

**CONSERVATION
COMMISSION**
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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 – May 17, 2016

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

Leeann Bradley, Conservation Agent

Absent:

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. 11 Old Providence Road, 25 & 29 Fall River Ave. – Raposo – No new information at this time.

2. 417 Winthrop St. – Cartin – Ms. Bradley confirmed Mr. Cartin is making progress.

3. 72 Francis St. - Rodrigues – BVW/Buffer Zone clearing – No new information at this time.

4. Manitook Estates – Enforcement Order – Ms. Bradley received a call from Mr. Arthur Amaral stating he is buying the property.

1. Lot 10 Plain St. – Vieira – EO lifted – Revisit in June 2016 – Mr. Materne stated the commission went to the property and determined the restoration was not successful. Mr. Pennoyer went out to the site again last night. He observed that Mr. Vieira had the whole area excavated down 6” from Mr. Pennoyers grade. Near the wetland side the grade was down 3 to 4 inches. Near the gravel driveway it was much lower. Mr. Vieira felt it was too low, however, Mr. Pennoyer assured him it was perfect and to spread 3-4” of loam, then spread the wetland mix. He was instructed to call Mr. Pennoyer when complete. Mr. Materne added that when the first road went in, the wetland vegetation did not come back. He informed Mr. Vieira that he had two years for the vegetation to be successful. Mr. Pennoyer agreed with Mr. Materne however he believes that at one time the commission informed Mr. Vieira it was ok as is. Mr. Materne recalled the Reservoir Avenue property where the area in question was turned into wetlands upland. A developer came in, built houses and had it flagged. The commission was in a bind due to the Order of Conditions stating that in perpetuity the upland could never be called upland. Even though it’s upland it has to be a wetland.

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Mr. Materne is concerned a similar scenario may occur with Mr. Vieira when he puts a driveway in. Mr. Pennoyer stated the plan shows the area in question as a wetland. Mr. Nicholson suggested letting Mr. Vieira fix what he has now and deal with the rest later. Mr. Habershaw agreed.

2. Hazelton Golf Course – May 15, 2016 site visit. – Mr. Materne stated the commission went to the site and added there were a lot of areas that needed straw hay bales and noodles installed. He feels Mr. Bechtel will be very cooperative working with the commission. There were three areas in particular that need immediate attention. One area is where the road crossed the stream. It needs to be protected from siltation. Ms. Bradley needs to know what areas are a concern since someone called DEP and complained. She wants to follow up with DEP and let them know what's going on. Mr. Pennoyer stated they are conducting normal maintenance and improvements to the golf course and the commission feels it's all within the realm of maintenance and rejuvenation. The commissions concern was with the area they are maintaining and repairing. Some areas in that scope of work had the potential to silt into a resource area. He wants the applicant to ensure there will be no siltation into the resource area during their normal maintenance process. It did not appear to Mr. Pennoyer that there was any advancement into the resource area over and above what was there. Mr. Materne added the commission found no reason to issue a Cease & Desist or submit a filing. Mr. Evans brought up the issue of the power lines that go through the golf course and the easement. The utility company flagged the resource area within a certain distance from the powerlines. He is wondering if the golf course has the plans from the utility company. Ms. Bradley believes the people who flagged the area also advised her about the violation off Summer St. She will contact them regarding the wetland plan.

3. Oak Hill Beagle Club – Mr. Materne stated there was no response from Oak Hill Beagle Club therefore, they did not make a site visit. They were not sure anyone would be there to unlock the gate. The president of the club was actually there between 8:30am and 12:00pm, but the commission did not know. Ms. Bradley responded to the email from the club asking for confirmation by Friday morning advising her if someone will be there or not to meet with the commission. Mr. Evans noted the Rehoboth Land Trust wants to attend the site visit also.

4. 187 Pleasant St. – Goulet – BVW/Riverfront fill – EO issued – Ms. Goulet contacted Ms. Bradley stating she will not be available for the next two weeks. The Conservation Commission will visit the property during their next site visit.

PUBLIC HEARINGS & MEETINGS

1. 237 Brook St. – Scott Pennoyer – NOI – SE60-1047 – waiting for NHESP – Mr. Pennoyer recused himself from the meeting. He took a seat as an applicant and requested a continuance of the public hearing.

Mr. Evans motioned to grant a continuance of the public hearing.
Mr. Nicholson seconded the motion. Motion passed.

2. 545 & 557 Winthrop St. – Faneuf – RDA – Mr. Brandon Faneuf was present as the applicant. He is asking for the commission's determination regarding the area depicted on the plan as being an area subject to jurisdiction under the Wetlands Protection Act. It would include 2 areas. One area is BVW on the west side of the property and also an isolated wetland area. He is wondering if the boundaries are accurate. He noted the BVW line was previously delineated and believes it was under enforcement action by this commission at one time. He noted a split rail fence was required to be constructed parallel to the BVW. This area includes flags WL1 through WL14. Mr. Faneuf is proposing extending the area to the south. He installed his own wetland flags A1 through A9 and is asking for verification. He is more specifically interested in the B series of flags. This may be an excavated area and has some wetland

vegetation and is holding water. It is an isolated wetland but is it jurisdictional? It's not bordering anything and wonders if it will qualify as an IVW. Mr. Faneuf asked Mr. Otis Dyer test the topography to determine how many cubic feet of water this area holds. The volume is 7900c.f. which would be below the threshold and not subject to the Wetlands Protection Act. The threshold is 600 l.f. and the total for both applicable areas is 460 l.f. Mr. Evans noted some discrepancies. He stated it was hard to get a feel for the soil as some areas are very rocky. He asked Mr. Faneuf if he would agree move in the upland direction flags WF3 10' up, WF7 5' up and WF8 and 9, 10' up. If he makes those changes on the plan the commission will give him a determination. Mr. Faneuf agreed. The proposed solar design for Northeast Clean Energy will be 50' to 100' from the buffer.

Mr. Evans motioned to issue a Positive #2A Determination of Applicability.

Mr. Nicholson seconded the motion. Motion passed.

GENERAL BUSINESS

Reappointments

Mr. Habershaw motioned to reappoint Mr. Prachanronarong to the Conservation Commission.

Mr. Pennoyer seconded the motion. Motion passed.

Mr. Pennoyer motioned to reappoint Stephen Choquette to the Conservation Commission.

Mr. Nicholson seconded the motion. Motion passed.

MINUTES


INVOICES

ADJOURNMENT

Mr. Evans motioned to adjourn the meeting at 7:30pm.

Mr. Habershaw seconded the motion. Motion passed.

For the Conservation Commission,


Robert Materne, Chairman