

**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 – February 15, 2022

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

Absent: Krisna Prachanronarong, Matt Habershaw.

CALL TO ORDER

Mr. Materne called the meeting to order at 7:05 PM.

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

Public Hearing and Meetings

1. Rego – 30 Steber Way – Amended OOC – SE60-1218

Mr. Peter Lavoie of Landmark Site Design was present.

Mr. Lavoie presented amended plans.

Mr. Materne stated that the commission went to the property and verified the wetland line, it is accurate.

Mr. Evans asked where the utilities would be located.

Mr. Lavoie stated they would be underground, under the driveway.

Mr. Materne asked if the house could be moved in order to save the pine trees in the backyard, this will not affect the application.

Mr. Lavoie stated he would speak to the applicant.

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

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. Nicholson seconded the motion. Motion passes.

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

Mr. Nicholson seconded the motion. Motion passes.

2. Morrissey – 72 Martin Street – ANRAD – SE60-1275

This public hearing was continued until March 1, 2022

3. MassDOT – Route 44 – NOI – SE60-XXXX

The applicant signed a 21-day waiver. Public Hearing will be opened at a future date.

4. Ruggiero – No of 155 Perryville Rd. – ANRAD – SE60-1276

Mr. Materne explained what the ANRAD application was.

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Materne asked the audience if there were questions or concerns?

Joan Caouette 110 Perryville Road was present.

Ms. Caouette asked are we talking about the entire property or a certain lot?

Mr. Materne stated this was the second part of the Rehoboth Country Club.

Ms. Sue Lass of 23 Homestead Ave. was present.

Ms. Lass asked about lots 5 and 76, why are the markings at the waters edge rather than at the vegetation in front of it?

Mr. Materne stated if the vegetation is not a wetland the vegetation there won't be flags. Ponds are not regulated, only the wetland that surround it are regulated. Sometimes there may not be any vegetation on the edge of a pond.

Ms. Lass that is where she disagreed.

Mr. Materne explained what happens when the application goes to an outside consultant for review.

Ms. Lass stated that some areas that might be wetlands are not there now. They have been mowed as fairways on the golf course.

Mr. Materne explained that soils are taken to make sure that all wetlands are marked even if there isn't vegetation.

Ms. Lass asked if there is a crossover between a floodplain and a wetland?

Mr. Materne stated that if there is no wetland vegetation or soils it isn't something the commission would handle. This maybe a Planning Board issue with stormwater management.

Ms. Lass stated that on the plans the parts that are marked outside those area say they're not in a flood zone. That may be official based on the last flood map drawn.

Mr. Materne stated those maps are what the applicant has to use.

The commission spoke with Ms. Lass in regards to the flood maps and the 500-year storm in 2010.

Ms. Lass is concerned that her property will flood, more than it does now.

Mr. Materne stated that if this becomes a subdivision; by itself it will not change flooding. Explained that roads are designed with stormwater management systems.

Ms. Lass asked why the stream has a 200' buffer zone and the pond doesn't?

Mr. Materne explained that there is a perennial stream that runs through that particular area. Ponds are not perennial; we have no jurisdiction on ponds, only the wetland vegetation that surrounds the pond.

This was discussed further.

Ms. Lass asked why the stream that feeds into the pond is not on the maps?

Mr. Andrade stated that stream is not show because it is outside of the area we are asking to be delineated.

This was discussed further.

Ms. Lass stated she had Photos of the fairways if the developer wanted them, to show the flooding she was referring to.

Mr. Materne asked if anyone else in the audience had any questions or concerns, there were none.

Mr. Evans made a motion to send the ANRAD for outside review to ECR.

Mr. Nicholson seconded the motion. Motion passes.

5. Knowles – 117 Carpenter St. – NOI – SE60-XXXX

Mr. Evans recused himself.

Mr. Steve Gilbert of SFG Engineering.

Mr. Gilbert presented plans.

Mr. Materne stated that the commission had visited the site, the wetland line is accurate.

Mr. Materne asked the commission if there were any issues?

Mr. Choquette stated that erosion control needs to be doubled from flags 98-95. Use a row of haybales with the straw wattle behind it.

Mr. Materne asked if the audience had any questions or concerns, there were none.

Mr. Gilbert requested continuance until March 1, 2022.

Mr. Nicholson made a motion to grant a continuance until March 1, 2022.

Mr. Choquette seconded the motion. Motion passes.

6. DuVally – 98 Perryville Rd. – RDA

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Materne stated he had visited the site to see if the well work was within the riparian zone, and it is.

Also, to see if the riparian zone was undisturbed area, it's not it is all lawn.

The commission agreed that there would need to be riparian zone signs installed.

Mr. Andrade asked would 3 of them be acceptable, one at the property corner, one at the easement line and one at the old property line.

Mr. Materne asked the audience if there were any questions or concerns?

An abutter asked about them being required to put in two wells.

Mr. Andrade stated that the seconded well was only if the applicant chooses to use it for irrigation.

The abutter though that this was required. If they are going to put a shallow well on the plans, do they have to file?

Mr. Materne stated that if it is outside of the protected zones, they don't have to show it on the plans.

Mr. Andrade stated that because it is a non-drinking well it only has to be 50' away from the septic.

Mr. Materne stated that if the applicant wants to put in another well, they may have to refile.

Mr. Andrade stated ok.

Mr. Evans made a motion to issue a Negative 3 Determination with the submission of revised plans showing the riparian zone sings.

Mr. Nicholson seconded the motion. Motion passes.

7. DuVally – 19 Hybrid Dr. – RDA

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Materne asked if the audience had any questions or concerns, there were none.

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

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

Mr. Nicholson seconded the motion. Motion passes.

General Business

1. Salisbury St. – Coming out of Chapter 61A- Discussion

Mr. Materne recused himself.

Mr. Evans explained that the commission had received a memo from the Interim Town Administrator and that the parcel of land was coming out of Chapter 61A. The commission will need to decide if we want to exercise our right of first refusal.

This was discussed further.

Mr. Nicholson made a motion to waiver our right of first refusal.

Mr. Choquette seconded the motion. Motion passes.

2. Close Escrow Account – RCC - \$62.73

Mr. Evans made a motion to close the escrow account.

Mr. Nicholson seconded the motion. Motion passes.

3. Conservation Commissioners Updates

- 174 Perryville Rd. – SE60-1271

Mr. Choquette spoke in regards to the applicant wanting to do the plantings, for a replication area. Mr. Choquette and Mr. Habershaw have both been out to this property and have discussed what should be planted and present that to the commission for approval. He felt that if created the drawing for the replication area that the town would be responsible for the drawing. He felt the drawing should go to a landscape architect, with the commission's input. Asked if the commission wanted Mr. Choquette and Mr. Habershaw to continue to work on the plan or should we inform the applicant that they need to have a landscape architect work on it and then the commission can approve it?

Mr. Materne stated that he felt that there would be a liability if they continued to work on it. You are going to set president.

Mr. Choquette stated that at our meeting we stated that we would give them input on the replication area.

Mr. Materne stated that input is that they come to us with a plan and we tell them what might need to be changed. They need to do the design work not the two of you.

This was discussed further.

- Fine By-Law & Transfer of Property – Warrant Articles

Mr. Materne stated that we need to get these warrant article written in time for Town Meeting. This needs to be done by the next meeting.

Mr. Evans asked when the articles need to be submitted by?

Mr. Roach stated by mid-March.

- Plowing of Conservation Commission Land Parking Areas

Mr. Materne stated he had been contacted by several people who stated they would like to see some Conservation Commission land area parking lot plowed when it snows. Danforth St., The Savoie area, and a few others. Asked if the commission could hire someone to do it? Suggested Mr. Adam Latham of the Rehoboth Land Trust. Mr. Latham plows for the Land Trust's parking area.

Mr. Evans replied no, he's very busy.

Mr. Materne asked Mr. Choquette if knew of anyone that would do a few small areas in town?

Mr. Choquette stated he would ask some people that he knows.

This was discussed further.

- Baush – 579 Winthrop St.

Mr. Materne asked Mr. Choquette if the large pile on the property had ever been moved?

Mr. Choquette stated it hadn't. The pile is frozen.

Mr. Materne asked about the driveway?

Mr. Choquette stated it had not been done. We have not been allowed on the property. It is still an ongoing project.

4. Agent Update

There were no updates.

Concerns & Complaints

1. Rehoboth Village Cemetery – Concern

Mr. Materne stated they have not done any work. We can take this item off the agenda.

2. 12 Katie Drive – Concern

Mr. Roach stated that he had received a call from a resident who had observed a neighbor doing some work in the backyard. He had visited the site and sent a letter to the home owner.

Ms. Maria Cotter of 12 Katie Dr. was present.

Ms. Cotter explained that there are two piles of wood chips and a pile of grass cuttings and leaves. It is about 100' from the house. She does not know where the wetlands start on her property.

Mr. Cotter, Ms. Cotter's son was present.

Mr. Cotter stated that there has been no work done on the property.

Mr. Choquette asked when was that last truck of debris dumped in the yard?

Mr. Cotter stated before the fall.

Mr. Choquette asked had this been happening over years?

Mr. Cotter stated a little bit over the years.

Mr. Roach stated he had seen, from where he was, ground disturbance.

Mr. Choquette asked if it was minor?

Mr. Roach stated in looking at aerial photos from over the years, it is spreading back.

Mr. Cotter stated that some trees had been taken down. A lot of them were dead, from gypsy moth problems. The last tree cut was about 8 years ago.

Mr. Materne stated that the easiest way to solve this issue is to let the commission go out to the property and look at it.

Mr. Cotter stated absolutely.

Mr. Evans stated that the commission would come out on February 27th.

Mr. Materne stated we wouldn't be able to give you an exact time. Site walks are from 9am – 11am.

Mr. Choquette stated he would stop by and take a look at the property if that was, ok?

Ms. Cotter stated that would be ok.

3. Perryville Rd.

Mr. Materne stated that the company that did the demo work also knocked over a trailer. When this happened there were bags of chemicals in the trailer that fell out. He had meet with the owner of the demolition company. They put in erosion control along the ditch so none of the chemicals will flow in to the ditch and then flow into the river. They picked up as many bags as they could find and put them in containers. There are more bags. We'll notify the owner of the company.

Mr. Choquette asked if this was hazardous materials?

Mr. Materne stated that the biggest concern was to get them off the slab before the rain. They need to get the remainder of the bags in a tight container and then get them to be hauled away.

Mr. Choquette asked if there were any pesticides seen?

Mr. Nicholson stated no. It was an inorganic herbicide.

Mr. Morgan stated there was also a fungicide.

This was discussed further.

Mr. Choquette stated that the materials can't leave the site unless it's an approved contractor.

Mr. Materne stated is insisting that we get receipts from a licensed disposal contractor.

Mr. Choquette asked if we had that in writing?

Mr. Materne stated no. Everything had been discussed over the phone.

This was discussed further.

Mr. Materne stated he wanted to clean up supervised, so this doesn't end up in a dumpster, then taken to a disposal company. With the receipts given to us for proof.

Mr. Nicholson asked if DEP had been notified yet?

Mr. Materne stated no because everything was on the slab.

Mr. Nicholson stated that is not what he saw when he went to the site, there were materials off the slab.

Mr. Choquette stated this all needs to be put in writing.

Mr. Materne asked Mr. Roach to put this in a letter.

Mr. Choquette stated the letter needs to go to the owner and the contractor.

Mr. Materne stated he had been speaking with Mr. Rob Davis of InSite Engineering, that is who the contractor contacted. The letter should go to Mr. Davis in care of the owner.

- Erosion control installed, which had been done.

- All bags to be placed in a plastic drum.
- As the material is lifted up someone will supervise, to make sure that the bag is place into a container.
- Once this is complete a disposal company is contacted and the material is hauled away.
- Receipts are to be provided to prove that the material has been disposed of properly.
- Clen up needs to be done this done by Wednesday.
- They are to call the office

One copy will go to MJD, one copy addressed to Ryan DuVally in care of Rob Davis.

Mr. Choquette stated that if they are unable to complete this by Wednesday, they should tarp it to contain everything. Email the letter and make a phone call to follow up that they received the letter.

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

Mr. Materne stated that the meeting minutes stated that they were to delineate the line using a surveyor. They didn't do that. We'll wait to see what ECR has to say when they review the ANRAD application and wetland line.

5. Dias – 35 Starr Ln. – Enforcement Order

There was no update.

6. 172 Summer Street - Violation

There was no update.

7. 582 Winthrop St. – Enforcement Order

There was no update.

Minutes

1. April 13, 2021 – Review/Edits/Vote

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

Mr. Nicholson seconded the motion. Motion passes.

ADJOURNMENT

Mr. Evans made a motion to adjourn the meeting.

Mr. Choquette seconded the motion. Motion passes.

Meeting adjourned at 8:32 pm.

For the Conservation Commission


Robert Materne, Chairman

David Evans, Vice-Chairman