

**CONSERVATION
COMMISSION**
148 Peck Street
Rehoboth, MA 02769
(508) 252-6891 Telephone
(508) 252-5342 Facsimile



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

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – October 6, 2020

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

Absent: Krisna Prachanronarong, Associate Member Sara Huber, Associate Member Scott Pennoyer.

CALL TO ORDER

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

Public Hearing and Meetings

1. Lambe – 63 Homestead Ave. – NOI – SE60-1198

Mr. Mark Mariano of Oak Hill Engineering and Ms. Rachel Smith of Otis Dyer's office were present. Mr. Materne stated all that the commission was waiting for was for NESHP to approval the turtle plan. Brandon Faneuf has done that. There is NESHP approval for the turtle barriers. Asked if there was anyone in the audience with questions or concerns?

There were none.

Mr. Mariano presented revised plans based on comments from the commission and NEHSP.

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

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

Mr. Evans made a motion to issue Order of Conditions.

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

2. Lillie Mae – 367 Anawan Street - RDA

Mr. Roach stated that this public hearing has been continued until October 20, 2020.

3. Mills – 280 Fairview Ave – RDA

Ms. Rachel Smith of Otis Dyer's office was present.

Ms. Smith presented plans.

Mr. Materne stated that the commission had gone out to the site. The wetland line is accurate as depicted on the plans. Asked the commission if they had any issue with the well being between 50' and zero without a Notice of Intent being filed?

Mr. Roach stated that as long as there is a double staked haybales, that we usually do for wells and slurry pits, it should be ok.

The commission agreed.

Mr. Materne asked how the slurry pit was going to be cleaned up?
Ms. Smith asked what the procedure was that the commission wanted to see/
Mr. Habershaw stated that by the time it dries it is minimal. The well driller can dig out what is in excess, loam and seed it.
Ms. Smith asked if the commission wanted that notated on the plans?
Mr. Materne replied yes.
Ms. Smith stated the plans will be revised and given to the office.
Mr. Materne asked if the audience had any questions or concerns?
There were none.
Mr. Evans made a motion to issue a Negative 3 Determination with the condition to clean up the slurry pit.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

4. Mills – 284 Fairview Ave – NOI – SE60-1202

Ms. Rachel Smith of Otis Dyer's office was present.
Ms. Smith presented plans.
The commission agreed that the wetland line was accurate.
Mr. Materne stated that the siltation control was along the easement.
Ms. Smith stated that the commission wanted it to go out to the street along the driveway, correct?
Mr. Materne replied yes.
Mr. Materne asked if the audience had any questions or concerns?
There were none.
Mr. Evans made a motion to close the public hearing.
Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.
Mr. Evans made a motion to issue Order of Conditions.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

5. DuVally – 7 September Way – NOI – SE60-1200

Mr. Rob Davis of InSite Engineering was present.
Mr. Davis presented plans.
Mr. Materne asked if the audience had any questions or concerns?
Mr. Vincent Seccarria of 48 Bliss Street was present.
Mr. Seccarria stated that this is well within the buffer zone and the well is right on the wetlands. You are supposed to be preventing pollution. Effluences are going to come out of the well site. I understand we have some barriers there but it's right on the wetlands.
Mr. Materne stated that the Wetland Protection Act does allow wells to be put in the wetlands. This well is outside of the wetlands.
Mr. Seccarria stated it is so close that the concern becomes a lot of local damage occurs and it's pretty hard to just put a couple of haybales up to prevent drill middling's from coming in there and getting out.
Mr. Materne explained where on the plan the slurry pit was and how it worked.
Mr. Seccarria stated it seem very minimal for what could potentially be an impact.
Mr. Materne stated that the engineers are following proto call for this. The commission is very strict. The applicant has filed everything that is allowed by the Wetland Protection Act.
Mr. Materne asked Mr. Davis if the IVW was an ILSF?
Mr. Davis stated it would contain the ¼ acre foot if we were to evaluate it. As you know there is no buffer zone for ILSF, it's more stringent to protect it as a BWV.
Mr. Materne explained what an Isolated Land Subject to Flooding was.
Mr. Seccarria stated he wanted to stay on top of this. There have been issues on this site in the past.

Mr. Materne explained that the applicant has followed all the requirements of the Wetland Protection Act (WPA). He understood what Mr. Seccarria's concerns were and understood where they were coming from. Asked if there was anyone from the audience with questions or concerns?

There were none.

Mr. Materne stated that he wanted to remind the audience that this is a 40B. Which means only the Board of Health and the Conservation Commission have any say over the project.

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

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

Mr. Evans made a motion to issue Order of Conditions.

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

6. DuVally – 23 September Way – NOI – SE60-1201

Mr. Rob Davis from InSite engineering was present.

Mr. Davis presented plans.

Mr. Materne stated there was no slurry pit for the well.

Mr. Davis stated he could add one.

Ms. Megan Aldrich of 24 Bliss Street was present.

Ms. Aldrich stated her concerns is she doesn't know how to read the plans. What alterations to the property occur and what is this going to do to her property? Her yard is already wet and she's concerned if there is not enough incline where does the excess water go? If there's too little of an incline does the wetland dry up? What happens in that situation? She doesn't know what assurances there are. She has a well back there as well. What pollutions happen if something happens to the wetlands? We are in the buffer zone.

Mr. Roach explained what happens with stormwater runoff from the roadway.

Mr. Materne explained the grading lines on the plan. What this means is your land is higher. Any water is going to run away from your property. As far as the wetlands there are erosion controls to protect them. Because this is a 40B these lots do not meet the minimum size for Rehoboth zoning. It's a state mandate not a town mandate. As with the previous application the applicant has done everything with in the requirements of the MA WPA. The commission is only concerned with the MA WPA. Anything else is outside our jurisdiction.

Ms. Aldrich states she what she was trying to understand is when this structure goes up, if it effects the wetlands, what does that do to her? Does that affect her property as well? The wetlands are what controls that water and keeps pollution down.

Mr. Evans explained the plan. They are not proposing anything to change the wetlands. The dotted line along the green line, those are erosion controls. Those are designed to make, after the project is done, that there's not going to be any siltation., any run off from the project. Until grass comes in and stabilizes it will get into the wetlands. As was pointed out your house is above gradient to this. In terms of legal requirements of the WPA they are going to put in siltation control because they are not touching any of the wetlands. Because of the location of the well and septic everything looks like a project that conforms.

Mr. Materne explained why the project was before the commission.

Mr. Tom Grossi of 2135 Wheeler St, Dighton was present.

Mr. Grossi brought out concerns that are outside the jurisdiction of the Conservation Commission.

Mr. Davis addressed Mr. Grossi's statements.

Mr. Materne stated the commission is jurisdictional for the wetlands only. Asked Mr. Davis who over sees Stormwater Management?

Mr. Davis stated it was approved by DEP.

Mr. Vincent Seccarria of 48 Bliss Street was present.

Mr. Seccarria stated that according to your charter regarding stormwater run-off, it's not jurisdictional?

Mr. Materne asked site run-off, not the road?

Mr. Seccarria stated correct.

Mr. Materne asked what's your concern with run-off on this particular site?
Mr. Seccarria stated run-off where everything has been angled, where is run-off going to go to? If you look at the right-hand side, the lower wetlands and heading down to the cul de sac, there seems to be nothing stopping it.
Mr. Materne stated the wetlands are the lowest part of this particular area. The run-off was proceeding construction and was running off into the wetlands. The run-off is still running into the wetlands.
Mr. Seccarria stated his concerns with when the houses are built and pollutants such as pesticides and herbicides getting into the wetlands.
Mr. Materne explained that herbicides and pesticides are not regulated by DEP.
Mr. Seccarria asked how often someone from the Conservation Commission goes out to monitor the site?
Mr. Materne explained the step to receive an Authorization to Proceed. There is not a set time that someone goes by and checks on the project.
Mr. Seccarria stated that is his concern.
Mr. Roach stated he is out on the site at least once a month with the peer review engineer.
Mr. Seccarria stated that is excellent to hear.
Mr. Evans made a motion to close the public hearing.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.
Mr. Evans made a motion to issue Order of Conditions.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

7. Andrade – 79 Wheeler St. – NOI – SE60-1203

Mr. Rob Davis of InSite Engineering was present.
Mr. Davis presented plans.
Mr. Materne stated the commission had been out to the site. There was an ANRAD already approved, the wetland line does not need to be verified. When you are done with the replication area and we approve it, a conservation sign should be at the end of the replication area. One conservation sign at Flag 26, 50, 58 & 18.
Mr. Choquette asked if the commission felt a conservation sign should be placed at revised flag#60?
The commission agreed.
Mr. Davis stated we'll put one right at the corner of the replication area and one across the driveway at revised flag 60.
Mr. Materne asked if there were plans to touch the culvert?
Mr. Davis replied we are not going to touch the culvert.
Mr. Materne asked if there were any questions or concerns from the audience?
There were none.
Mr. Materne stated that the buffer zone will have to change once the replication area is built.
Mr. Evans made a motion to close the public hearing.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.
Mr. Evans made a motion to issue Order of Conditions.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

8. Dunham – 340 Winthrop St. – NOI – SE60-XXXX

Mr. Peter Lyons of Collins Engineering was present.
Mr. Lyons presented plans.
Mr. Materne stated by the septic system there is a double row of haybales, correct?
Mr. Lyons replied correct.
Mr. Materne asked how you got 6100 sq ft of alteration? The commission came up with only 3200 sq ft.
Mr. Lyons stated he could rerun the calculations.
Mr. Materne stated the commission had gone out to the site. They verified the wetland line, it is accurate. He contended that the wetland line is the Mean Annual High-Water line. He did not personally agree with

the Mean Annual High-Water line. This being a septic repair it will not affect the project. It will affect if someone, 3 years from now, wants to extend the project or to do future work. You need to redo the calculations before you can receive an Authorization to Proceed.

Mr. Lyons stated he had done some quick calculations and got 2600 sq ft. That's just a rough in comparison of anything that's changing in grading or having a structure.

Mr. Evans asked if this had been before the board of Health yet?

Mr. Lyons stated it had been before the Board of Health and is approved pending conservation approval.

Mr. Materne stated before you start the project pull out all the trash at the bottom of the hill by hand.

Mr. Lyons replied ok.

Mr. Evans asked if we have a DEP number yet?

Mr. Lyons stated it had not been issued yet. Requested a continuance until October 20, 2020. Asked if he should submit revised plans to change the area of disturbances?

Mr. Evans stated it could just be in the narrative.

Mr. Lyons stated he just wanted to let the commission know that he did some rough numbers. The area of disturbance is everything from the erosion control to the house. It's about 6000 sq ft. Some of that is encompassing the decommissioning of the tank out back. That is going to be minimally invasive. It could be close to 6000 sq ft of the site that's having work done. But the actual disturbance is probably going to be ½ of that.

Mr. Evans stated to continue until October 20, 2020 assuming we get a DEP number. If not, you are going to have to ask for another continuance.

Mr. Materne stated all you have to do is call the office.

Mr. Evans made a motion to grant a continuance until October 20, 2020.

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

9. Marcille – 4 Ashlynn Way – NOI – SE60-1204

Mr. Brandon Faneuf of Eco System Solutions was present.

Mr. Faneuf presented plans.

Mr. Martine stated there is no verified wetland line right now and they are working 25 feet from it.

Mr. Faneuf replied yes.

Mr. Materne stated to Mr. Faneuf to tell Mount Hope Engineering to flag the wetland and unless they can prove to the commission that the wetland line is valid. They have to reflag it and put the flag line on the plan. The commission did not go out to the site. How do they plan to build this garage when the filter mat touches the edge of the garage when it's finished?

Mr. Faneuf stated he would ask them. Requested a continuance until October 20, 2020.

Mr. Evans made a motion to grant the continuance until October 20, 2020.

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

10. Trowbridge – 234 Tremont St – RDA

Michael Trowbridge of 234 Tremont Street was present. Due to technical difficulties he was unable to speak.

Mr. Materne stated that the commission went out to the site. They verified the wetland line; it is accurate as depicted on the plans. Limit of work is the 50-foot line.

Mr. Evans made a motion to issue a Negative 3 Determination.

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

11. DuVally – 18 Birchwood Dr – RDA

Mr. Materne stated the flags are accurate. This is a pool on an existing lawn. All work is outside the 50-foot buffer zone.

Mr. Habershaw made a motion to issue a Negative 3 Determination.

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

General Business

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

2. Baasch – 62 Blanding Road – Request for COC – SE60-266

Mr. Materne stated that there is no reason to issue a Certificate of Compliance, there are still issued on the property.

3. Ash – 3 Brayton Woods Dr. – Request for a Certificate of Compliance – SE60-825

Mr. Roach stated that the project was never started, but they still had an outstanding Order of Conditions. He went out to the property; no work had started. Recommended that a request for a Certificate of Compliance be issued.

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

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

4. Agent Update

195 Winthrop Street – Concern

Mr. Materne asked if we had heard from them yet?

Mr. Roach stated no. He'll drive by the property tomorrow.

Mr. Materne explained where the property was located. Asked if the commission should issue a Cease and Desist? They are doing work with no filing in the riverfront. There is no siltation control. He needs to come before us to let us know what he's doing. Does this project need a filing?

Mr. Evans stated it does need a filing if he does plan on doing anything else. At a minimum we need to get him to put up siltation control and to come in front of the commission so we can talk to him.

Mr. Roach read a letter sent to the property owner dated May 9, 2017 signed by the former Conservation Agent Leeann Bradley.

Mr. Materne stated he's working within a riparian zone. It's a minimal amount of work. Maybe it would be ok. We still need erosion control. There is a lot of fill there.

Mr. Evans stated he though what was put in was beyond what was discussed in the letter. This person has filled previously. There is fresh work there. There's fill being brought in. There's work that needs to be addressed. He needs to at least put up erosion control there.

Mr. Materne agreed with Mr. Evans. He did not think that this is exactly what was intended on the letter.

Mr. Evans stated where you see equipment now, is outside the letter.

Mr. Materne stated to Mr. Roach that a letter needs to be sent. Stating a lot of fill has been put in there and it is a riparian zone. It is within 50 feet of the BVW. Erosion control needs to be put in place and the commission needs to have him come before us to explain what he's doing.

Concerns & Complaints

1. 72 Martin Street – Concern

Mr. Mike Morrissey of 72 Martin Street was present.

Mr. Morrissey wanted to inform the commission that he spoke with the engineer. He asked when they are going to move forward. The engineer let him know that he would not be able to get someone out to the site to do the wetland delineation line for about 3 months. Mr. Morrissey has spoken with Brandon Faneuf. Mr. Faneuf told Mr. Morrissey that he would get out once the wetland flags have been reset on the property. Mr. Morrissey just wanted to let the commission know where we stand.

Mr. Habershaw stated we are going into the winter months so that is fine.

Mr. Evans stated as long as we can get work done in the spring, before the next growing season.

Mr. Materne asked Mr. Morrissey to get a firm date from the engineer of when they are going to go out to the property to start work.

2. 582 Winthrop Street – Concern– Working Past Scope of RDA

Mr. Materne asked if there was an update on this property/

Mr. Roach stated he had spoken to Andrew Geisser, the property owner's son. Mr. Roach explained to Mr. Geisser that the stumps should come out now. All of the work, except the stumps, will be done early next week. He will be meeting with Mr. Geisser next week to review the property.

3. 97 Salisbury Street - Concern

Mr. Materne asked if they had gotten back to the commission on the options they were given?

Mr. Roach stated he had not.

Mr. Materne asked how the commission felt about sending a letter to the property owner stating that the commission is going to have Town Counsel involved soon?

The commission agreed.

Mr. Materne asked Mr. Roach to send a letter telling the property owner that if the commission doesn't hear from him by the next meeting that the commission is going to contact Town Counsel.

4. 29 County Street – Concern

Mr. Materne asked if there was an update?

Mr. Roach stated no. We sent an Enforcement Order and it was signed for. Mr. Roach physically dropped a letter of at the address this afternoon. He has been monitoring the site and they have done a little bit more work.

Mr. Materne asked who the engineer was for this project?

Mr. Roach states Peter Lavoie.

Mr. Materne asked that Mr. Roach speak with Mr. Lavoie and ask him to speak with the property owners as well.

5. 579 Winthrop Street – Baasch – Concerns

Mr. Materne stated the commission needs to have the property owner install erosion control. Then once the commission know who the owner is we can address the rest of the issues. So, we can have someone take ownership of the property to address the issues. Asked Mr. Roach to speak with Paul Baasch and let him know that erosion control needs to be installed down by the river where the dirt is and any other place where there can be an impact to the wetlands. Asked how the commission felt about this?

The commission agreed.

Mr. Materne asked what the commission felt was the best siltation control for this site?

Mr. Nicholson stated staked haybales at the toe of the slope. That would slow the erosion down.

The commission agreed.

General Business

5. 155 Perryville Road – 61A – Coming Out of Chapter

Mr. Materne explained what piece of property this was for.

The commission discussed the property.

Mr. Evans made a motion that the commission is not going to exercise their right of first refusal.

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

Meeting Minutes

1. August 11, 2020

Mr. Evans made a motion to approve the above-named meeting minutes.

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

2. August 18, 2020

The above-named meeting minutes were tabled until October 20, 2020.

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 7:32 pm.

For the Conservation Commission



Robert Materne, Chairman



David Evans, Vice-Chairman