

**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.

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – May 2, 2017

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REHOBOTH, MA

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

Leeann Bradley, Conservation Agent

Absent: Thomas Nicholson, Matt Habershaw

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 - Mr. Choquette asked what happened to this project. There has been no new information. Mr. Materne asked Ms. Bradley to send a letter to the firm doing the replication and restoration and ask for an update on this project.
2. One Linden Lane – Martel – Mr. Choquette stated nothing has been done.
3. Map 63, Lot 12 – Fairview Avenue – Reuter – forest cutting – EO issued – No new information
4. Oakhill Beagle Club – Waiting for Forest Restoration and Wildlife Management Plans – Mr. Evans noted that the Rehoboth Land Trust wants to be part of the evaluation once the plans are presented. He added that he agreed with Mr. Materne and also Mr. Adam Latham that a Forest Restoration Plan needs to be implemented.
5. 367 Anawan Street – Lilli Mae – possible cutting within BVW – Mr. Brian Viera was supposed to be at the meeting but was not in attendance. Mr. Materne noted the Conservation Commission made a site visit and the property is a mess. There is no question that they have pushed debris into the wetlands. The commission feels the best way to move forward is to have the applicant obtain copies of the wetland delineation that was previously done and get a licensed surveyor to mark where the wetland flags belong on the plan. That is the only way they can determine where they should be starting from. Mr. Materne stated the Conservation Commission should issue an Enforcement Order. Mr. Choquette motioned to issue an Enforcement Order prohibiting any work within 100' of a resource area. Mr. Evans seconded the motion. Motion passed.

PUBLIC HEARINGS & MEETINGS

1. 579 & 583 Winthrop St. – Baasch – ANRAD – SE60-1069 – Neither the applicant or their representative were present. A continuance was requested for the May 2, 2017 meeting.

Mr. Pennoyer motioned to close the Public Hearing.

Mr. Choquette seconded the motion. Motion passed.

Mr. Pennoyer motioned to issue an ORAD depicting plans that are shown as not accurate.

Mr. Evans seconded the motion. Motion passed.

2. 9 Starr Lane – Diane Aubin – RDA – Mr. Chris Andrade from Insite Engineering was present on behalf of the applicant, Diane Aubin. He is proposing a single family house with well, driveway and grading. The only thing within the 50' buffer is the proposed well and the temporary double row of hay bales for sediment. Ms. Bradley looked at the wetland line and noted it was fine.

Mr. Evans motioned to issue a Negative #3 Determination of Applicability.

Mr. Choquette seconded the motion. Motion passed.

GENERAL BUSINESS

1. Open Space Plan – update – Ms. Bradley stated she signed the contract and returned it to SRPEDD and expects to hear back from them within the next week to get started. She is also going to work with Sean Martin at Fuss and O'Neill regarding a municipal grant. She is not sure about the cost. It is for both Planning and Conservation.

2. Lindley Road – field maintenance, gate location – update - It was decided that the gate should be close to Plain St. There was no further discussion.

3. Purchase of a new printer - Ms. Bradley stated a report was in the packets regarding a recent air quality study. One of the air quality issues were related to the printer in her office and that it should be replaced ASAP. She would like to get a color printer. As this is an air quality issue, the town may opt to pay for a new printer and not Planning and Conservation.

4. Request for Certificate of Compliance - 164 Reynolds Ave. – John DuVally – SE60-1009 – Mr. Evans motioned to deny the Certificate of Compliance for 164 Reynolds Avenue.

Mr. Pennoyer seconded the motion. Motion passed.

Mr. Evans motioned to issue an Enforcement Order for 164 Reynolds Avenue for exceeding the boundaries that have been set up for box turtles.

Mr. Pennoyer seconded the motion. Motion passed.

5. Request for Certificate of Compliance – 168 Reynolds Ave. – John DuVally – SE60-1005-

Mr. Evans motioned to deny the Certificate of Compliance for 168 Reynolds Avenue.

Mr. Pennoyer seconded the motion. Motion passed.

Mr. Evans motioned to issue an Enforcement Order for 168 Reynolds Avenue for exceeding the boundaries that have been set up for box turtles.

Mr. Pennoyer seconded the motion. Motion passed.

6. Request for Certificate of Compliance – 172 Reynolds Ave. – Raymond Shaw – SE60-1013 –

Ms. Bradley stated this is fine.

Mr. Evans motioned to issue the Certificate of Compliance for 172 Reynolds Avenue.

Mr. Prachanronarong seconded the motion. Motion passed.

7. Bristol County Mosquito Control – 165 Anawan Street. The commission had no concerns.

**Mr. John DuVally arrived at the meeting at 7:32pm to discuss the COC's for Reynolds Avenue. Mr. Materne informed Mr. DuVally that two of his COC's were denied. Mr. John DuVally stated the owners of 164 and 168 Reynolds were present to try to resolve the situation since their COC's were denied. Ms. Bradley stated the as-built plans depict work done beyond the box turtle barriers. Mr. DuVally stated the owners of 168 Reynolds Ave. had a dog pen encroaching into the wetland. He indicated to the owner that the Conservation Commission will need to be involved to resolve the situation. Mr. Materne stated that National Heritage will have to decide what needs to be done regarding the turtle barrier. Ms. Bradley stated the turtle barrier was the limit of disturbance. No work should have been done beyond the barrier. Mr. Evans questioned how this could have happened. Mr. DuVally stated that he believes the homeowners did not fully understand where the limit of work was. Mr. Materne stated there were physical barriers that they could not cross and were supposed to be there during the entire time of construction. Mr. DuVally understood that, and added he was before the commission tonight to work with them as well as the homeowners to determine what needs to be done to appease the commission. Mr. Materne added the turtle barriers are permanent. They can never be crossed. He went on to say that Mr. DuVally as well as other developers and contractors will need to teach their homeowners how to follow the rules. Enforcement Orders have been issued for 164 and 168 Reynolds Avenue and they cannot do any more work until the Enforcement Order is lifted. Mr. Evans instructed Mr. DuVally not to touch the gravel driveway or the dog pen and added that the presence of a dog within a box turtle habitat is an issue. Ms. Bradley stated she attached to the Order of Conditions a copy of the Conservation Management Plan for the homeowners. Mr. Materne asked the homeowners if they had read it. He added it's up to Mr. DuVally to get that information to the homeowners and make sure they read it. Ms. Bradley added that it's stated in the Order of Conditions that signs need to be installed along the turtle barrier. Mr. DuVally understood. He will take the steps necessary to meet the requirements of the Conservation Commission as well as National Heritage. Mr. Evans made one last point stating developers like Mr. DuVally come before the commission and know what is going on, and what can and can't be done on the site. Once the Order of Conditions are issued the Conservation Commission is essentially out of the process. The homeowner has a document but there is no guarantee they'll read it. He is wondering if there is some process that can be put into place to ensure the documents are read. They issue the Authorization to Proceed. If there is critical habitat on the site perhaps they should require a sign-off by the homeowner indicating they have read and understand the rules. It is their responsibility to read it; however the reality is, this is complicated and hard to understand. There is no true guarantee that the homeowner has read the documents. Mr. Materne stated that they used to require homeowners sign the documents indicating they have read the orders. Ms. Bradley added that this information was issued to Mr. DuVally and they don't know when he sells a house. Usually once the house is sold, everything is done. Mr. Pennoyer stated the Authorization to Proceed is non-transferrable. Once Mr. DuVally has a closing on a property the new owner has to come before the commission stating they've read and understand the Order of Conditions. Mr. Bradley added that is only if they are doing any more work. Mr. Materne stated that the COC in this case was issued to John DuVally and he is responsible for anything the homeowners do to the property before it's signed, even if it means he has to drive by every day to make sure the homeowner is not crossing the boundaries. He added that Mr. DuVally is before them now saying he didn't cross the boundaries and that the homeowner did. Mr. Pennoyer agreed. Mr. Evans added that if something like this comes before the commission again they will have to have a conversation about what should be done to make sure they don't have a situation where they are issuing an Enforcement Order again.

MINUTES

INVOICES

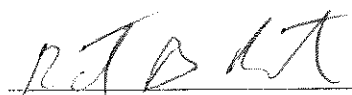
1.

ADJOURNMENT

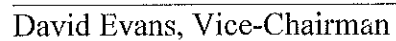
Mr. Evans motioned to adjourn the meeting at 7:50p.m.

Mr. Prachanronarong seconded the motion. Motion passed.

For the Conservation Commission,



Robert Materne, Chairman



David Evans, Vice-Chairman