

TOR 2-13-17

**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  
Scott Pennoyer  
Matt Kershaw, Assoc. Mem.  
Devin Escobar, Assoc. Mem.

**REHOBOTH CONSERVATION COMMISSION**  
**Meeting Minutes – January 5, 2016**

**Present:** Robert Materne, Steven Choquette, Matt Habershaw, Scott Pennoyer, Matt Kershaw-Associate Member, Devin Escobar-Associate Member; Leeann Bradley Conservation Agent

**Absent:** David Evans, Thomas Nicholson

**CALL TO ORDER**

Mr. Materne called the meeting to order at 7:01 PM. Pledge of Allegiance recited at 7:02pm

RECEIVED  
17 FEB 13 AM 10:25  
OFFICE OF THE TOWN CLERK  
REHOBOTH, MA

**CONCERNS AND COMPLAINTS**

178 Summer Street – Solid waste in BVW – No new information.

Manitook Estates – Conduct frequent site visits.

**CURRENT ISSUES**

1. 72 Francis Street – It was reported that there hasn't been any cooperation from the property owner. The Enforcement Order issued on November 3, 2015 is in effect. Mr. Materne suggested sending a firm letter to the applicant reminding him that the Conservation Commission has the right to take legal action. A letter will be sent to DEP if there is no response. The applicant has cleared the front and back yard. Ms. Bradley will send another letter to the applicant stating that if this matter goes to DEP, hefty fines may be levied. The letter will also remind the applicant he cannot do any work at all within 100' of the BVW.
2. Manitook Estates – EO in effect – DEP EO received – The Conservation Commission has reviewed the Enforcement Order which was issued by DEP.
3. 263 Winthrop St. – Tavares Landscaping – Mr. Materne received a call about one month ago, from Mr. Tavares stating he had the plans and asked Mr. Materne to look at them. He instructed Mr. Tavares to come to the next meeting. He did not attend. Mr. Materne stated he needs to come to the meeting as he has verified the wetland line and needs instructions on how to proceed. Mr. Tavares needs a fence or berm 50' away from the BVW. Any work within 50' of the BVW requires an NOI. Mr. Materne asked Ms. Bradley to contact the applicant and inform him he must attend the next meeting.

## **PUBLIC HEARINGS & MEETINGS**

1. 9 Linden Lane – Meridian – NOI – SE60-1034 – The DEP # has been assigned. Ms. Bradley noted that the Conservation signs have been installed in the correct locations.

Mr. Habershaw motioned to close the public hearing.

Mr. Choquette seconded the motion. Motion passed.

Mr. Habershaw motioned to issue the Order of Conditions.

Mr. Pennoyer seconded the motion. Motion passed.

2. 248 Homestead Ave. – Trepanier Development Inc. – NOI- SE60-1035 – Mr. Otis Dyer was present on behalf of the applicant. He began by stating the property is an empty lot with a path through the middle beside the wetlands. The wetlands were flagged by Brandon Faneuf approximately 7 years ago. Trepanier Development has taken over and has a septic system ready for approval pending the approval of the Commission. There will be a single family home built on the property. The applicant is building a house about 2/3 the size of what is shown on the plan. The project also included a well, septic and driveway. The wetlands were reflagged. Mr. Materne stated he verified the wetland line. The Commission informed Mr. Dyer he will need a hay bale slurry pit. Conservation signs will be needed at the corners 10' from the BVW and 30' apart. Signs should be placed at flags A10, A13 and A8. This will be part of the Order of Conditions and shown on the plans. Mr. Dyer agreed.

Mr. Pennoyer motioned to close the public hearing.

Mr. Habershaw seconded the motion. Motion passed.

Mr. Pennoyer motioned to issue the Order of Conditions.

Mr. Habershaw seconded the motion. Motion passed.

3. 297 Winthrop St. – SunConnect – ANRAD – SE60-1036 – Mr. Frank Bicchieri from Bertin Engineering was present on behalf of the applicant. He began his presentation by stating he is before the Commission for a resource area delineation for approximately a 46 acre parcel located on the south side of Winthrop Street. He is proposing work on 25 acres of the parcel. There is approximately 4,200 linear feet of wetland flagging. There are 3 isolated wetlands. It is questionable whether it is subject to flooding. There will be no wetland filling. Mr. Bicchieri will be filing a Notice of Intent and also a filing with the Planning Board later on. Mr. Materne informed Mr. Bicchieri that for commercial projects such as this, the Conservation Commission sends the project out for review to an outside consultant. Mr. Bicchieri understood the procedure. Mr. Materne is concerned with the perennial stream along the south and west sides that cut through the property. It will be sent out to the consultant advising them of the stream issue. The applicant requested a continuance to January 19, 2016.

Mr. Pennoyer motioned to grant a continuance to the meeting to January 19, 2016.

Mr. Habershaw seconded the motion. Motion passed.

## **GENERAL BUSINESS**

1. Jastram-Hoke Forest – Conservation Restriction – Carol Williams – Discussion – Ms. Carol Williams was present representing the Rehoboth Land Trust. She began by stating she forwarded the Conservation Restriction that was written some time ago on this property to the Commission. It was the desire of the Jastram's to keep this property preserved forever. They pursued a Conservation Restriction. The property is not yet registered with the state. A group of people connected to the Jastram's have formed a private organization to protect the land. They wrote up their own articles of organization. The members are scattered all over the country and they have asked the Rehoboth Land Trust to take over the property. The Rehoboth Land Trust is interested in the property. They can't hold the land and also hold the Conservation Restriction. She is before the Commission tonight to ask if they would hold the Conservation Restriction. Mr. Materne stated there is usually a cost associated with this and asked Ms.

Williams how it works. She stated there is usually an endowment and estimated it to be at least \$10,000.00. She envisioned a fund to have the property monitored. Mr. Materne asked if the public would have access to the property. Ms. Williams stated there isn't real access except through an easement, granted by her, on her property. It is not easy to find. People are using the property although it is not really legal to use the property. Mr. Materne is wondering if the Agricultural Commission and the Community Preservation Association would be willing to donate funds. Ms. Williams has not approached them regarding that. She stated she is not asking the Commission to provide the money she is asking them to hold the CR and raise the money for monitoring and litigation if needed in the future. She added they are not accredited with the State yet but if they become accredited they can participate in the Land Trust Alliance Insurance Program. Mr. Materne asked the Commission for their input. Mr. Pennoyer stated they currently hold several Conservation Restrictions on properties in town. Townspeople are realizing the endowment is necessary to cover the cost of monitoring the properties. Mr. Materne stated the Conservation Commission is interested in holding the Conservation Restriction. Ms. Williams added the intent is to file with the State and allow them to enforce monitoring into perpetuity. She will report to the committee that the Conservation Commission is willing to hold the Conservation Restriction for this property. She concluded by stating it is a beautiful piece of property and people enjoy it but the Rehoboth Land Trust needs help managing it.

2. Conservation Restriction – Peck Street – John DuVally – Tabled until the meeting of 1/19/16.

3. 182 Moulton Street – Valvano – Request to release property from Chapter 61 – Mr. Materne stated there is a 1/3 acre parcel of land. It is an isolated piece of land. He asked if the Commission has any interest in the property. The Conservation Commission agreed to waive their right of first refusal. Mr. Habershaw motioned to recommend that the Board of Selectmen waive the town's right of first refusal.

Mr. Choquette seconded the motion. Motion passed.

## MINUTES

1. June 2, 2015                      2. June 16, 2015 and Executive Session

Mr. Pennoyer motioned to approve the above minutes.

Mr. Prachanronarong seconded the motion. Motion passed.

## INVOICES

1. ARC large copier paper - \$62.64
2. W.B. Mason – bond paper - \$19.95
3. ARC large copier meter reading - \$22.74
4. AMWS – membership renewal - \$45.00

Mr. Pennoyer motioned to approve all invoice payments.

Mr. Choquette seconded the motion. Motion passed.

## ADJOURNMENT

Mr. Habershaw motioned to adjourn the meeting at 8:00 p.m.

Mr. Choquette seconded the motion. Motion passed.

For the Conservation Commission,

  
Robert Materne, Chairman