

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

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – November 23, 2021

Present: Robert Materne, Chairman, Dave Evans, Thomas Nicholson, Krisna Prachanronarong, Stephen Choquette, Associate Member William Morgan, Daniel Roach Conservation Agent.

Absent: Matt Habershaw, Matt Kershaw.

CALL TO ORDER

Mr. Materne called the meeting to order at 7:03 PM.

Mr. Materne explained the appeal process for any decision that the commission make with regards to permits.

Public Hearing and Meetings

1. Boylan – 13 Sassafras Rd. – NOI – SE60-1273

Was tabled until later in the meeting.

2. Meridian – 10 Layla's Way - RDA

Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Materne stated that the wetland line was not verified because it is on the other side of the retention pond and it's far away from where the work is going to occur.

Mr. Materne asked the commission if there were any questions, there were none.

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

Mr. Nicholson seconded the motion. Motion passes.

3. Mass Electric – Public Way near 15 Marshall & 35 Wheeler – NOI – SE60-1274

Ms. Carolyn Gorss of BSC Group was present.

Ms. Gorss presented plans.

Mr. Materne stated that the commission did not go out to the site because the trees being removed, the stumps will be left and there is no alteration of the riverfront.

Mr. Evans stated that he noticed that the applicant had asked for a waiver for the use of erosion control.

Ms. Gorss stated erosion control will be used. We asked to waiver marking the wetland boundaries and post signage because they are on private property.

Mr. Materne stated there is no need to flag it, because there is no stumping and limited disturbance.

Ms. Gorss stated that haybales would be used per the requirements.
Mr. Evans stated that the commission allows the use of straw wattles, properly installed.
Mr. Nicholson asked if there was a timeframe for the work?
Ms. Gorss stated there was no timeframe. They were waiting on the environmental permitting first.
Mr. Materne asked the commission if there were questions or concerns?
Mr. Choquette asked about the trees coming down, are they being chipped and removed off site?
Ms. Gorss stated yes.
Mr. Evans made a motion to close the public hearing.
Mr. Nicholson seconded the motion. Motion passes.
Mr. Evans made a motion to issue Order of Conditions.
Mr. Nicholson seconded the motion. Motion passes.

4. Anderson – 151 Wheeler St. - RDA

Was tabled until later in the meeting.

General Business

1. Raposo Real Estate – 290 Plain St. – SE60-1187 – Request for COC

Mr. Roach stated everything had been done according to the plans. Everything is stabilized and the grass has been cut. Recommended granting the COC.
Mr. Evans made a motion to grant the Certificate of Compliance.
Mr. Nicholson seconded the motion. Motion passes.

2. Raposo Real Estate – 294 Plain St. – SE60-1186 – Request for COC

Mr. Roach stated everything had been done according to the plans. Everything is stabilized and the grass has been cut. Recommended granting the COC.
Mr. Evans made a motion to grant the Certificate of Compliance.
Mr. Nicholson seconded the motion. Motion passes.

3. Conservation Commissioners Updates

Drafted 2023 Meeting Date & Deadline Schedule

The commission discussed changes to drafted 2023 meeting dates and deadline schedule.

Public Hearings and Meetings

4. Anderson – 151 Wheeler St. – RDA

Mr. Mark Mariano of Oakhill Engineering was present.
Mr. Mariano presented plans.
Mr. Materne stated that the wetland line is accurate. Asked the commission if there were any questions or concerns?
Mr. Morgan asked about a stream in the rear of the property.
Mr. Materne stated that it is more than 200' away, it isn't an issue with this project.
Mr. Evans made a motion to issue a Negative 3 Determination.
Mr. Nicholson seconded the motion. Motion passes.

General Business

1. Conservation Commissioners Updates

Check List/Policy

Mr. Materne stated that for each application there will now be a check list included, for the commissioners; filled out by the agent, with the following;

- The length of the BVW line
- The length of the Mean Annual High-Water line

- Length verified by the agent
- Confirmation on all wetland lines; are they current and when were they extended if applicable.
- All flags that are to be verified must be highlighted.

This was discussed further.

Fines

Mr. Materne asked the commission if they had come up with anything for a fine by-law?

Mr. Nicholson stated that he had come up with a low, medium, and high range of egregious actions and therefor fines, \$25, \$50, \$100 a day. Gave examples of each. At the discretion of the commission.

This was discussed further.

Mr. Materne stated there needs be a time line before fines happen.

This was discussed further.

Mr. Morgan stated that the commission would have to figure out intent; did someone do something accidentally.

Mr. Materne stated if someone is working with the commission there shouldn't be a fine.

This was discussed further.

Mr. Materne stated that he wants the by-law written by mid-January.

Mr. Materne stated that someone wouldn't be considered a violator until they have an Enforcement Order issued.

This was discussed further.

Mr. Materne stated that the first thing would be to meet with the property owner, discuss what needs to be fixed, provide a time line that it needs to be completed by, if they don't fix it then issue an Enforcement Order, if they continue to not do what we ask then fine them. We have to be clear on how we would issue a fine.

This was discussed further.

Mr. Evans stated that he had one thing that he would like everyone to think about. When an applicant doesn't read the Order of Conditions, they get an Authorization to proceed, then the contractor starts the work and violates the Order of Conditions. What do we do to address that specifically.

Mr. Nicholson stated that the commission could go out on site and give the contractor/home owner remediation and a time line. Then if it's not corrected, they could be fined.

Mr. Morgan asked if we have violation notices?

Mr. Roach stated that is done in the form of a letter or in person by a commissioner or himself.

This was discussed further.

Transfer of Property to the Conservation Commission

Mr. Materne asked if we had heard back from Town Counsel?

Mr. Roach read what the warrant article would state.

2. Agent Update

There was no update.

Public Hearings and Meetings

5. Boylan – 13 Sassafra Rd. – NOI – SE60-1273

The engineer was not present at the meeting to present this project.

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

Mr. Nicholson seconded the motion. Motion passes.

Mr. Evans made a motion to deny the project and not issue an Order of Conditions, due to insufficient evidence.

Mr. Nicholson seconded the motion. Motion passes.

Concerns & Complaints

1. 582 Winthrop St. - Concern

The commission discussed what the violations on the property were and what the property owner has been told, several times, to be fixed.

Mr. Morgan asked if there was any documentation to show that he is aware of the violations?

Mr. Roach stated he had been out to the property with the owner several times and certified letters.

Mr. Materne stated that the property owner gave us permission to go on the property.

Mr. Choquette made a motion to issue an Enforcement Order.

Mr. Evans seconded the motion. Motion passes.

Violations

1. Rego – 23 Winthrop St – Enforcement Order

There was no update.

2. Alves – 29 County St – Enforcement Order

There was no update.

3. Cordeiro – 97 Salisbury St – Enforcement Order

There was no update.

4. Morrissey – 72 Martin St. – Enforcement Order

There was no update

5. Dias – 35 Starr Ln. – Enforcement Order

Mr. Choquette stated that he would like to put this violation off until the spring to wait for germination. He had been keeping an eye on this site. Leave the Enforcement Order in place. We will go back to the site in May.

Mr. Materne stated that erosion control needs to be maintained.

Mr. Roach asked should they install a new set of wattles before the winter.

Mr. Morgan stated it would depend on what happens on the site. If they get a lot of traffic in the back of the property; they will need to be replaced.

Mr. Roach asked in their current state do they need to be replaced?

Mr. Choquette stated that they are established now. There is one area in the far-left hand corner that needs 20' of wattles. Have them hook it to the rear of the property, to protect it for the winter.

6. Foley - Old Fall River Road

Mr. Materne asked if the plans for the property had been located? The Zoning Enforcement Officer, Michael O'Hern, at the time made a determination that because this was a residential/agricultural zone property they were not allowed to bring in fill or anything of the sort to this site. The piles that are there now should not be there. There is now a very large pile that needs to be removed, it's in the buffer zone and the riparian zone.

Mr. Choquette stated that the property owner needs to come to our next meeting to discuss this.

Mr. Evans made a motion to issue a cease & desist Enforcement Order.

Mr. Nicholson seconded the motion. Motion passes.

7. 9 O'Hern Way - Violation

Mr. Materne stated we need to know if Mr. DuVally clearly marked the right of way. There are no granite markers, only wooden stakes.

Mr. Roach stated he spoke to Mr. DuVally this past week. Mr. DuVally is requesting it in writing.

Mr. Materne stated we want Mr. DuVally to go through the wetlands and mark the right of way all the way to the town line and done with a surveyor. It is on private property and it needs to be clearly marked.

Mr. Roach asked how far apart the stakes should be?

Mr. Nicholson stated 50'.

Mr. Materne stated it has to be marked so that the public can walk on the right of way and know they are not on someone else's property. This also identifies the right of way to the home owners.

Mr. Choquette stated that we had requested that Mr. DuVally use galvanized poles.

Mr. Materne stated that the commission should put up signs along the right of way.

Mr. Materne stated that this property there was no siltation control along the retention pond, that were maintained.

Mr. Choquette stated that there are large stumps on top of the headwall. The material from the stumps is going to leach into 3 chambers before it gets out.

Mr. Materne stated that they used the rest of the road frontage as a loading zone for logs.

Mr. Choquette stated that the rear of the property the straw wattle is destroyed. When they pulled out the trees and brush, they put them on the wetland side of the wattles. All the wattle needs to be replaced. The headwalls need to be cleared of stumps, and the trees and brush need to be taken out of the wetlands. The road has mud all over it. There is no construction entrance with stone.

Mr. Materne stated he wants the stakes for the straw wattle to be resurveyed. Let the Zoning Enforcement Officer know that there is a large stock piles of fill on the site, possibly on town property.

Mr. Evans made a motion to issue an Enforcement Order to include a cease & desist.

Mr. Nicholson seconded the motion. Motion passes.

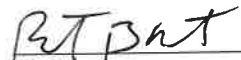
ADJOURNMENT

Mr. Evans made a motion to adjourn the meeting.


Mr. Nicholson seconded the motion. Motion passes.

Meeting adjourned at 8:39 pm.

For the Conservation Commission



Robert Materne, Chairman



David Evans, Vice-Chairman