comes down to deciding when to start the fine period and what the sum would be. Mrs. Alfaro explained the enforcement policy. She stated that fines have never been issued before, so we need to make sure that we set the precedent for going forward with other violations, to be consistent. Mr. Sullivan stated that he has advised the Board of Selectman that they will be issuing the fines but the only way to collect would be through civil action. He states that the Board of Selectman expressed concern about being consistent. He stated that the policy we have now is vague, we will be putting together a clearer policy in more of a formal way. A policy that states who can issue the fines and how to go about fining from the start. Mr. Sullivan stated

that in new regulations, we have to have a public hearing. He asked what do we want to do with the fine. Ms. French stated that she thought in last meeting discussed, we had decided on \$100. Mr. Sullivan suggested that \$100 a day would be an appropriate fine. Ms. French asked if it is possible to scale the fine, 1-15 days is an amount and after 15 days, no response then the fine is scaled up. Mr. Sullivan stated that he is not opposed of increasing the fines. Mr. Tripp stated that they have probably reached max by now, that we are allowed to charge. Mr. Sullivan stated that we would not retroactive the fine but start now with the fines. Mrs. Alfaro stated that fines would go to property owner. Mr. Sullivan asked if we should start fining tomorrow or once notification has been officially made. Mr. Tripp suggested to once signature has been done for return receipts. Mrs. Alfaro suggested that it would be better if police dropped it off for same day issuance.

A motion was made by Margaret French, seconded by Steven Tripp to begin to fine \$100 per day for the first 15 days and then up to \$200, then after 30 days it will be \$300 per day. Fines will begin on date of service until the date of the Notice of Intent filing. The motion was carried unanimously.

#### **Discussion and Vote on Changing Meeting Dates and Times**

Mrs. Alfaro explained that if we changed them then the board would be missing the Selectman meetings. Therefore, Ms. French suggested to change the meeting dates and times back to second and fourth Monday.

Motion was made by Margaret French to go back to meeting dates and times of the second and fourth Monday, seconded by Mr. Tripp. The motion was carried unanimously.

#### **Minutes**

A motion was made by Steven Tripp, seconded by Margaret French, to approve the 08.14.2023 meeting minutes as submitted. The motion carried unanimously.

#### **Any other business properly to come before the Conservation commission**

Mr. Sullivan suggested to maybe come up with a policy to allow some actions to be administratively approved. He made reference to the couple that wanted to replace a 90-foot pool. Replacing a structure that was there before, to have Mrs. Alfaro administratively approve those kinds of things. Ms. French expressed that she has trust in Mrs. Alfaro but her concern would be that if Mrs. Alfaro ever left and someone else comes in, would they still have that trust. She suggested if there was something they could sign stating that Mrs. Alfaro would be able to administratively approve. Mrs. Alfaro explained that they could come up with a form that states that and who has authority to sign approvals could be revisited with new staff. Mr. Sullivan stated to think about it and as new regulations come along.

Site visit to 108 Proprietors Way scheduled to be September 23<sup>rd</sup> at 9:00am or September 30<sup>th</sup> at 9:00am.

#### **Meeting Adjourned**

A motion was made by Steven Tripp to adjourn meeting, seconded by Margaret French. The motion carried unanimously, and the meeting was adjourned at 7:11p.m.

This is a True Record by me

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