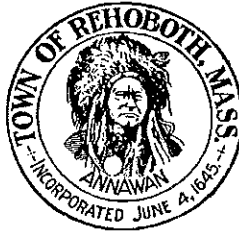


**CONSERVATION
COMMISSION**
148 Peck Street
Rehoboth, MA 02769
(508) 252-6891 Telephone
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Robert Materne, Chairman
David Evans, Vice Chair
Thomas Nicholson
Krisna Prachanronarong
Stephen Choquette
Matthew Habershaw
Scott Pennoyer
Matt Kershaw, Assoc. Mem.

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – February 7, 2017

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

Leeann Bradley, Conservation Agent

Absent: Matt Habershaw

CALL TO ORDER

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

CONCERNS AND COMPLAINTS

CURRENT ISSUES

1. Manitook Estates – Administrative Consent Order - No new information.
2. One Linden Lane – Martel – No new information
3. Map 63, Lot 12 Fairview Avenue – Reuter – clearing within BVW and/or buffer zone. No new information and there has been no activity.
4. 12 Martin Street – tree clearing within buffer/BVW - Ms. Bradley informed Mr. Materne she sent a letter to the property owner asking him to put up a chain at the entrance and to provide photographic proof. She has not received anything as of this date. Mr. Evans noted there are two No Trespassing signs on the property and it does not appear as though anyone is using the property. He will keep an eye on it and let the commission know if anything has changed.
5. Off 204 Tremont Street – tree clearing within 100' buffer - Mr. Materne stated there was a complaint received regarding cutting in the back of the property. He and Mr. Evans made a visit to the property. They determined that there was some cutting but it was not impacting anything. They did discover that major damage had been done in the back of the property. They estimated that almost 50% had been clear cut in the buffer zone, with no filing submitted. Mr. Materne informed the property owner that she could take the useable wood out, but no chipping would be permitted. The owner is to leave the brush as it is as a cover so it can regenerate and prevent siltation. Mr. Evans added there was really only one spot where the owner was close to the resource area but was still in the buffer zone. It had no real impact on the resource area. He does not consider this a violation and it does not require a Cease and Desist.

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An abutter was present with concerns regarding the aquifer protection area. He now needs a sump pump when water enters his basement which is becoming increasingly more common. Mr. Materne explained that the property owner has not broken the law and is not in violation. Otherwise the commission would issue a formal Cease and Desist. He asked the abutter to notify the commission if they notice more cutting around the wetlands. Mr. Materne mentioned that the property owner was less than hospitable to the commission during the site visit. Mr. Evans asked Ms. Bradley to send a letter to the property owner stating the Conservation Commission did not appreciate the way she spoke to them during their site visit and remind her that some areas of her property fall under their jurisdiction.

6. Oakhill Beagle Club – forest restoration and wildlife management plan – Mr. Materne asked the commission if they had an opportunity to read the management plan submitted by Mr. Rodrick. He stressed how unprofessional the report was and that it referred to New England cotton tail rabbits in this area. He stated we have Eastern cotton tail in this area not New England cotton tails. The report does not address the base line conditions. The plan kept referring to habitat for New England cotton tails. Mr. Materne added that a very strict management plan would need to be implemented regarding breeding and protection and how the rabbits would be released when there is an excess. Ms. Bradley stated the forest management plan did not address delineation and is due in March. She informed Mr. Rodrick that the plan he submitted was not acceptable to the commission. He stated he understood and that a cutting plan would be forthcoming in March.

PUBLIC HEARINGS & MEETINGS

1. 10 Duval Street – Chris Kelly/Meridian – NOI – SE60-1068 – Mr. Rob Davis from Insite Engineering was present on behalf of the applicant. He is before the commission for a Notice of Intent for Lot 12A at Cedar Hill Estates. He gave a brief history on the project stating that in 2013 the applicant filed a Notice of Intent for this property. It was for a driveway that was accessing from Duval St. It was approved by the Planning Board with a definitive sub-division plan. The Notice of Intent was exclusively for the driveway. Mr. Davis learned that the Certificate of Compliance was not issued. Mr. Davis got the survey done and was before the commission tonight submitting an as-built plan for the driveway as well as the engineer's letter requesting the Certificate of Compliance. Mr. Davis went on to say that about a year ago they filed a Request for Determination of Applicability for a house to be built very tightly on the property. The placement is not preferred by the current owner. Mr. Materne stated some members of the commission made a site visit. Mr. Nicholson stated he and the other members of the commission could not find wetland flags or the house layout. Mr. Materne informed Mr. Davis he would need to request a continuance. Mr. Davis stated he will be glad to re-flag the area. Mr. Materne added that because the limit of work is so close to the wetland line the wetland line has to be accurate. Mr. Davis assured the commission he would check on the flags and make sure they are properly placed. The house foundation will need to be staked out as well. This Public Hearing will be discussed at the next meeting on February 21, 2017. It will also be added to the next site visit on February 19, 2017. Mr. Evans motioned to grant Mr. Davis a continuance of the Public Hearing to February 21, 2017. Mr. Choquette seconded the motion. Motion passed.

2. 158 Anawan Street – Thomas Pelchat – NOI- SE60-1067 – Mr. Brandon Faneuf was present on behalf of the applicant. Before he began his presentation, Mr. Materne asked what the length of the flag line was. He responded by stating that the wetland line is over 600'. Mr. Materne reminded Mr. Faneuf that the ANRAD has expired. He needs to file a new ANRAD. Mr. Evans added it is a very tight sight with a lot of replication. The wetland line has to be verified first. Mr. Materne suggested it might make more sense not to open the Public Hearing or ask for a continuance. He suggested getting the ANRAD done and then proceed from there. Mr. Faneuf asked that he be allowed do his part for his client by stating he understands the commission's policy. However, he noted this project was already approved by the

commission. He understands the Conservation Commission is comfortable reviewing the line themselves during a Sunday morning site visit. Mr. Faneuf stated that the Notice of Intent is in addition to approving or denying conditioning the work, it also verifies the wetland resource area boundaries. He feels it is within the purview of a Notice of Intent situation. He feels that if you look at it all together this is something that has been before the commission and approved by the commission. He agreed the area is tight and residential. The well and boundary would be confirmed as part of a Notice of Intent anyway. Mr. Materne understands Mr. Faneuf's reasoning but the ANRAD has expired. He added it is the responsibility of the landowner/applicant to keep up to date with the laws. Mr. Materne feels Mr. Faneuf needs to file a new ANRAD. Mr. Faneuf checked the Conservation Commission website regarding bylaws. The commission policy states they prefer to have an ANRAD if the line is more than 600 linear feet. That part of it would pertain directly to a correlation of the Wetland Protection Act. The bylaw is there specifically to retain fees. He has been keeping up with it and is asking the commission for leniency based on the reasons he stated earlier. Mr. Materne maintained his position regarding filing a new ANRAD. Mr. Evans stated he understands Mr. Faneuf's position but stated this site has approximately 5,000' of replication, and a lot of the resource area has been filled. Mr. Faneuf stated that the filling has already been done when the prior Order of Conditions was still valid. The replication area has not been done. The applicant then learned the permit had expired, which has brought Mr. Faneuf before the commission today to re-file a Notice of Intent. The applicant is trying to move forward and build a house. All work has been done in good faith. Mr. Evans stated this is a violation since the replication was never started from eight years ago. Mr. Faneuf disagreed. Mr. Materne stated the applicant had a valid Order of Conditions that stated the replication area had to be done and it was never done. It is a violation. The Conservation Commission unanimously agreed that a new ANRAD needs to be filed. Mr. Materne recommended that Mr. Faneuf ask for a continuance and file a new ANRAD. Mr. Evans motioned to grant Mr. Faneuf a continuance to the meeting of March 7, 2017. Mr. Nicholson seconded the motion. Motion passed.

3. 114 Chestnut St. – Elizabeth Wilson – RDA – A representative was not present for Elizabeth Wilson. Ms. Bradley gave a brief overview of the project. She recommended a Negative #3 Determination of Applicability.

Mr. Pennoyer motioned to issue a Negative #3 Determination of Applicability. Mr. Nicholson seconded the motion. Motion passed.

4. 579 & 583 Winthrop St. – Baasch – ANRAD – SE60-1069 - Ms. Lisa Caledonia from LSC Environmental Consulting was present on behalf of the applicants Gene and Elaine Baasch. She began by stating she is filing an ANRAD for a line greater than 600'. The wetland line is 774'. There are 2 lots on Route 44 that backup to the rest of Mr. Baasch's property. Ms. Caledonia flagged the wetland line this past summer. She flagged the stream length which was 148' and found it was trickling then and also in October. Mr. Materne reminded her that last July a drought condition had been declared and that no stream can be considered intermittent. Ms. Caledonia checked the USGS map and DEP mapping and the stream ends at the location where she stopped flagging. She also went out to the site again, after significant rain event and found there was some water in the wetland but it was not a channel. The stream flows south. Mr. Materne stressed the line needs to be accurate. Mr. Evans stated that whatever the USGS blue line is needs to be on the plan. Mr. Pennoyer asked if the USGS stream line could be superimposed over the plan. Ms. Caledonia agreed. Mr. Materne noted that the Conservation Commission is the body that determines if the stream is intermittent or not. The wetland line has to be accurate because of the riverfront area. A slight direction change could have an impact. Ms. Caledonia understood. The commission will make a site visit to verify the line. This Public Hearing will be continued to the meeting of March 7, 2017. Ms. Caledonia will make sure the commission receives revised plans in advance of the site visit.

Mr. Evans motioned to grant a continuance to the meeting of March 7, 2017

Mr. Choquette seconded the motion. Motion passed.

GENERAL BUSINESS

1. Perryville / Village Dam Report and repairs – Mike Costello – Highway Superintendent, Mr. Michael Costello appeared before the commission with his report. He began by stating that the dam inspections are done yearly and every year the report comes back noting there is a bit more damage due to lack of continued maintenance on the dams. Mr. Costello wants to take charge and make repairs as needed. He added that not long ago there was a complete reconstruction of the dam and he does not want to lose that. There is vegetation maintenance to be done by the Forestry Department as well as work by the Highway Department. The highway department will supply the manpower and some of the needed materials. The report estimates the engineering cost to be \$3,000.00. Mr. Costello stated he has no engineering money in the budget. He is willing to pay for the material and labor. Mr. Johnson of the Forestry department is willing to do so as well. Mr. Costello is asking the Conservation Commission to cover the engineering cost due to the lack of funds. This will allow the engineer to create plans for the actual work so it is done properly. Mr. Costello confirmed to Mr. Materne that there will be no changes to the dam, only maintenance such as replacing loose stones and erosion control. The rip rap needs to be concentrated in one area and some vegetation issues need to be addressed. He will give a copy of the engineering report to the commission for their review. It was determined the engineering fee will come out of the NOI fund. Mr. Pennoyer wants to make sure the commission does not start paying for everything in the future. Mr. Costello intends to file a new Notice of Intent as the town wide Order of Conditions has expired. Mr. Costello also informed the commission that he inspected the 24" pipe under Danforth St. and Perryville Rd. and discovered it has rotted. This needs to be replaced. He asked if it will fall under the town wide NOI. Mr. Costello will replace the same size pipe. Mr. Materne asked that the commission have a chance to see what he is going to do first before he starts anything. Mr. Costello agreed. Mr. Choquette asked who would be monitoring this project. Mr. Costello stated he would be the point person on this project. He added that if anyone had a question, they could call him anytime of the day. Mr. Evans motioned to expend up to, but not to exceed \$3,000.00 for the engineering fee for dam repairs, which will come out of the NOI fund. Mr. Pennoyer seconded the motion. Motion passed.

2. MACC Letter – Pipelines – Mr. Materne feels there is no proof the pipeline is necessary. Mr. Pennoyer and Mr. Nicholson noted they would abstain from writing a letter. Mr. Evans asked to see the letter. Ms. Bradley stated she emailed it to the commission at the beginning of January. The following meeting was cancelled. It was determined that there are not enough members of the commission on board regarding this matter.

3. Open Space and Recreation Plan – discussion - Ms. Bradley updated the commission stating she is going to apply for a Technical Assistance grant from SRPEDD to help out and cover most of the cost of the plan.

4. Lindley Road – field maintenance – discussion with Rachel Smith and Carol Williams – Rachel Smith and Carol Williams approached the commission. Ms. Smith submitted revised survey plans to the commission. This is land the town purchased and is under the Conservation Commissions jurisdiction. She noted the Conservation Restriction is not in place yet. Before they do that, they need to decide what to do with the 2 agricultural fields on the property. This will help define the language for the Conservation Restriction. The land was agricultural until 2 years ago. It is now overgrown with invasive species. Ms. Smith suggested mowing and maintaining the property as a wildlife habitat while it is still possible to do so. She suggested mowing once per year. She is asking if the Conservation Commission wants to do that, and how will they fund it. The commission voted to keep the property as fields. Ms. Smith has several people she will contact who may be willing to mow. She will get a pricing for mowing.

Mr. Pennoyer does not want the commission to receive a \$2,000.00 bill for mowing every year. The commission will make a site visit. The Selectmen have spoken to the Highway and Forestry Departments and will clear access to the property.

5. Annual Town Meeting – Warrant Article – 53E1/2 Account Reauthorization –

Mr. Pennoyer motioned to support opening the Warrant Article.

Mr. Evans seconded the motion. Motion passed.

6. FY2018 Budget –

Mr. Pennoyer motioned to support the 3% increase.

Mr. Evans seconded the motion. Motion passed.

MINUTES

- | | | |
|----------------------|---------------------|---------------------|
| 1. January 5, 2016 | 2. January 19, 2016 | 3. February 2, 2016 |
| 4. February 16, 2016 | 5. March 15, 2016 | 6. April 5, 2016 |
| 7. April 19, 2016 | 8. May 3, 2016 | |

Mr. Pennoyer motioned to approve all minutes above.

Mr. Nicholson seconded the motion. Motion passed.

INVOICES

1. Town Counsel – Hornbine Road land donation closing costs - \$761.60
2. Lenart Consulting Services – Perryville/Village Dam Inspection/Report - \$1,473.00

Mr. Evans motioned to submit payment for the above invoices.

Mr. Nicholson seconded the motion. Motion passed.

3. AMWS – yearly dues - \$45.00

Mr. Pennoyer motioned to submit payment for the above invoice.

Mr. Nicholson seconded the motion. Motion passed.

ADJOURNMENT

Roll call vote to adjourn the meeting at 8:30pm for the purpose of going into Executive Session. This is for the consideration of purchasing property.

All aye.

For the Conservation Commission,


Robert Materne, Chairman