

**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 – March 2, 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 7:03 PM.

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OFFICE OF THE TOWN CLERK
REHOBOTH, MA

Public Hearing and Meetings

1. Lillie Mae – 367 Anawan Street – RDA

Mr. Roach stated that they had requested a continuance.

2. Tran – 158 Anawan Street – NOI – SE60-1219

This item was tabled until later in the meeting. There was no representative present at this time.

3. Costa – 196 Homestead Ave. – NOI -SE60-1220

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Andrade requested a continuance until March 16, 2020.

Mr. Evans made a motion to grant a continuance until March 16, 2020.

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

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

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Materne stated we have done some research regarding Natural Heritage. Explained the original issue and the history of the property. Mr. Roach had spoken with Natural Heritage and because of the controversy they have given it to upper-level management. They are still reviewing it. Until we hear back from them the project is on hold.

Mr. Andrade requested a continuance until March 16, 2021.

Mr. Evans made a motion to grant a continuance until March 16, 2021.

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

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

5. Braddock – 208 Brook Street – ANRAD – SE60-1226

Mr. Materne opened the public hearing.

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade requested a continuance until March 16, 2021.

Mr. Evans made a motion to grant a continuance until March 16, 2021

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

6. Correia - 8 Johnnies way – NOI – SE60-1225

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented revised plans.

Mr. Materne stated that part of the line was verified. Because part of the line still needs to be flagged.

Flags 20-29 are correct. There are no flags in the field for flag 15, 17, 18, and 19.

Mr. Andrade stated ok.

Mr. Materne asked the commission if they were satisfied with the terracing?

The commission was satisfied.

Mr. Choquette stated that his concern is that the pool filter will need to be flushed out. Is there a holding tank? You'll have to put it in or show it on the plans. So, the chemicals for the pool do not leach into the wetland area.

Mr. Andrade stated we can add something so there is very specific notation of no discharge into the wetlands.

Mr. Materne stated you have to show us in the narrative of how you are going to address cleaning and chlorine control that close to the wetlands.

Mr. Materne asked if the audience had any questions?

Ms. Beverly Baker of the Cemetery Commission was present.

Ms. Baker asked what the next step was in the permitting process?

Mr. Materne explained what was need in order to close the public hearing.

Ms. Baker explained what she would like to do on site regarding the area in question for a potential burial ground.

This was discussed further.

Mr. Choquette stated you took out the words "proposed tree line", which was controversial at the last meeting. Asked if a conversation had been had with the owners on what they think they are going to do? How close they are going to clear to?

Mr. Andrade explained that he removed the words to clear up any confusion. Our request is to approve going up to the straw wattle.

Mr. Choquette stated ok.

Mr. Materne stated that the flags that are missing are on the stone wall, correct?

Mr. Andrade stated yes.

Stated to give Mr. Roach a call once the flags are up and Mr. Roach will go out to verify them. Once that is done, we can close the public hearing.

Mr. William Morgan of 105 Cameron way was present.

Mr. Morgan asked if there was a marker between 20 Starr Lane and 101 Cameron way?

Mr. Andrade stated there should be one on top of one of the stone walls.

Mr. Morgan stated it had been marked by InSite in 2014, but it is not there now.

Mr. Andrade stated it may have worn off by now.

Mr. Morgan stated that he had some work done to the stonewall. He though that the reconstruction of the wall extended beyond the border. He was trying to figure out where the edge of his property was.

Mr. Materne stated that as this drawing stands right now it meets all the requirements of the Wetland Protection Act.

Mr. Andrade shared the plans.

Mr. Morgan stated that his concern is that there will be clearing done of the lot would go past the border of the property, if it is not clearly marked.

Mr. Andrade stated that the limit of clearing is on the easterly side of the wetlands. 20' before we would even reach Mr. Morgan's property.

Mr. Materne explained what would happen if they cleared in the wetlands. Explained that as an abutter he has the right to appeal to DEP, with in 10 days of issuing Order of Conditions.

Mr. Andrade requested a continuance until March 16, 2021.

Mr. Evans made a motion to grant a continuance until March 16, 2021.

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

7. Silva – 29 Summer Street – NOI -SE60-XXXX

Mr. Materne explained that the commission did not go out to the site because the plans were not acceptable. Explained what needs to be done to correct the plans.

Mr. Tom Principle of Principle Engineering was present.

Mr. Evans stated that it would be helpful if they could tell the commission what wetland flags, they want verified.

Mr. Principle stated flags 36-45. We can highlight the plan and go to the site and make sure they are clearly marked.

Mr. Principle requested a continuance until March 16, 2021.

Mr. Evans made a motion to grant a continuance until March 16, 2021.

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

8. Shestack – 221 Tremont Street – RDA

Mr. Mark Mariano of Oakhill Engineering was present.

Mr. Mariano presented plans.

Mr. Materne asked why every riverfront flag says TB01 on it?

Mr. Mariano stated he would update that.

Mr. Materne stated everything looks accurate. There are 2 situations here. One being the septic repair and the other being the addition. He did not want to start a president of approving new construction in the riverfront. He felt this would be a Positive Determination.

Mr. Mariano stated that in the review of the addition, we are putting in on a currently paved surface. We are not increasing any other pavement.

Mr. Materne asked the commission how they felt about this?

Mr. Evans stated without having been on site he felt he couldn't say. He understands the concern of construction inside the riparian zone.

Mr. Nicholson stated we've never set a rule that doesn't allow construction in a riparian zone. We don't have a no touch zone.

Mr. Materne stated that question being, if you're going to approve it, how would you approve it?

The commission and Mr. Mariano discussed this further.

Mr. Nicholson stated this is a good size lot and a pump system. There is no reason for the leach field to be down against the river.

Mr. Materne asked Mr. Mariano is there any reason why the septic system couldn't be moved?

Mr. Mariano explained there is a fenced in area on the plan that is a horse corral.

Mr. Materne asked what about towards the house?

Mr. Mariano stated there is a 150' buffer around the septic because of the well.

Mr. Materne stated you could put the septic under the corral.

Mr. Mariano stated the groundwater is at 2' there. It would pose a challenge in a corral. You would have a raised system.

Mr. Materne stated that with the correct siltation control he wasn't against the septic system where it is.

His concern is the new construction.

Mr. Choquette stated he was ok with it due to the fact that it's on top of an existing asphalt driveway. The commission discussed that the new construction will not create anymore impervious surface and not change the drainage off of the surface.

Mr. Evans stated we should have Mr. Roach draft something that acts as a finding as to why there is a Negative Determination on this project. It seems like a unique situation. We can use that in the future as to why we didn't issue a Positive Determination.

Mr. Materne stated that if it's allowed it is because it is on a man-made structure, being the driveway.

Mr. Mariano requested a continuance until March 16, 2021.

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

Mr. Evans made a motion to grant a continuance until March 16, 2021.

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

9. Saviano – 11 Locust Ave. – RDA

Mr. Mark Mariano of Oakhill Engineering was present.

Mr. Mariano presented plans.

Mr. Materne asked are you going to be able to do all the work within the erosion control?

Mr. Mariano stated he gave them 15-20' around. They are going to have to haul material off site.

Mr. Materne asked without knocking all the erosion control over?

Mr. Mariano stated yes and explained why.

Mr. Materne asked if anyone had any questions?

Mr. Choquette stated that the final grade is going to be the toughest point. They are going to have to be very careful.

Mr. Materne asked do you think a double line of erosion control there would be better?

Mr. Choquette stated they are going to have to be careful not to break that area.

Mr. Materne asked how about we allow them to move the erosion control 5' closer to the wetlands?

Mr. Choquette stated that would be better.

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

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

10. Viverios – 560 Tremont Street – ANRAD – SE60-1227

Mr. Mark Mariano of Oakhill Engineering was present.

Mr. Materne stated that the commission was not able to verify the line at the last site walk.

Mr. Mariano requested a continuance until March 16, 2021.

Mr. Evans made a motion to grant the continuance until March 16, 2021.

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

11. MCS Realty – 497 Tremont Street – ANRAD – SE60-1229

Mr. Mark Mariano of Oakhill Engineering was present.

Mr. Materne stated that the commission was not able to verify the line at the last site walk.

Mr. Mariano requested a continuance until March 16, 2021.

Mr. Evans made a motion to grant the continuance until March 16, 2021.

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

12. Merolla – 135 School Street – ANRAD – SE60-1228

Mr. Mark Mariano of Oakhill Engineering was present.

Mr. Mariano presented plans.

Mr. Materne stated that the lines are accurate.

Mr. Evans requested that flag A8 be moved 6' upgradient.

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

Mr. Evans made a motion to close the public hearing.

Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.
Mr. Evans made a motion to issue Order of Resource Area Delineation with the small change to the flagging as discussed.
Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.

13. Tran – 158 Anawan Street – NOI – SE60-1219

The representative for the above-named project was not present. The commission attempted to contact them.

Concerns & Complaints

1. 15 Starr Lane & 27 Starr Lane

Mr. Materne stated that the commission had been out to the site on Sunday. We saw what hadn't been done. Mr. Choquette and Mr. Materne went out today and there are still no changes. Mr. Roach has called them and gave them the list of what needs to be done. Mr. Materne felt that we need to issue an Enforcement Order for both properties.

Mr. Evans made a motion to issue Enforcement Orders for 15 & 27 Starr Lane.

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

Public Hearing and Meetings

14. Tran – 158 Anawan Street – NOI – SE60-1219

Mr. Roach stated he called the phone number the commission had and reached the office. There was no answer.

Mr. Andrade stated that he would reach out to the representative on his cell phone.

General Business

1. 82 Cedar Street – Replication Area Discussion – Request to Approve as Vernal Pool

Mr. Evans stated that with respect to this project, when you look at the interest of the act, he thought that he would be ok with a vernal pool existing in place of something that use to be disturbed BVW. However, he would insist that it be certified as a vernal pool before we issue a Certificate of Compliance on the project. As long as they agree to that.

Mr. Materne stated he thought in that case what we have to do is notify the land owner that there 2 options. They would need to get back to the commission on which option they choose.

The commission agreed.

2. Rehoboth Land Trust – Pond Street – SE60-978 – Request for COC

Mr. Evans recused himself.

Mr. Roach stated that everything was done according to the plan. Recommended granting a COC.

Mr. Choquette made a motion to issue a Certificate of Compliance.

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

3. 2020 Annual Report

Mr. Roach explained that there are still a few changes to be made. It should be ready for the next meeting.

4. Agent Update

Mr. Roach gave a list of the Authorization to Proceeds that had been issued since last meeting.

Concerns & Complaints

2. 582 Winthrop Street – Concern– Working Past Scope of RDA

Mr. Roach stated that it has been too wet to remove the stumps.

3. 72 Martin Street – Concern

Mr. Roach stated that he did call, but had not heard back from them yet. Should hear back from them soon.

3. 97 Salisbury Street – Concern

Mr. Roach stated this is to be looked at during the next site walk.

4. 579 Winthrop Street – Baasch – Concern

Mr. Materne asked did they put the flags up?

Mr. Roach stated he had not been out to the stie to check that yet.

5. 29 County Street - Concern

Mr. Materne asked if this would be looked at on their next site walks?

Mr. Roach stated yes.

6. 23 Winthrop Street – Concern

Mr. Roach stated he did get back the green car. He hasn't heard from them. He's going to try to go out to the site with the Health Agent. The Health Agent also has some concerns.

Meeting Minutes

1. December 8, 2020

2. December 22, 2020

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

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

Public Hearing and Meetings

15. Tran – 158 Anawan Street – NOI – SE60-1219

The representative was unable to be reached by phone and was therefore not present.

Mr. Materne asked the commission if they wanted to review the plans and see if they agreed to them?

The commission agreed to look at the plans.

Mr. Materne explained the changes on the plan. Asked if the commission had any issues with the revised plan?

Mr. Nicholson stated that the contour lines need to be curved not 90-degree angels.

Mr. Materne asked where the words "Inspection pipe" is, is that flat?

Mr. Nicholson stated they are not showing changes.

Mr. Evans stated they never took out the old contours.

Mr. Nicholson stated they didn't do the proper grading on this plan.

Mr. Materne stated without the representative here can we close the public hearing?

Mr. Evans stated this is not a good plan.

The commission agreed.

Mr. Evans made a motion to close the public hearing.

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

Mr. Evans made a motion to issue denial of the project.

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

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 8:42 pm.

For the Conservation Commission



Robert Materne, Chairman

David Evans, Vice-Chairman