

**Town of Freetown  
Conservation Commission**

Minutes of the Monday, October 2, 2023 Meeting  
Held hybrid, at the Multi-purpose Senior Center, 227 Chace Road and over Zoom

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

**Present over zoom:** Margaret French

**Absent:** Christopher Mather

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

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

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

Mr. Sullivan called the hearing back to order.

A motion was made by Steven Tripp, seconded by Margaret French, to continue the public hearing to November 13, 2023 meeting at Police Station. Motion was carried unanimously.

**Continued Notice of Intent – 1 Thomasset Way**

Mr. Sullivan called the hearing back to order.

A motion was made by Steven Tripp, seconded by Margaret French, to continue the public hearing to November 13, 2023 meeting at Police Station. The motion carried unanimously.

**Continued Notice of Intent – 108 Proprietors Way**

Mr. Sullivan called the hearing back to order.

Mr. Sullivan explained that the commission had attended a site visit on Saturday. Ms. French asked what was found on the site during the site visit. Mr. Sullivan explained what was found, were the same as plans. Which was the area off roadway of Chace Road, area of upland, then an extended area of wetlands from west to east across from the property. He said the water is as high as it will be during any time of the year and what is proposed is adequate in his opinion and similar to other properties.

Rachel Lech of 193 Chace Road asked where the commission looked during the site visit. Mr. Sullivan responded that they inspected the property in question and investigated the roadway. Mrs. Lech explained that the area in question goes to both sides of her property and the abutter on the other side and asked how far back did they go. Mr. Sullivan explained that they went as far back as what is in question for the project. He explained that the wetlands flow behind the highway department and to Snuggles Way. He stated that other properties have come before the board, so they are familiar with the wetlands in the area and had inspected the area that will be disturbed. Mrs. Lech asked if it was inspected on both sides as requested. Mr. Sullivan responded yes. Mrs. Lech asked when it was inspected. Mr. Sullivan said a week ago, Saturday.

Donna Zitano of 191 Chace Road asked if an order of conditions would be issued. Mr. Sullivan said yes, it would be issued and conditions to use material removed for driveway would be used for replication. Mrs. Zitano asked how far back did the wetlands go. Nyles Zager from Zenith Consulting Engineers said they do not have a scale but would be about 20 to 25 feet from the pavement where it starts and then the wetlands that are in question, close to a couple hundred feet.

Wayne Zitano of 191 Chace Road asked for clarification of the plans that showed a certain section being paved. Mr. Zager stated it would be a gravel construction entrance and remain gravel the whole time. Mr. Zitano stated that he thought he heard that pavement would happen 100 feet in. Mr. Zager said no, it would remain gravel and is not necessary for a private way. Mr. Zitano stated that gravel contaminates wetlands. Mr. Zager stated no because it would be a hard-packed gravel, riprap on both sides to act as an erosion barrier to wetlands, and drainage alongside of the roadway. Mr. Zitano asked how far in from the property line. Mr. Zager stated within about five to six feet. Mr. Zitano asked about tree removal and if they would be

replaced. Mr. Zager replied the trees would be removed, the drainage has to go there and that is why more clearing is being done on that side to capture storm water. Mrs. Zitano asked if that would be the 200-feet. Mr. Zager replied that is correct and pitching water to capture majority. Mr. Zitano asked if the driveway that is being put in, would it pitch in from Chace Road. Mr. Zager replied that was correct.

Mrs. Zitano asked if the order of conditions is something that would be written. Victoria Alfaro said that it would be a permit that is issued. Mrs. Zitano stated that she had been to Department of Environmental Protection (DEP) and wanted to make sure the order of conditions would meet the standards. She is aware of an appeal period and would want ample time to have a professional review, in case of the need for an appeal. Mrs. Zitano asked if they are notified. Mrs. Alfaro stated that there is not a notification process but she is welcomed to contact the office. Mrs. Zitano asked when would the order of conditions be available. Mrs. Alfaro replied that it would depend on when the commission voted, then would take a few days to write up and get the signatures.

Debra LaPlante of 2 Tasha's Lane expressed her concern that only one side is being shown and not the other side that is Loron Acres and how there is property line issues. She asked if there would be a showing of the other side, are there are wetlands on the other side that are not being seen, and when would that map be shown with the entire picture. Mr. Sullivan stated that the concern for this hearing is for the construction of the roadway thru the wetlands. Mrs. LaPlante asked if the other side would ever be shown. Mr. Zager stated that as far as the work goes, a wetland scientist delineated the crossing area and the proposed home would eventually go. He said there was nothing upgradient of it and all the flow comes from Proprietors Way and crosses the two 12-inch culverts that cross the road. He stated that nothing is mapped on GIS and nothing was found by the wetland scientist. He stated that they cannot add any more flow into any abutter properties and that is what is shown, no additional wetlands associated or within 100-feet of the project. Mrs. Zitano asked if the wetlands scientist was there on the site visit. Mr. Sullivan replied that yes, he was.

Joseph Lech of 193 Chace Road asked who would he call when his driveway floods. Mr. Sullivan stated the property was inspected and the Lech's driveway has two 12-inch culverts running underneath, just as this plan is proposing. He added that further down Chace Road, there are culverts that run under the roadway. He said these are the same standards as when the Lech's driveway was put in and same as the highway department, the knowledge the engineers have and had, standards are met.

Mrs. Zitano asked about the intermittent stream and that DEP had verified that the intermittent stream is there. Mr. Sullivan asked where would the intermittent stream be. Mrs. Zitano stated that DEP had shown the stream right on their maps. Mr. Zager stated that was the purpose of the site visit. The map showed the potential of an intermittent stream. He stated that a professional wetland scientist determined there was no bank or channel and was an open wetland with no channelized flow. There was flow going across the culvert due to rain but that does not dictate whether there is a channel there. There was a lot of standing water, just a flooded area, no channelized flow. Mr. Zitano asked if the scientist dictated the same reasoning on Saturday. Mr. Sullivan replied yes. Mr. Zitano asked if the videos that were sent were looked at. Mr. Sullivan stated that the videos were looked at. He added that the water that flows under Chace Road was channeled that way by the town and is not a stream. Mr. Zitano stated he is wrong. Mr. Sullivan asked for a motion to close public hearing.

A motion was made by Steven Tripp, seconded by Margaret French, to close the public hearing. The motion carried unanimously.

Mr. Sullivan opened the meeting to the commission for questions and comments.

Mr. Tripp stated that he saw everything flows the same way as the other two driveways and flows into the same spot and does not see where it would make any new backups. He added that there was still plenty of room in the pipes under Chace Road for extra flow.

A motion was made by Steven Tripp, seconded by Margaret French, to approve the plans as submitted.

A motion was made by Steven Tripp, seconded by Margaret French, to amend motion to approve as submitted with the conditions that the materials, as much as possible, to be utilized for the wetlands.

### **Request for Determination of Applicability – 31 Mill Street**

Mr. Zager stated the reason for the meeting is for an upgrade to septic system. Mr. Zager further explained the upgrade. He stated that it is an existing building by Assonet Mill Pond and currently has a septic system that is located off site and piped under Route 79. They are now splitting up ownership and looking to get their own septic system. They have proposed a presby system, 2,500-gallon tank and 1,500 pump chamber at rear of building and that would pump thru parking area to septic system at Richmond Road. A retaining wall is proposed on three sides so that it does not impact the parking area. They are within the riparian zone and within a boarded vegetated wetlands and minimized the impact as much as possible. They have the erosion control surrounding the area and dewatering basin proposed for the construction. They will most likely hit water due to the proximity to resource areas and will be the reason for the dewatering basin during construction. There is no construction entrance necessary due to the area already being paved. The proposal had also been submitted to the Board of Health. Mr. Zager stated he does not know the exact status on that. Mr. Sullivan asked if it would be possible for any stockpiled material to be placed on the parking lot for erosion control. Mr. Zager replied that yes, there is not really any place else to do it due to space.

Motion made by Margaret French, seconded by Steven Tripp, to negative determination #5. Motion carried unanimously.

#### **Request for Determination of Applicability – 51 Mason Road**

Darren Michaelis from Foresight Engineering explained that it is a septic upgrade to an existing home. New system would go where the old system is. He stated that there is a wetland to the north and south and when house was built someone dug a ditch and connected them together. There is now a ditch that is not a stream but close to water table, and will be maintained from setback. He looked at it as a boarded vegetated wetland and will be over 50-feet. Work would be done strictly in lawn area, no stockpiling of material, surrounding property with silt fence, tanks are going with the old tanks. They got permission with the neighbor to access the septic through their property to access the septic. There is no dewatering needed.

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

#### **Request for Determination of Applicability – 10 Huron Avenue**

Andrew Fontaine is the owner of property and Civil Professional Engineer. He explained that the well on the property had been replaced and refurbished but still has poor quality and quantity. He hopes that in the future to make improvements to the property and house. He stated that he thinks to have a decent water supply is the first step in those improvements. He did a new presby septic system about 15 years ago. He now wants to do a deep well. Tom Leonard from American Well and Pump looked at the site. He has an air rotary that he would use to have extreme minimal disturbance. He explained that Round Pond is about 50 feet away and Long Pond is close to 100 feet. The slope rises about 10-feet before it drops 15 to 20-feet to Long Pond. That has a large ridge known as Beech Bluff, separating the proposed well side to Long Pond with no chance of impact to Long Pond. There would only be a chance of impact to Round Pond. He stated that if the air rotary equipment ended up not working properly then Mr. Leonard has another method but would generate more sediment. Mr. Fontaine stated that Mr. Leonard is familiar with containment methods by using plywood and straw wattle to contain that.

Motion was made by Steven Tripp, seconded by Margaret French, to issue a negative determination #3 with the condition that straw wattle be put in around the area. Motion carried unanimously.

#### **Request for Determination of Applicability – 6 Christopher Drive**

Andrew Curtis of 6 Christopher Drive explained that he would like to construct a garage for personal use. He is trying to be respectful of the secondary leeching field. Thought best would be for wattles along the back to be within the 50 to 100-foot range. He stated it might be possible to move it closer to house since it is just a slab building, and would be within 10-feet of existing leeching field if Board of Health allows. He wants to be respectful of surrounding of wetlands. Mr. Sullivan stated that he might want to do silt socks for erosion control.

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

#### **Update on Issuing Fines – 112 South Main Street**

Mrs. Alfaro explained that Mr. Bob Weaver had come into the office on previous Friday, believed he went to Town Clerk office to pay the fine. He stated he would stop back by on Monday since she was out of the office on Friday. Clerk Nicole DeMoranville was in office on Friday. Mr. Weaver did not stop by on Monday. Mrs. Alfaro stated she was unsure if they intend to file. She explained that the fines had to be adjusted per the by-law that stated how much could be fined, adjusted the fines so there would be no issues down the line. Mr. Sullivan clarified that the first offense was \$50, not the \$100 and now will go to \$100. Mr. Sullivan added that he would be speak with the Town Administrator for the possibility of civil action and let her know what happening. Mr. Sullivan added that hopefully civil action would not need to take place but should be expediated as soon as possible. He explained that if owners appeal, then it would be a criminal action in District Court.

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

Mr. Sullivan stated that there is a complaint on Chace Road. It is a question about a violation of wetlands. He stated that Mrs. Alfaro will send a letter to property owner to notify them of an inspection needed to determine a wetland issue.

**Minutes**

A motion was made by Margaret French, seconded by Steven Tripp, to approve the 09.11.2023 meeting minutes as amended. The motion carried unanimously.

**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 6:52 p.m.

This is a True Record by me

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