

**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 – April 18, 2017**

RECEIVED  
17 JUL 26 AM 7:59  
OFFICE OF THE TOWN CLERK  
REHOBOTH, MA

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

**Absent:** Leeann Bradley, Conservation Agent

**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. Manitook Estates – Administrative Consent Order - No new information.

2. One Linden Lane – Martel – Mr. Choquette to follow up.

3. Map 63, Lot 12 – Fairview Avenue – Reuter – forest cutting – EO issued – No new information

4. Oakhill Beagle Club – Forest Restoration and Wildlife Management Plans – Selectman, Dave Perry was present as the liaison to the Conservation Commission. Mr. Tony Roderick of the OakHill Beagle Club was present. Mr. Materne began by stating the beagle club was supposed to submit a Wildlife Management Plan and also a Forest Restoration plan to the commission by March 1, 2017. The commission has not received these plans, as of mid-April. A Wildlife Management Plan from a wildlife biologist was requested. Mr. Materne informed Mr. Roderick that the Mass Wildlife plan that was submitted is not a Wildlife Management plan. It is just a letter from someone who read the plan. The Wildlife Management Plan directs the cutting activity from this point on. Mr. Materne read the letter aloud the letter of October 21, 2016 that was sent to Mr. Roderick. It clearly stated what was required of him. Mr. Materne feels this has gone on too long. Mr. Materne added that Mr. Roderick has gone to Mr. Steve Howitt and the Board of Selectmen. Mr. Roderick stated he has not gone to anyone. Mr. Materne reminded him they have given OakHill Beagle Club over \$200,000.00 to buy the development rights of the OakHill Beagle Club which included a Conservation Restriction. When OakHill Beagle Club accepted the money they also accepted the terms of the Conservation Restriction, which they have not followed at all. He added it looks like a clear cutting operation has taken place. Mr. Materne asked Selectman Dave Perry for comments. He is the liaison for the Conservation Commission. He also added that Mr. Perry was at one time the chairman of the Conservation Commission and is very familiar with the OakHill Beagle Club ongoing issues. Mr. Perry began by stating that going back to day 1 the OakHill Beagle Club accepted monies from the Conservation Commission, The Rehoboth Land Trust and the state and they entered into an agreement. OakHill Beagle Club was to manage and run the beagle club with the

restrictions relating to cutting and wildlife management and that it was to be done in a certain way to propagate the rabbits. Mr. Perry added that the fence was installed and they blatantly cleared all around the beagle club and through wetlands showing a total disregard for anything there. Mr. Perry stated they made a site visit when he was on the board and they asked for an ANRAD (unofficial) to delineate where the wetlands are so they could stay away from them. He added that as a partnership they should have a Wildlife Management Plan and a Forest Cutting Plan to be accepted and approved by the Conservation Commission. This has not been done and was clear cut instead. Mr. Perry stated that no one here tonight has any idea what the plans are for the OakHill Beagle Club and therefore a judgement call cannot be made. Mr. Perry stated he spoke to Steve Parent and he was under the impression they could manage it as a beagle club and that the clear cutting is part of managing the beagle club. Mr. Perry added that they don't have carte blanche to do whatever they want to do. The Conservation Commission are their partners and have to be involved in this. There is no approved Wildlife Management Plan or a Forest Cutting Plan. The OakHill Beagle Club has not abided by the Conservation Restriction. You give up certain rights to that land once you sign and accept the money. They have basically broken a contract. Mr. Perry added that Mr. Parent called the Board of Selectmen. The selectmen put Mr. Perry in charge of this matter since he is a past member of the Conservation Commission. Mr. Perry has sought the advice of Town Counsel and asked what could be done. He stated the best course of action is to get a Wildlife Management Plan and Forest Cutting Plan and submit it to the Conservation Commission, get it approved and work with them as a partnership. Mr. Evans who is a member of the Rehoboth Land Trust agrees with Mr. Materne and Mr. Perry. He feels it's important to have the Wildlife Management Plan. The commission cannot work with them until they have that. Mr. Materne stated the Rehoboth Land Trust and the Conservation Commission have to decide what they want this property to look like in 25 years. He stressed that the beagle club has to do what they are asked to do. A Wildlife Management Plan needs to be submitted. The commission will decide how they want the property to look. Mr. Perry does not feel the Conservation Commission is being unreasonable. They want to see the work but they do not know what the beagle club is intends on doing. He added that an ongoing Wildlife Management Plan and a Forest Cutting Plan must be put in place. The commission wants to see and approve your plan. Mr. Materne asked the commission for their input. Mr. Nicholson agreed with Mr. Perry's advice. Mr. Habershaw stressed that this issue has been discussed over and over again. Mr. Roderick stated that a few of his colleagues had some questions. Mr. Steve Parent from OakHill Beagle Club stated that at the beginning they were asked what it is that they wanted to do with the property. He stated they want to operate as a beagle club and promote the production of rabbits. He was told they would be able to cut to foster the habitat. He read a section of the Conservation Restriction that indicates they can cut trees and they only need notification, not approval. He is at a loss how the approval part is required now. He also submitted a Forest Cutting Plan to the state on April 15, 2015 and never received a notification. The operator who did the cutting presented it to the town. After that it somehow got lost and he had to contact State Forester Joe Perry. The only thing holding up progress is that Joe and the beagle club are both awaiting information from Mass Wildlife. Mr. Parent added they had a wildlife biologist from Mass Wildlife walk the property. He does not know what documentation the biologist needed to submit. When the plan was to be approved by the State Forester and submitted, Joe Perry was told he could not do the work as it was in the hands of his supervisor and until the Conservation Restriction issue was dealt with he could not submit it. Mr. Perry stated that nobody told Mr. Parent he could not cut trees. The issue is, the plan to cut the trees has not been presented to this board. Mr. Evans reviewed the vegetation management plan. He stressed the portion regarding cutting of trees stating that "the cutting of trees in accordance with the Forest Management Plan prepared by a Massachusetts Department of Conservation/Recreation licensed professional Forester that is designed to protect the conservation values of the premises and keep the property in its present condition as documented in the base line documentation report." Mr. Evans stated that if they plan to cut trees it has to be done in concert with a Forest Management Plan. Ms. Materne added tree cutting must be in accordance with the regulations on the base line report. Clear cutting is not in accordance with the base line report. They did not follow the Conservation Restriction.

He added that they did not notify the Conservation Commission as well or they would have received a signed letter back stating they've been notified. Mr. Materne stressed that the commission has been going back and forth with the beagle club over and over again. Mr. Perry added he saw the same thing 3 years ago. The issue is the communication and the interpretation by OakHill Beagle Club. He stressed to Mr. Parent that the commission members are their partners and want to be involved, and have to be involved. The Conservation Commission has not received a plan to be approved. Mr. Materne stated that if OakHill Beagle Club didn't get an answer back from the commission it means that it was not received and they should not start cutting without an answer. He stressed that the commission wants to move forward and resolve the issues. Mr. Materne informed Mr. Parent that he wants a Wildlife Management plan by a wildlife biologist submitted to the commission. He then feels the Conservation Commission should meet with the Rehoboth Land Trust to decide what they want the property to look like. He added the Wildlife Management Plan is separate from the Forest Cutting Plan and Restoration Plan. He feels they need a Restoration Plan to bring the forest back. The Land Trust has to be part of this decision. Mr. Perry added that the commission does not know what the beagle club wants to achieve or the steps they are taking to get there. It should be explained as part of the partnership. He also suggested that the wildlife biologist and the forestry manager make a presentation to the Conservation Commission to explain what it is they are trying to achieve and how they will go about it. Mr. Roderick will have a Wildlife Management Plan to the Conservation Commission in 90 days. The commission agreed. Mr. Perry also suggested OakHill Beagle Club not proceed with any further cutting. He reminded them that the Conservation Commission can issue a Cease and Desist on the property at any time. If they run into problems the Board of Selectmen can do so through town counsel. Mr. Roderick and Mr. Parent stated they have not been cutting. Mr. Evans stated that he will speak to the members of the Rehoboth Land Trust about this matter as there is a meeting tomorrow. Mr. Materne will instruct Ms. Bradley to draft a letter to OakHill Beagle Club clarifying the 90 day timeline for the submission of the Wildlife Management Plan. Mr. Roderick stated if he receives the plan before the 90 day deadline he will inform Ms. Bradley and ask to be heard at the next available meeting. Mr. Roderick was under the impression that the cutting was in the wetland area and the 100' buffer. He did not realize it was throughout the whole property. Mr. Evans explained that most of the work the commission is related to the resource areas. If the property had not already been under a Conservation Restriction the work that was being proposed outside those areas isn't something they would normally respond to. But, since there is a Conservation Restriction it adds another layer of complexity and this is what makes the property unique. There are specific requirements of the Conservation Restriction. They are in a partnership with the beagle club and in turn of the money accepted by the beagle club they must agree to manage the land in a certain way. That is why it's a Conservation *Restriction*. Certain activities are *restricted*. Clear cutting falls within those restrictions. This is what they are trying to correct as well as the wetland violations. Mr. Roderick understood. Mr. Materne added they will wait for the Wildlife Management Plan to be submitted and the commission will also talk to the Rehoboth Land Trust as well. There was no further discussion.

## **PUBLIC HEARINGS & MEETINGS**

1. 158 Anawan Street – Thomas Pelchat – NOI – SE60-1067 – (Continued from April 4, 2017 meeting)  
Mr. Faneuf was present on behalf of his applicant, Thomas Pelchat. He began by stating this is a continuance of a Notice of Intent for a single family house. The commission asked for some changes to the plan and he is before the commission tonight to review the revisions dated April 11, 2017. He noted the first revision shows a larger replication area. The area shown was 4,650s.f. and is now 6,655 s.f. The second revision shows the center line of the stream +/- 50' up and down stream of the culvert crossing as requested. The third revision regarding wetland signs is now shown on the plan at flags 2, 7, 11, 22, 27, and 32. The fourth revision addressed erosion sediment control. The plans now show this placement along the property line starting at approximately flag 13 towards the house and dog-legs up to flag 22.

The commission had no other concerns.  
Mr. Nicholson motioned to close the Public Hearing.  
Mr. Evans seconded the motion. Motion passed.  
Mr. Nicholson motioned to issue the Order of Conditions.  
Mr. Evans seconded the motion. Motion passed.

### **GENERAL BUSINESS**

1. Open Space Plan – update – No new information.

2. Chapter 61A – 47 Spring Street – Right of First Refusal – Mr. Materne stated it appears as though a parcel was taken off a larger parcel. It is a 4.5 acre parcel. Mr. Evans stated it's not something that they would be interested in. There were no other concerns or comments.

Mr. Evans motioned that the Conservation Commission not exercise their Right of First Refusal and notify the Board of Selectmen of their decision in writing.

Mr. Nicholson seconded the motion. Motion passed.

### **MINUTES**

### **INVOICES**

1. W.B. Mason – office supplies - \$41.91

Mr. Evans motioned to submit payment of \$41.91 to W.B. Mason for office supplies.

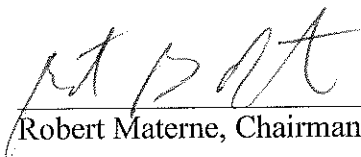
Mr. Nicholson seconded the motion. Motion passed.

### **ADJOURNMENT**

Mr. Evans motioned to adjourn the meeting at 7:55p.m.

Mr. Nicholson seconded the motion. Motion passed.

For the Conservation Commission,

  
Robert Materne, Chairman

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David Evans, Vice-Chairman