

**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 – February 2, 2016**

**Present:** Robert Materne, David Evans, Thomas Nicholson, Krisna Prachanronarong, Matt Habershaw, Scott Pennoyer, Devin Escobar-Associate Member

Leeann Bradley Conservation Agent

**Absent:** Steven Choquette, Matt Kershaw

**CALL TO ORDER**

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

**CONCERNS AND COMPLAINTS**

**CURRENT ISSUES**

1. 153 Davis Street – erosion control – Ms. Bradley stated she sent the applicant a letter after the last meeting and also went to the site. She did not issue an Authorization to Proceed. The applicant never recorded the Order of Conditions, but finally did so after they received the letter. She went to the site again and instructed the applicant what they should do. The applicant will put wattles on each side and will notify Ms. Bradley once that is done. The applicant has until the end of the week to complete the erosion control.

2. 11 Old Providence Road, 25 & 29 Fall River Ave. – Raposo – possible violation discussion.  
Mr. Materne asked Mr. Pennoyer for his opinion. Mr. Pennoyer stated other town boards and commissions are finding issues with this property and it is clear through area photographs there is filling in a tidal and resource area. There are also cars and other items within the resource area. Mr. Materne wants to go up in a helicopter to see what is going on. Mr. Habershaw asked about similar issues with the property in 2006. Mr. Evans stated what they see now is far beyond what was going on in 2006. Mr. Evans suggested issuing an Enforcement Order noting it is obvious from the road that there is filling going on within the resource area and they should attend the next Conservation Commission meeting on 2/16/16. The order will also ask the owner for permission to visit the site.  
Mr. Nicholson motioned to issue the Enforcement Order.  
Mr. Evans seconded the motion.  
Mr. Materne asked for a vote to ratify the Enforcement Order. All aye.

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OFFICE OF THE TOWN CLERK  
REHOBOTH, MA

## **PUBLIC HEARINGS & MEETINGS**

1. 297 Winthrop St. – SunConnect – ANRAD – SE60-1036 – This matter has been continued to the meeting of February 16, 2016.

2. 135 Hillside Avenue – Warren – NOI – SE60-1037 – Mr. Dean Monsees from OSM Systems was present on behalf of the applicant. He is proposing a new single family house and driveway. He outlined the plan including riverfront disturbance, driveway grading, and percentages of disturbance at 7%. Mr. Materne noted an incorrect calculation which is actually just under 10%. Mr. Monsees agreed to make the correction. Mr. Nicholson questioned the amount of clear cutting behind the house on the plan. Mr. Monsees stated the straw wattles will be the edge of the tree line. Mr. Materne informed Mr. Monsees he will need Conservation signs placed at flags 4,5,6,7, 13, 15 and 20. Ms. Bradley noted there was no erosion control shown on the plan. Mr. Materne would like a 2' offset from the driveway. The commission recommended an impervious driveway. Mr. Monsees will need to extend the wattles to the inner riparian zone. Ms. Bradley asked if there was a retaining wall to the left of the house. Mr. Monsees confirmed there was. The commission stated there was no need for that type of detail for them, but the plan will need to show that detail for the building permit. Mr. Materne reviewed the revisions needed on the new plan as follows.

1. New hay bale distance from the driveway, which will also be the limit of work must be shown on the plan.
2. The Conservation signs must be identified on the plan, including detail.
3. New calculations on riverfront disturbance.
4. Underground utilities shown on the plan.
5. The detail for the straw wattles.
6. Slurry pit detail to be shown on the plan.

Mr. Evans motioned to grant a continuance of the public hearing until the next meeting on February 16, 2016.

Mr. Nicholson seconded the motion. Motion passed.

## **GENERAL BUSINESS**

1. Donation of Land – Reynolds Ave. – John DuVally – Discussion – Mr. John DuVally was present. He began by stating he has had dialogue with the Rehoboth Land Trust and the property owner Raymond Shaw regarding donating the land versus not donating the land. Mr. Shaw wants to donate the land. Mr. Evans clarified the situation stating Mr. DuVally was interested in the idea of a Conservation Restriction. Mr. Evans spoke to some members of the Rehoboth Land Trust and it was decided that they did not want to hold the Conservation Restriction. Mr. Evans stated that at the next Conservation Commission meeting he would recommend that they not accept the Conservation Restriction. Mr. DuVally spoke to the land owner Mr. Shaw and he is interested in a land donation. Mr. Evans feels the Rehoboth Land Trust would be interested in the property as a land donation. Mr. DuVally stated the owner, Ray Shaw, is very willing to make the land donation and also create an access easement. Mr. Materne expressed his interest in the property since it has a benefit to the town. Mr. Pennoyer feels it should be a Conservation Restriction property which would protect the box turtles. Mr. Evans added it is a fairly extensive process to get a Conservation Restriction to go through, which includes maintenance of the property. He also noted the turtles will still be protected whether it's under a Conservation Restriction or town owned. Mr. DuVally added the land has been in Chapter 61B logging going back to the 1930's. The owner, Mr. Shaw is apprehensive about giving up the land since it has less value now that it cannot be developed. Mr. Materne asked the commission if the Land Trust says no, is the Conservation Commission interested in accepting this land. Mr. Evans feels the Land Trust will not say no and that the town should do it. Ms. Bradley noted this land is part of a parcel and how will Mr. DuVally handle that. He responded by stating he will have the land surveyed and then submit a Form A to divide the property. That will not be done until he has clear direction on which way they are going.

Mr. Materne asked the commission again. If the Land Trust says no would the commission be willing to say yes? The majority of the commission members said yes. Mr. DuVally asked how he should approach the Land Trust. Mr. Evans will contact Adam Latham and then get back to Mr. DuVally. If it goes to the Land Trust it does not need to go to Town Meeting. If it goes to the Conservation Commission it does. Mr. Pennoyer stated it is probably quicker and easier to donate to the Land Trust. Mr. Pennoyer suggested making a motion to accept the land if the land trust does not. Mr. Evans stated that at the next Land Trust meeting he will suggest that if the town does not agree to take the land the Land Trust will. Mr. Evans motioned to start the process of accepting the Reynolds Avenue land donation. Mr. Pennoyer seconded the motion. Motion passed. Ms. Bradley reminded Mr. DuVally he will need to submit a Form A quickly in order to get it to Town Meeting.

2. Donation of Land – off Hornbine Rd. – Greg Day – Discussion – Mr. Greg Day was present. He began by stating he has owned 12 acres for over 30 years. There is no frontage and there was an easement at one time. It abuts other town owned land and this will enlarge that piece. Mr. Evans motioned to accept the donation of land by Mr. Day. Mr. Nicholson seconded the motion. Motion passed.

3. Annual Town Meeting – Warrant Article – 53E1/2 Account Reauthorization.  
Mr. Nicholson motioned to accept Warrant Article 53E1/2.  
Mr. Evans seconded the motion. Motion passed.

4. FY2017 Budget –  
Mr. Nicholson motioned to approve the FY2017 Budget.  
Mr. Evans seconded the motion. Motion passed.

## **MINUTES**

1. August 4, 2015

2. August 18, 2015

Mr. Nicholson motioned to approve the above minutes reviewed by  
Mr. Evans seconded the motion. Motion passed.

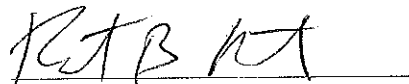
Beagle Club – Easement to Town Forest – Mr. Evans began by stating the easement at the Beagle Club abuts the Town Forest. The Land Trust had a meeting where some residents express concern about the Town Forest with regard to possible encroachment. An abutter, Whitehead, had the land surveyed and there noted there may be some logging going on. Since it abuts the easement, Mr. Evans feels the boundaries should be marked. He added he knows someone who is willing to extend the trail after it is marked and that the abutters are encroaching. The property was surveyed 10 years ago. Mr. Materne stated they need to find out if there is actual encroachment and then mark the property. He added it is early 2<sup>nd</sup> growth stage which is very thick. The Conservation Commission will visit the property, and will probably get a surveyor to verify the property line.

## INVOICES

## ADJOURNMENT

Mr. Evans motioned to adjourn the meeting at 8:10 p.m.  
Mr. Habershaw seconded the motion. Motion passed.

For the Conservation Commission

  
Robert Materne, Chairman