

**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
Matt Kershaw
Sara Huber, Assoc. Mbr
Daniel Roach, Agent

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REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – March 30, 2021

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

Absent: Krisna Prachanronarong, Associate Member Sara Huber.

CALL TO ORDER

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

Public Hearing and Meetings

1. Lillie Mae – 367 Anawan Street - RDA

Mr. Roach stated that they had requested a continuance.

2. Silva – 29 Summer Street – NOI – SE60-1230

Ms. Karen Beck of Principe Engineering was present.

Ms. Beck presented revised plans based on the commission's comments.

Mr. Materne stated that the new plans showed a lot of flagging and explained the ANRAD policy. Stated that most of the flags were unnecessary.

Ms. Beck stated that her positions were that flags 100-104 are shown, it is on the abutter's property.

We're showing it to indicate that we have a 100' buffer zone from those flags onto our property. The wetlands will not be disturbed by this project.

Mr. Materne explained why an ANRAD would be needed.

Ms. Beck asked if we take the length of the flagging 100-104, that length is 123'.

Mr. Materne asked if the proposed driveway more than 50' away from that flag line?

Ms. Beck stated no. Explained if we take the flagging that's across the driveway, on the abutters property and verify flags A42-A46, which the buffer zone from that does not infringe onto our lot, that length is 124'. If we take flags 26-31, those flags some are off the property but have a direct impact as far as the 100' buffer zone on the project. That length is 133'. If we take those three lengths and verify those flags it is only 380'.

This was discussed further.

Ms. Beck stated that the plans could be revised to show only the flags they want verified. It would be less than 600'.

Mr. Materne asked how the commission felt?

Mr. Evans stated that he would go back out to the field to verify the new line that is highlighted on the revised plan.

Mr. Materne stated that the questions is does an ANRAD need to be filed? Did you verify the vernal pool?

Mr. Evans stated no it was BVW, it was unnecessary flagging.

Mr. Materne stated if the flag line was over 600' including the 100 series, were those flags up when you went out to the field?

Mr. Evans stated he didn't see them.

The commission discussed this further.

Mr. Roach asked when the commission went to the site did, they verify more than 600' of flag line?

Mr. Habershaw stated we did not because there were flags missing.

Mr. Materne asked should we require them to file an after the fact ANRAD?

Mr. Nicholson stated we didn't do a complete verification of all the flags.

Mr. Evans stated that if they revise the plans to show less than 600', it's very clear, with the understanding that we would only verify those flags and they can do everything that pertains to the project, then I would look at it.

The commission agreed.

Mr. Choquette stated to let them take out what they don't need, if it's under 600' I'll go take a look at it.

Mr. Materne stated to Ms. Beck if you revise the plan and have everything that is required with a flag line under 600' we will consider it just a NOI. If it is over 600' you will have to file an ANRAD.

Ms. Beck stated she understood.

Mr. Evans asked is the limit of disturbance showing erosion control?

Ms. Beck replied yes.

Ms. Beck requested a continuance until April 13, 2021.

Mr. Evans made a motion to grant the continuance until April 13, 2021.

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

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

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Materne asked what the distance was between the house and the conservation sign?

Mr. Andrade stated 8'.

Mr. Materne asked if the commission had any questions. Explained the differences between this project and another one on Starr Lane.

Mr. Choquette stated that the commission asked on Starr Lane that when they were digging the foundation that they cast to the inside of the foundation and not the outside. That way there is no run off. Requested the same for this project.

Mr. Evans stated where you have the conservation sign near the east edge of the house, is that currently a small stone wall?

Mr. Andrade replied it is.

Mr. Evans asked if they were proposing to do anything to eliminate that wall?

Mr. Andrade stated no. All the straw wattle will be in front of it and graded away from that section.

Mr. Evans stated he would like Mr. Habershaw and Mr. Choquette see the revised plans; they have experience with site work.

Mr. Materne explained that Mr. Habershaw and Mr. Choquette want the same procedure followed that was done on Starr Lane.

Mr. Andrade stated he followed the Starr Lane plan and copied the notes from that plan onto this plan.

The commission discussed if they were comfortable closing the public hearing since they didn't receive revised plans in time.

The commission agreed that they were comfortable with the revised plans.

Mr. Evans stated that he wanted language in the ordered saying that the stonewall remains.
Mr. Materne agreed.
Mr. Roach asked if there was a call out for a construction entrance at the front of the lot?
Mr. Andrade stated he would revise the plans to show that specifically
Mr. Habershaw stated that 25' road would be good.
Mr. Materne asked if the audience had any questions, there were none.
Mr. Evans made a motion to close the public hearing.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.
Mr. Evans made a motion to issue Order of Conditions with the additions that were discussed.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

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

Mr. Chris Andrade of InSite Engineering was present.
Mr. Andrade presented plans.
Mr. Materne stated that the commission had reviewed the line and it is accurate except for flag WF38, Connect WF37 to WF39.
Mr. Materne asked if the audience had any questions.
Ms. Rose Marsella of 178 School Street was present.
Ms. Marsella asked if this was being approved today?
Mr. Materne explained what an ANRAD filing was.
Ms. Marcella stated ok.
Mr. Evans made a motion to close the public hearing.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.
Mr. Evans made a motion to issue an Order of Resource Area Delineation.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

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

Mr. Chris Andrade of InSite Engineering was present.
Mr. Andrade presented revised plans based on comments from the commission.
Mr. Materne stated that there is a deep trench where the proposed driveway is. Are you going to be leveling that?
Mr. Andrade stated they are going to fill it in.
The commission discussed grading further.
Mr. Materne stated that his concern is with all the excavation work, what are the possibilities that it is going to run down through the buffer zone? How are you going to prevent that?
Mr. Andrade stated he would propose a double row of straw wattle, staggered. So, whatever gets past the 1st row will slow down and be stopped by the 2nd row.
Mr. Materne stated that the straw wattle is the limit of work. Is that going to be a lawn?
Mr. Andrade stated that it is going to drop off after the limit of work. They are not going to be able to mow that.
Mr. Materne stated he was talking about from the 100' buffer and the 1st erosion control line on the western side.
Mr. Andrade stated yes, that will be a lawn.
Mr. Materne asked Mr. Habershaw and Mr. Choquette how they felt about the plan?
Mr. Habershaw stated it is going to be a tough job but it can be done. He didn't believe there would be an impact to the wetlands. A secondary wattle line makes sense.
Mr. Andrade stated that the 2nd wattle line would be proposed on the downhill area.
The rest of the commission had no issues with the proposed changes to the plan.
Mr. Choquette asked Mr. Habershaw what he thought about going with larger wattles, 10-12"?
Mr. Habershaw stated the 2nd row could be a larger one.

Mr. Andrade stated they are proposing 12" wattle.
Mr. Choquette stated use two 12" straw wattles.
Mr. Andrade stated ok.
Mr. Materne asked if along the driveway there was going to be a mowing area?
Mr. Andrade stated he was not sure. There is a 2' area along the edge of the driveway as the limit of disturbance. This allows for if they want to mow.
Mr. Materne stated he noticed that the straw wattle line doesn't follow the driveway.
Mr. Andrade stated that allows for if they need a pull in section.
Mr. Materne asked what was being put down on the culvert when it is done?
Mr. Andrade stated it should stay the same.
Mr. Materne stated it doesn't state a sizing in the details, should it say that?
Mr. Habershaw stated yes. They need to put in 4-8" trap rock.
Mr. Andrade stated ok.
Mr. Materne asked if there was any other questions or comments from the commission?
Mr. Evans asked where the secondary wattle line was going to be installed?
Mr. Andrade stated from A43-A49, on the opposite side from A62-A72.
Mr. Habershaw stated that is fine.
Mr. Materne asked if there were any issues with the septic design, there were none.
Mr. Materne asked if the audience had any questions or comments?
Ms. Rose Marcella of 178 School Street was present.
Ms. Marcella asked if there were no more endangered species on the property from Natural Heritage?
Mr. Roach stated that there are still endangered species. It's within the Natural Heritage area. Since 2017 they did revise their maps and they determined that the dragonfly was no longer suitable for them. It was just the box turtle. They assessed it for potential impact on the box turtle. Their conclusion was that this project would not have an impact on them and it followed all the state laws.
Mr. Materne explained why the project was held up, regarding NHESP. We can't stop the project because NHESP has cleared it.
Ms. Marcella ok. Expressed her disappointment with how this was handled.
Mr. Materne asked if there was anyone else in the audience with comments or concerns, there were none.
Mr. Evans made a motion to close the public hearing.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.
Mr. Evans made a motion to issue Order of Conditions with the special conditions discussed.
Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.

6. Powis – 11 County Street – NOI – SE60-1233

This item was tabled until later in the meeting.

7. Beagan – 113 County Street – RDA

Ms. Rachel Smith from Otis Dyer's office was present.
Ms. Smith presented plans.
Mr. Materne asked how far is the work area from the limit of work?
Ms. Smith stated that the work trucks will have to come in from the east side because of the well.
Mr. Materne asked if the commission had any questions or comments, there were none.
Mr. Materne asked the audience if there were any questions or comments, there were none.
Mr. Evans made a motion to issue a Negative 3 Determination.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

8. Chaves – 211 Winthrop Street – RDA

Ms. Rachel Smith from Otis Dyer's office was present.
Ms. Smith presented plans.

Mr. Materne stated that the trash needs to be removed by hand, no machinery.
Ms. Smith stated that she would explain that to them.
Mr. Materne stated that they need to remove the invasive species between the 100' and 50' buffer zone. How are they going to do that?
Ms. Smith asked what the commission would want them to do?
Mr. Materne stated everything has to be done by hand. No machinery, or they will have to file a NOI.
Ms. Smith stated ok.
Mr. Materne stated they are going to have to use a machine to remove the foundation itself. He thought they needed to give the commission a narrative on how they are going to do that without altering the wetlands.
Mr. Nicholson asked how deep is the foundation/
Ms. Smith stated that she didn't look at that but felt it is an old foundation and felt it wouldn't be very deep.
Mr. Habershaw stated he agreed with that.
Mr. Nicholson stated ok.
Mr. Materne stated that the fence is 30' off the wetlands. Between the fence and the 50' line. Are they going to keep that natural?
Ms. Smith stated that is what is proposed.
Mr. Materne stated that needs to be made clear to them. Stated that he felt that the commission needs a narrative.
Mr. Habershaw stated that the Japanese knot weed is not going to be able to be removed by hand or with a machine. It will spread. It is best if left alone.
Mr. Choquette stated that the narrative needs to be very clear. There is a lot of handwork. They need to understand what handwork is and not to use a machine.
Mr. Materne stated that we either give them a Negative or Positive determination. If they are going to do work there with a machine it's a positive determination with the exemption of the foundation, we are going to allow that. We need to have the narrative written, then close the hearing.
The commission agreed.
Ms. Smith requested a continuance until April 13, 2021.
Mr. Evans made a motion to grant a continuance until April 13, 2021.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

9. Shestack – 221 Tremont Street – RDA

Mr. Mark Mariano of Oakhill Engineering was present.
Mr. Materne asked if the narrative complete?
Mr. Roach stated yes. Showed the narrative on the screen.
Mr. Materne asked Mr. Mariano if he agreed with the narrative?
Mr. Mariano stated it is good.
Mr. Evans made a motion to issue a Negative 3 Determination including the narrative discussed.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

10. Powis – 11 County Street – NOI – SE60-1233

Mr. Peter Lyons of Collins Engineering was present.
Mr. Lyons presented plans.
Mr. Materne stated that the commission had verified the wetland line, it is accurate. Asked the commission if they had any questions or comments, there were none.
Mr. Materne asked the audience if they had any questions or comments, there were none.
Mr. Evans made a motion to close the public hearing.
Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.
Mr. Evans made a motion to issue Order of Conditions.

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

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

Mr. Bob Berube of Pro-Line Engineering was present.

Mr. Berube presented plans.

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

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

Mr. Berube requested a continuance until April 13, 2021.

Mr. Habershaw made a motion to grant a continuance until April 13, 2021.

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

11. Parecce – 510 Winthrop Street – NOI – SE60-1235

Mr. Mark Mariano of Oakhill Engineering was present.

Mr. Mariano presented plans.

Mr. Materne stated that the commission did go out to the site. The top of bank line is accurate. From flag 6-14 the line was way off. The lawn line was a more accurate wetland line. You can get your botnist to refute us or reflag it. We can't close the hearing until the line is accurate.

Mr. Habershaw stated to move the gravity line closer to the building. Which would move the pump chamber closer to the leaching field.

Mr. Mariano stated that the building found on the eat side were on stone foundations. He was trying to keep a little bit further away from it.

Mr. Habershaw stated that it is not so much the pipe but the pump chamber. Move it towards the filed to get it away from the wetland edge. As close to the field as you could.

Mr. Mariano stated ok. Asked if they moved the wetland edge to the edge of the brush line, would that work?

Mr. Habershaw stated that is acceptable.

Mr. Mariano asked do I remove flags 14-6?

Mr. Materne stated yes.

Mr. Nicholson stated if you take those flags out how are they going to know there are wetlands there/

Mr. Mariano stated he would hang them on a stake. Requested a continuance until April 13, 2021.

Mr. Evans made a motion to grant a continuance until April 13, 2021.

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

General Business

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

Mr. Roach stated that there was no new information on this agenda item at this time.

2. Sprague Road – Vote to Hold the Deed

Mr. Evans explained the reason for the Conservation Commission to hold the deed.

The commission agreed.

Mr. Evans made a motion to give the town permission to have the Conservation Commission hold the deed for any properties that we acquire in the upcoming town meeting.

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

3. Discussion with Resident – Upland Lot Requirements

Mr. Roach explained the reason for this item being on the agenda.

Ms. Lura Samsel of 66 Danforth Street was present.

Ms. Samssel explained her request to the commission regarding increasing upland requirements.

Mr. Materne explained that this is outside of the Conservation Commission's purview, it is a Planning Board issue.

The commission and Ms. Samsell discussed further.

4. Vote to Remove Scott Pennoyer as Associate Member

Mr. Evans made a motion to remove Scott Pennoyer as an Associate Member of the commission. Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.

5. Associate Member Application

Mr. Materne explained that they have an application for an Associate Member. His Name is Bill Morgan. Mr. Bill Morgan of 105 Cameron way was present.

Mr. Evans made a motion to appoint Mr. Morgan as an Associate Member.

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

6. Agent Update

Mr. Roach gave an update on the status of grants he was looking into.

Concerns & Complaints

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

Mr. Roach stated he spoke with the owner. This will be on the stie walks for June 1, 2021.

2. 72 Martin Street – Concern

Mr. Roach stated he had spoken with the owner. The owner should be getting something from his engineer soon.

3. 97 Salisbury Street – Concern

Mr. Roach stated that himself and the owner are working on date that the commission can visit the site.

4. 29 County Street - Concern

Mr. Materne stated that Mr. Evans went by and nothing has changed. The owner needs to get this fixed.

Mr. Roach stated that he has called but is only getting voicemail. He will send a letter.

Mr. Materne stated to send it certified.

5. 579 Winthrop Street - Baasch – Concern

Mr. Choquette stated that they are going to be submitting information for the next meeting.

6. 23 Winthrop Street – Concerns

Mr. Materne stated that a cease and desist has been issued. Asked Mr. Roach if he was able to find a translator.

Mr. roach stated he had been working Ms. Cabral, in the Tax Collector's office. He is going to write a letter explaining the Enforcement Order to go with it. The Enforcement Order will be in English but the letter will be in both English and Portuguese.

Mr. Evans made a motion to issue an Enforcement Order.

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

7. 98 Reynolds Ave – Concern

Mr. Roach stated that he called the owner and explained that all work on the site has to stop. He was contacted by the engineer. They were in the process of putting together a filing for the address. They said they were going to file a RDA. He told them they will need to file a NOI. He didn't issue an Enforcement Order. He explained to the engineer that all work has to stop and that the NOI needs to have restoration for the disturbed areas.

Mr. Materne stated we will hold off on an Enforcement Order. How soon are they going to file?

Mr. Roach stated probably by the 1st meeting in May.

8. 172 Summer Street – Concern

Mr. Materne stated this is Mr. Leo Young's property. Gave the history of the site. Explained what has happened on the site in the past and that the issue was too, large for the local commission so it was given to DEP. There has been nothing done on the property and he has contacted DEP again. Explained that if there is a fire on this site the Fire Department would not be able to put it out because of the tires. Asked Mr. Evans to speak to the Land Trust because they have property that abuts this property that could be potential lost if there is a fire.

ADJOURNMENT

Mr. Evans made a motion to adjourn the meeting.

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

Meeting adjourned at 9:09 pm.

For the Conservation Commission



Robert Materne, Chairman

David Evans, Vice-Chairman