

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – December 21, 2010

Present: Chairman Scott Pennoyer, Alan Gosselin, Thomas Nicholson, Krishna Prachanronarong, Robert Materne, and; Conservation Agent Leeann Bradley.

Absent: Vice Chairman Wendy Skinner, James Payon, Dave Perry, Associate Member: Karl Drown.

CALL TO ORDER

Ch. Pennoyer called the meeting to order at 7:05 PM

CONCERNS & COMPLAINTS

1. Lot 1 – Bliss Street – Violation of OC/Approved Plan

Ms. Bradley explained what happened on the property.

Mr. Pennoyer asked what the offset for a house is?

Ms. Bradley stated that this is a 40B. She was not sure what waivers they have. Haybales are in, but not accurate.

Mr. Materne stated that a letter should be sent.

Ms. Bradley stated she would add it to the site walk list.

The commission discussed if they can move forward with this due to the fact that the commission was being sued by the property owner.

Ms. Bradley stated that Town Counsel stated that the commission could act on this.

Mr. Nicholson made a motion to send a letter stating “the commission is going to visit the site and to have them come to the next scheduled meeting.”

Mr. Materne seconded the motion. Motion passes.

GENERAL BUISNESS

1. Request for COC – 22 Meadowlark Drive – SE60-849

Mr. Pennoyer asked Ms. Bradley what her recommendation was?

Ms. Bradley stated that the commission was waiting for the proof of recording, we have received it.

Mr. Pennoyer asked the audience if there were any questions? There were none.

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

Mr. Nicholson seconded the motion. Motion passes.

2. Request for COC – 86 Davis Street – SE60-576

Mr. Mello was present on behalf of the Teixeira's.

Mr. Mello presented the request.

Mr. Pennoyer asked if the Order of Conditions was issued to the Teixeira's?

Mr. Mello stated no, it was purchased from the developer.

Mr. Pennoyer stated that it is noted that the Teixeira's did not put the driveway in.

Ms. Bradley asked if the garage was part of the original filing?

Mr. Mello no it wasn't.

Ms. Bradley stated that it was done without a filing.

Mr. Pennoyer asked how close are you to the resource area? Did you encroach on the resource area?

Mr. Mello stated no.

Mr. Pennoyer asked how old the orders were.

Ms. Bradley stated they expired in 2002.

Mr. Pennoyer stated that the wetland line could have migrated.

Mr. Mello stated that the wetland line had been reflagged. Brought a copy of the remediation plan.

Mr. Pennoyer asked how many sq. ft. were altered?

Mr. Mello stated a little over 3,000 sq. ft. all together.

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The commission discussed where the replication area should be located and constructed.

Mr. Pennoyer stated that an after the fact NOI may need to be filed.

Mr. Materne stated that an Enforcement Order would be the fastest way to do it. The commission would have to go take a look at the property.

Mr. Mello withdrew his request for a COC without prejudice.

INVOICES

1. RIBP – Large Copier Meter Reading - \$25.00

2. W. B. Mason – Office Supplies - \$59.00

Mr. Nicholson made a motion to pay the above-named invoices.

Mr. Materne seconded the motion. Motion passes.

MINUTES

Tables until a future meeting.

PUBLIC HEARINGS & MEETINGS

1. 79 Wheaton Ave – Almeida Contracting - RDA

Mr. Brandon Faneuf of Eco System Solutions was present.

Mr. Faneuf presented plans.

Ms. Bradley stated that she had been out and looked at the property. The soils match the test pits. It is an agricultural field. NRCS shows the entire site as hydric soils. DEP guidelines for delineating as an agricultural field if there is fill you have to look beyond the fill. It's hydric soil.

Mr. Faneuf stated that he understands Ms. Bradley's point. The fill has been there for decades. I concentrated on vegetation. If you don't have vegetation you don't have a wetland.

Ms. Bradley stated I disagree. There are soils and other indicators of hydrology there. The vegetation is spirititic.

The commission discussed the regulations and how they pertain to this property.

The commission agreed to all go out with Ms. Bradley at their next site walk.

Mr. Faneuf requested a continuance until January 4, 2011.

Mr. Gosselin made a motion to grant a continuance until January 4, 2011.

Mr. Nicholson seconded the motion. Motion passes.

2. 82 Almeida Avenue – Almeida Contracting – RDA

Mr. Faneuf requested a continuance until January 4, 2011.

Mr. Gosselin made a motion to grant a continuance until January 4, 2011.

Mr. Nicholson seconded the motion. Motion passes.

GENERAL BUSINESS

3. Update on Mr. Gosselin's Discussion with BOS re: Clerk Base

Mr. Gosselin gave the commission an update on where the town stands with Clerk Base.

A gentleman from Clerk Base was present and gave a presentation.

4. Meeting Minutes

Mr. Pennoyer recused himself.

The commission discussed having Ms. Susanne Pennoyer come in and help with meeting minutes.

Mr. Nicholson made a motion to have Ms. Pennoyer come in and do meeting minutes until we feel are up to date. Hiring her at the going rate up to 16 hours a week.

Mr. Materne seconded the motion. Motion passes.

EXECUTIVE SESSION

Ch. Pennoyer stated the Commission will be entering into Executive Session to discuss pending litigation and will be returning to regular session solely for the purpose of adjournment.

Upon a motion made by Mr. Nicholson and seconded by Mr. Materne the Commission conducted a roll call vote to enter into Executive Session and return to regular session solely for the purpose of adjournment.

Roll Call vote

Krisna Prachanronarong - Aye

Bob Materne – Aye

Tom Nicholson – Aye

Alan Gosselin - Aye

Chairman Scott Pennoyer – Aye

The commission entered executive session at 8:33 PM

For the Conservation Commission,

Robert Materne – Chairman



David Evans – Vice Chairman