

**CONSERVATION
COMMISSION**

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

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – February 16, 2021

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

Absent: Matt Habershaw, Associate Member Sara Huber.

CALL TO ORDER

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

Public Hearing and Meetings

1. Tran – 158 Anawan Street – NOI – SE60-XXXX

Mr. Roach stated that the applicant had requested a continuance until March 2, 2021.

2. Braddock – 208 Brook Street – NOI – SE60-1221

Mr. Materne stated that he wanted to speak in regards to a potential issue with this application. There will be no decisions made on this property tonight due to the fact that the applicant has requested a continuance until March 2, 2021. The issue that has come up is back in 2002 the commission issued an Order of Conditions on the abutting property. The developer never filed with NESHP. There are endangered species on the property. NESHP gave the developer two options either knock the house down or not to build on the abutting property which is 208 Brook Street. We have been looking into this and haven't found anything out yet. We need to hear from NESHP before we can move forward with this.

Mr. Roach stated he had a phone call with NESHP the next day.

Ms. Rose Marsella of 178 School Street was present.

Ms. Marsella stated that she was the person that spoke to Mr. Roach about this issue. We are one of the abutters. Her understanding was that they were not able to build on that property. We had a restriction placed on our house from Natural Heritage because of the endangered species. Stated that she had a copy of the letter that went to the old owners from back in 2004.

Mr. Materne asked if she could make a copy of it for the commission. He wanted to make it clear that InSite Engineering was not part of this.

3. Landry – 5 Francelina Way – NOI- SE60-1223

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Materne asked all we had to do was close the public hearing and issue orders?

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Mr. Andrade stated yes, we were just waiting on a DEP file number.
Mr. Materne asked if there were any questions or concerns from the audience, there were none.
Mr. Evans made a motion to close the public hearing.
Mr. Nicholson seconded the motion. Roll call vote; all replied aye. Motion passes.
Mr. Evans made a motion to issue Order of Conditions.
Mr. Nicholson seconded the motion. Roll call vote; all replies aye. Motion passes.

4. Mello – 16 Veader Farm Road – NOI -SE60-1222

Mr. Chris Andrade of InSite Engineering was present.
Mr. Materne stated that all that was missing from this was a DEP file number.
Mr. Andrade stated that the new owners have decided that they want a pool. He was hoping that this would be a minimal change and there's no impact to the wetlands, just grading.
Mr. Materne stated that it would be cleaner if the pool was included in this NOI rather than amend the orders later.
Mr. Roach shared the revised plans that were forwarded to the office today.
The commission discussed where the pool was proposed.
Mr. Materne asked the commission if they had any questions?
Mr. Evans stated that he thought we could go forward and use this plan as the plan on record that we could close the hearing on.
Mr. Materne stated that because the grading is right on the haybale line it may require a narrative.
Mr. Andrade stated that it was grading for the driveway.
Mr. Materne asked if the equipment would be able to get in without disturbing the haybales?
Mr. Andrade replied yes.
Mr. Materne asked if the commission felt there needed to be a narrative for this?
The commission agreed there was no need for a narrative.
Mr. Materne asked if the commission had any issues with the pool?
The commission had no issues.
Mr. Evans made a motion to close the public hearing using the revised plans.
Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.
Mr. Evans made a motion to close the public hearing.
Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.

5. Correia – 8 Johnnies Way – NOI -SE60-XXXX

Mr. Chris Andrade of InSite Engineering was present.
Mr. Andrade presented plans.
The commission discussed whether or not the wetland line had been extended through an ANRAD. The commission will need to go to the site and verify the wetland line if the ANRAD was not extended.
Mr. Materne asked if anyone had any issues with the project if the wetland line is accurate?
Mr. Choquette stated that he had been approached by and abutter. They went out to the property. Where the proposed driveway comes to the roadway, he would like to have a 25' area of crushed stone to protect and clean the tires off. So, there isn't any siltation on the road to cause damage.
Mr. Materne stated that should be written up and voted on as a regulation.
Mr. Choquette asked for it to be on the plans. The abutter asked for more conservation signs to be installed, possibly at A15, A18, & A20.
Mr. Materne asked if the lot was wooded right now?
Mr. Choquette stated yes. On the corner of the garage the grading is very steep going towards the well. The one layer of erosion control isn't going to be enough.
Mr. Materne asked what about a retaining wall?
Mr. Choquette stated that would be much better.
Mr. Materne asked how the commission felt about that.

The commission agreed.

Mr. Andrade asked if a tiered wall just in the driveway section would be reasonable?

Mr. Choquette stated that would be ok.

Mr. Choquette described an area on the property that could be a grave site. Stated it may need to be investigated before a foundation is done.

Mr. Materne stated that the Cemetery Committee would have to deal with that.

The commission and Mr. Andrade discussed this further.

Mr. Bill Morgan of 105 Cameron way was present.

Mr. Morgan spoke in regards to the potential grave site.

Mr. Materne stated that it is outside of the Conservation Commission's purview. We can't approve or deny a project because of it.

Mr. Morgan spoke in regards to things that have happened on Starr Lane that he didn't feel were the intent of the project.

Mr. Materne explained what has to happen for a project to start, with the Conservation Commission. Asked Mr. Choquette is he felt there is improper construction, where protection hasn't been maintained?

Mr. Choquette mentioned some issues that were being resolved. He has been on the site as well as Mr. Roach and Mr. Habershaw.

Mr. Morgan stated he would be watching this project to make sure it was done correctly.

Mr. Materne explained how an applicant receives a Certificate of Compliance.

Mr. Evans agreed to have the conservation signs put in at flags A15, A17, and A20, even though there may not be any work happening in that area. Ask Mr. Andrade if he had any objections to that?

Mr. Andrade replied no.

Mr. Materne stated we need to find out if the wetland line has been extended. If it hasn't then we need to go out and verify it.

Mr. Andrade stated that the commission has gone out and verified all the other recent project on this subdivision.

Mr. Materne stated that it hasn't been extended then.

Mr. Andrade requested a continuance until March 2, 2021.

Mr. Evans made a motion to grant a continuance until March 2, 2021.

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

An abutter was present.

The abutter asked Mr. Andrade to go into more detail where the owner is going to clear up to.

Mr. Materne explained this further.

The abutter asked can they clear up to that point? We are concerned.

Mr. Materne explained that they can clear anything within the limit of disturbance.

The abutter asked if that was their intent?

Mr. Andrade stated that the client requested that clearing be shown up to flag A22. Explained clearing on the proposed plans.

The abutter stated that their concern was the back of the property.

Mr. Andrade stated it is being show 5' off the wetland line.

Mr. Materne stated that what is being proposed can be approved under the Wetland Protection Act.

The abutter asked if the commission notifies the Historical Commission about the potential cemetery?

Mr. Materne stated we do not. Mr. Roach could bring it to them.

Mr. Choquette stated that when we are on our site walk, we need to look at the proposed tree line.

Mr. Materne explained that they can only cut up to the proposed tree line, not to the haybales.

Mr. Andrade explained that typically when we show a proposed tree line that's the proposed limit of how far they want trees to be cut. He'd have to verify that the client wants to cut up to it.

The board discussed this further.

6. Markham – 90 Reynolds Ave. – NOI – SE60-XXXX

Mr. Brandon Faneuf of EcoSystem Solutions was present.

Mr. Faneuf presented plans.

Mr. Materne stated that we have to wait to see what NESHP has to say. His issue with this plan is the buffer line doesn't show up on the plan because it was done in yellow ink. They didn't show elevations on the plan except for what they are going to be doing for fill.

Mr. Faneuf stated that they do have existing elevations cantors but they are in light grey and can't be seen well.

Mr. Materne stated that the plans need to be redone so we can see the elevations and the buffer zone.

Mr. Faneuf stated ok.

Mr. Materne stated there is also no siltation control on the plans.

The commission agreed to hold off on discussion of the plan until NESHP has gotten back to them and the applicant and to have revised plans.

Mr. Faneuf request a continuance until March 2, 2021.

Mr. Charles Pickett of 91 Reynolds Ave was present.

Mr. Pickett stated that his major concern was the distance from their septic tank to his well.

Mr. Materne stated that is a Board of Health issue, the commission has no say on that.

Mr. Evans made a motion to grant a continuance until March 2, 2021.

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

General Business

1. 82 Cedar Street – Replication Area Discussion & Request for 1yr Extension

Mr. Brandon Faneuf of EcoSystem Solutions was present.

Mr. Faneuf presented the project.

Mr. Materne stated that the vernal pool would need to be certified. He would want to see the surrounding area considered a wetland. Asked Mr. Faneuf if he had seen anything to indicate that this is a vernal pool?

Mr. Faneuf stated that it was too early in the season.

Mr. Materne stated that because there is no vegetation it is going to be 2 years before it is considered complete.

Mr. Evans stated that he wants to see the original plan and replication area.

Mr. Materne asked if this was going to become a vernal pool would you allow that in place of the replication area, as long as it was permanently protected?

Mr. Evans stated that we did flag it off as a replication area and it abuts BVW. He couldn't say until he saw it.

Mr. Faneuf stated that he could look at it this spring and if it's certifiable he'll do that.

Mr. Materne stated even a certified vernal pool isn't protected.

Mr. Faneuf stated it has a high level of protection. Explained it's protection.

The board discussed this further.

Mr. Faneuf explained the 2 parts needed to certify a vernal pool. Requested a 1-year extension.

Mr. Evans made a motion to grant a 1-year extension.

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

2. Baasch – 62 Blanding Road – Request for COC – SE60-265 & SE60-266

Mr. Materne stated that this particular owner has been working with us to fix the problems. Is there any reason not to issue COC's?

Mr. Nicholson asked what these were for?

Mr. Materne explained they were for a parking lot and why a COC was not issued sooner.

The commission agreed there should be no issues issuing COC's.

Mr. Jeff Tallman of SITEC Engineering was present.

Mr. Tallman stated that they are working fixing the issues on the Enforcement order and expect to have that completed by the end of March.

Mr. Materne stated that might be tough, there is still a lot that needs to be done there.
Mr. Tallman explained what had been done on the property so far.
Mr. Materne explained where the commission stood on this project.
Mr. Evans made a motion to issue Certificates of Compliance for both SE60-265 and SE60-266.
Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.

3. Roy – 11 Reservoir Ave. – Request for COC – SE60-1098

Mr. Roach stated that everything had been built according to the plan. Recommended issuing a COC.
Mr. Evans made a motion to issue a Certificate of Compliance.
Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.

4. The Preserve II – Off Linden Ln. – Request for COC – SE60-1153

Mr. Choquette recused himself.
Mr. Roach stated that everything is complete and built according to the plans.
<r. Evans made a motion to issue a Certificate of Compliance.
Mr. Nicholson seconded the motion. Roll call vote; all replied aye. Motion passes.

5. 2020 Annual Report

Mr. Materne made several edits and additions to the report.
The commission agreed they want to see the revised report before voting to approve it.

6. Agent Update

There was no update.

7. Town Land being Conveyed to the Conservation Commission

Mr. Materne discussed that he would like to see certain parcels of land owned by the town conveyed to the Conservation Commission and why.

8. Scoot Pennoyer Memorial

Mr. Materne spoke in regards to the commission planting a tree in Mr. Pennoyer's memory.

Concerns & Complaints

1. 582 Winthrop Street – Concern– Working Past Scope of RDA

Mr. Roach stated that nothing would be moved until it is drier.

5. 72 Martin Street – Concern

Mr. Roach stated he is going to reach out to the owner and see if he has heard from his engineer.

6. 97 Salisbury Street – Concern

Mr. Roach stated he heard from the property owner. The owner apologized for not getting back to the commission. The owner intends to move forward and getting everything resolved.

Mr. Materne stated that he felt it would be best to meet with him on site.

7. 29 County Street – Concerns

Mr. Roach explained that he had left a voicemail but had not heard back from the owner. Asked if the commission wants to try to do a site walk on the 2nd Sunday in March?
The commission stated yes.

8. 579 Winthrop Street – Baasch – Concern

Mr. Materne stated that this had been spoken about earlier in the meeting.

9. 23 Winthrop Street – Concern

Mr. Roach stated that he has not been able to reach the owner. He has driven by several times and nobody has been at the property.

Mr. Materne stated that he had driven by the property today and no one was there.

Mr. Roach stated that he would send another letter via certified mail.

ADJOURNMENT

Mr. Evans made a motion to adjourn the meeting.

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

Meeting adjourned at 8:41 pm.

For the Conservation Commission



Robert Materne, Chairman



David Evans, Vice-Chairman