

**CONSERVATION
COMMISSION**
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Robert Materne, Chairman
David Evans, Vice Chair
Thomas Nicholson
Krisna Prachanronarong
Stephen Choquette
Matthew Habershaw
Matt Kershaw
Sara Huber, Assoc. Mbr
Daniel Roach, Agent

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – January 19, 2021

Present: Robert Materne, Chairman, Dave Evans, Thomas Nicholson, Krisna Prachanronarong, Matt Kershaw, Stephen Choquette, Matt Habershaw, Daniel Roach Conservation Agent.

Absent: Associate Member Sara Huber.

CALL TO ORDER

Mr. Materne called the meeting to order at 7:00 PM.

Scott Pennoyer

Mr. Materne announced the passing of our Conservation Commissioner Chairman emeritus Scott Pennoyer.

Mr. Habershaw stated he was a dedicated member for a long time. He put a lot of time into the town of Rehoboth and Mr. Habershaw was at a loss for words. Mr. Pennoyer had a 2yr battle with cancer and he lost the battle.

Mr. Materne stated he was a good dad. He always talked about Eric & Rakell. I'm going to miss him. He was a presence. He was on the commission when I joined in 2000. I don't know anybody who knew more about the rules and regulations of the Wetland Protection Act. Scott did. I'm going to miss his "Scottisms". His favorite one was whenever he was talking about wetlands and described the "catalinetas growing in there". I would have to remind him that they were "cattails". Those are some of the things I will think of when I think of Scott. He really knew a lot and he did love the town. There's no question about it.

Public Hearing and Meetings

1. Mills – 30 Steber Way – NOI – SE60-1218

Mr. Peter Lavoie of Landmark Site Design was present.

Mr. Lavoie presented revised plans.

Mr. Materne stated we did not go out due to the holiday weekend. Put a conservation sign at the outer edge of the replication area. Near elevation 54. Asked Mr. Kershaw how did he feel about the wetland line?

Mr. Kershaw stated he didn't think it was to off. He didn't see the left side of it. But what he saw on the right it pretty accurate.

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Mr. Materne asked the commission if they felt they need to go out to the site to see the staking of the footprint and the wetlands to the well on this particular application?

Mr. Evans stated that regarding the wetland replication plan; he didn't notice anything about monitoring. Isn't it standard to get a report from a biologist?

Mr. Lavoie stated he can add that.

Mr. Evans stated that it is something that can go into the orders. He didn't feel we need to go back out to the site.

The commission agreed.

Mr. Evans asked when the monitoring piece should go? In the conditions or on the plans?

Mr. Materne explained that it should go on the plans and in the orders.

Mr. Evans made a motion to close the public hearing.

Mr. Prachanronarong seconded the motion. Roll call vote; all replied aye. Motion passes.

Mr. Evans made a motion to issued Order of Conditions with the understanding that we won't issue an Authorization to Proceed until we have revised plans.

Mr. Prachanronarong seconded the motion. Roll call vote; Materne – aye, Evans – aye, Nicholson – aye, Prachanronarong – aye, Habershaw – abstained, Choquette – aye, Kershaw – aye. Motion passes.

2. Perez – 45 Reed St. - RDA

Mr. Peter Lavoie of Landmark Site Design was present.

Mr. Lavoie presented revised plans.

Mr. Materne stated that since this is an RDA and the project is now outside the 100' buffer zone but not the 200' riverfront. This is a repair in an existing lawn. Does the commission feel that this is going to require an NOI or would a Negative 3 for the RDA be sufficient?

Mr. Habershaw stated he was ok with a Negative 3 on this.

The Commission agreed.

Mr. Materne stated we did not verify the mean annual high-water line. Do you feel that is far enough away, would it be necessary to go back out?

Mr. Evans stated as a repair, they are going to be reducing their impact. He would be fine with not going as long as we said in the determination that we're not accepting the mean annual high-water flags.

Mr. Materne stated what we would do is issue the determination and say that the mean annual high-water line was not verified and not accurate as depicted. He didn't feel that it's necessary to go back out. It's on the lawn, as long as the erosion controls are in good conditions. Being that this is a repair not a new project.

The commission agreed.

Mr. Evans made a motion to issue a Negative 3 Determination with language regarding the mean annual high-water flagging that we discussed.

Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

3. Capital Design – 66 Mikayla Ann Dr. - RDA

Mr. Materne stated that he had asked Mr. Roach to look for the subdivision plans.

Mr. Roach stated he was unable to locate the plans.

Mr. Materne stated that it looked like the wetland line is along the edge of a retention pond.

Mr. Ron Eaton of Capital Design was present.

Mr. Eaton presented plans.

Mr. Materne stated that we did go out and verify the line. The issue we had was that if this is a retention pond, which he thinks it is, a retention pond doesn't fall under the provision of the act. It's not considered a wetland. He's not sure it was a retention pond because we found a ware. But if it was an outlet, the outlet path is higher than the pond. He thought that the wetland line is far enough away from the project.

Mr. Evans stated he agreed. He thought the only thing he wanted to mention bout the project was there is a certain amount of debris in that area. It might be a good time to get some of it out.

Mr. Materne asked some of the commissioners, the outlet is higher than the basin is that correct?
Mr. Habershaw stated yes, it's supposed to build up water. Then go out the ware.
The commission discussed this further.
Mr. Materne asked if there were any questions, there were none. Recommended a Negative 3 Determination. There's not siltation control. Do you think it's necessary?
Mr. Evans stated no, there's a large lawn area and we're not sure if that's a resource area.
Mr. Evans made a motion to issue a Negative 3 Determination.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

General Business

1. Baasch – 62 Blanding Road – Request for COC – SE60-265 & SE60-266

Mr. Materne stated these are still on hold until we get some work done on the violation.

2. Estrela – 11 Osprey Circle – Request for COC – SE60-1029

Mr. Materne stated that it turned out there was an NOI on this project that expired. Then a new NOI was created. What this COC is for is the expired NOI. When we issue the COC as part of the issuing we have to make it clear for the record that this NOI is superseded by the one we don't have a number for. This was discussed further.

Mr. Evans made a motion to issue a Certificate of Compliance for SE60-1029 on the expired Notice of Intent for this property. With the understanding being that there is an additional open Notice of Intent that we are not acting on.

Mr. Nicholson seconded the motion. Roll call vote; all replied aye. Motion passes.

3. Cabral – 425 Fairview Ave. – Request for COC - SE60-1089

Mr. Roach stated that all the slopes have been stabilized. The driveway was built according to the most recent plans. All the conservation signs are in their appropriate place. Recommended issuing a Certificate of Compliance.

Mr. Evans made a motion to issue a Certificate of Compliance.

Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

4. Agent Update

Mr. Roach gave a list of Authorization to Proceeds that have been issued since the last meeting.

Concerns & Complaints

1. 582 Winthrop Street – Concern– Working Past Scope of RDA

Mr. Materne asked if this is still on hold?

Mr. Roach stated yes.

5. 72 Martin Street – Concern

Mr. Roach stated this is still on hold.

6. 97 Salisbury Street – Concern

Mr. Roach stated that he had received the green card back, from the certified mail. He will continue to drive by the home to try to reach someone.

7. 579 Winthrop Street – Baasch – Concern

Mr. Roach stated that he had spoken with Mr. Choquette and 90% of the work is complete.

Mr. Choquette gave an update regarding what work had been done this far.

Mr. Materne stated to clarify the 100' buffer zone and the mean annual high-water line need to have flags placed in the field based on the ANRAD filing.

Mr. Choquette stated that there is an area where they dug a pond. We had decided not to get into that area because it would do more damage than to just leave it alone. We have put erosion control around it. Is that correct?

Mr. Materne stated we're not going to fill it in. We just wanted to make sure there was no more erosion from the pile.

Mr. Choquette stated that is what has been done.

Mr. Materne asked the commission how they felt, should the pile be removed safely when it can be done? The commission discussed this.

Mr. Materne stated to leave it alone until you can move it or stabilize it.

8. 23 Winthrop Street – Concern

Mr. Materne asked Mr. Roach if he was able to find a phone number?

Mr. Roach stated he was not able to find one.

Mr. Materne stated to try to find out who the realtor is, they may have a phone number.

9. 23 Bay State Road – Concern

Mr. Roach stated he let another voicemail message. He will call again.

Mr. Materne stated they are doing more work on the driveway.

ADJOURNMENT

Mr. Evans made a motion to adjourn the meeting.

Mr. Habershaw seconded the motion. Roll call vote – all replied aye. Motion passes.

Meeting adjourned at 7:32pm.

For the Conservation Commission



Robert Materne, Chairman

David Evans, Vice-Chairman