

**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 – June 6, 2017

RECEIVED
17 OCT -4 AM 8:30
OFFICE OF THE TOWN CLERK
REHOBOTH, MA

Present: David Evans, Thomas Nicholson, Krisna Prachanronarong, Stephen Choquette,

Leeann Bradley, Conservation Agent

Absent: Robert Materne, Scott Pennoyer, Matt Habershaw, Matt Kershaw,

CALL TO ORDER

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

CONCERNS AND COMPLAINTS

1. Lot 10 Plain St. – Vieira – EO lifted – Restoration area - Mr. Pennoyer will reach out to Mr. Vieira for an update.

CURRENT ISSUES

1. Manitook Estates – Administrative Consent Order – Ms. Bradley sent an email to the company doing the updates and asked them for new information. She has not yet heard back from them.

2. One Linden Lane – Martel – No new information

3. Map 63, Lot 12 – Fairview Avenue – Reuter – forest cutting –EO Issued – Ms. Bradley stated she received notification from the property owner that he was going to leave everything as it is. She is wondering if the commission wants to leave it at that, and withdraw the Enforcement Order. Mr. Evans asked for the commissions input. Mr. Nicholson wonders if they should take a look at the property first before lifting the Enforcement Order. Mr. Evans agreed. This will be added to the next site walk.

4. Oakhill Beagle Club – The commission is still waiting for the Forest Restoration and Wildlife Management Plan.

5. 367 Anawan Street – Lilli Mae – possible cutting within BVW – Ms. Bradley has not heard from the property owner. Mr. Brian Viera of Lilli Mae Realty and Mr. Robert Dias, who rents the property from Mr. Viera were in attendance. Mr. Evans asked them to come forward. Mr. Evans stated the commission went to the site and noted there is a substantial amount of material in the resource area now. The stone wall is the approximate boundary of where the resource area is. Mr. Evans noted there is fairly recent fill there. Mr. Dias stated it is wood chips and he turns it over from time to time. He sells the wood chips but Mr. Evans stated this is a violation. Mr. Evans added it would have to be moved 50' closer to the road.

Mr. Dias said it would not be a problem. Mr. Nicholson added it has to be removed and it cannot go in there again. Mr. Choquette added that there are stumps, piles of wood chips and logs that are in the resource area that have to be brought forward at least 30 to 40 feet. He asked Mr. Dias to notify the commission so they can take a look at what's been done. Mr. Evans asked that he be careful to not remove wetland soil. Mr. Dias stated there are flags on the north side of the property. He will remove the material as instructed. He asked for a week or two to complete the removal. Mr. Evans stated the commission will take another look at the next site walk on Sunday, June 18, 2017. He suggested Mr. Dias join them to discuss the progress.

6. 10 Duval Street – Meridian Custom Homes – ratify Enforcement Order – Mr. Chris Kelly from Meridian Custom Homes was present and approached the commission. He noted there were a few issues regarding the NOI, Order of Conditions and Authorization to Proceed process which has now been rectified. Erosion control is in place. He asked about wetland signs and where to order them. Mr. Kelly asked if he could continue work without all the wetland signs in place. Mr. Choquette felt it was reasonable to allow one sign and continue work as long as the other signs are in place in a reasonable amount of time. Ms. Bradley will issue the Authorization to Proceed after the first sign is up and erosion control is checked. There was no further discussion.

PUBLIC HEARINGS & MEETINGS

1. Reposa Estates – off 237 Pine St. – Ryan DuVally – NOI – SE60-71 – Mr. Rob Davis from Insite Engineering was present and submitted revised plans to the commission. He is representing Mr. Ryan DuVally of Heritage Realty. Mr. Davis was before the commission tonight presenting the Notice of Intent corresponding to the definitive sub-division plan for Reposa Estates on Pine Street. The subdivision project and Order of Conditions was originally approved in 2007 on a very similar roadway layout. The primary difference in the current design is the incorporation of the new storm water management initiatives. The property is located on the east side of Pine Street behind house number 237. The terrain is sloped to the east with primarily meadow area beyond the two access roads on Pine Street. The rear portions of the land consist of wooded areas with an intermittent stream running in a southerly direction at the rear of the home sites. The BVW along the intermittent stream was flagged and is shown on the plans. An ANRAD was filed and approved by the Conservation Commission which delineated the protectable wetland resources on the property. No road construction falls within the 100' buffer to the BVW. Installation of the storm water management facilities are within the jurisdiction of the commission. This NOI has been filed concurrently with the definitive sub-division plan to the Planning Board. The drainage for this sub-division has been designed to accommodate a 50 year design storm as required by the Town of Rehoboth for a new subdivision. All drainage will be collected in small sub water sheds and directed to the wetlands after achieving a zero net increase. Best Management Practices (BMP's) will be employed in accordance with the Mass Storm Water Management handbook to assure no increase in runoff and water quality standards are met. Runoff from the watershed areas is directed to, and managed in a system of paved waterways, catch basins, drop inlets, sediment fore bays, infiltration basins, and constructed storm water wetlands. Post development grading of the watershed assumes individual homes graded as shown on the water shed plans. However, individual NOI's or RDA's will be filed for each home site falling within the buffer zone. A storm water management plan has been prepared which assigns BMP's to appropriately handle pollution, sedimentation and recharge and have a positive effect on water quality by removing at least 80% of the total suspended solid. The discharge from the drainage system is directed into the wetland bordering the intermittent stream only after routing through appropriate BMP's in the treatment train. No flood impacts based on a 100 year storm are anticipated resulting from this drainage scheme. An engineering consultant review has been completed on behalf of the Conservation Commission and Planning Board. Insite Engineering has responded to the review

comments with revised plans and calculations. Insite believes they are very close to satisfying all concerns. The plans submitted to the commission are the revised NOI plans and reflect the modifications from the consultant review. Mr. Davis stated the "Big Ticket Items" revised from the consultant review comments include eliminating the boulevard entrance from Pine Street, minimized sheet flow across the pavement, proposed tree planting and the limit of clearing. They added spot grades that facilitated construction, the straw wattle line has been extended up gradient of the storm water BMP's as shown on sheet 10. Inlet protection consisting of catch basins, drop inlets and paved waterways has been modified to eliminate silt from entering the drainage system. Mr. Davis showed this on a blow up plan in more detail for the commission. He noted that the plans reflect additional straw wattles completely outside the buffer zone. None of the paved roadway falls within the 100' buffer zone of the BVW. He added the applicant will address any concerns the commission may have and hopes to receive a positive Order of Conditions for this Notice of Intent. Mr. Davis asked the commission if they had any questions or concerns. Ms. Bradley stated the revised plans have been submitted to Fuss & O'Neill and she is waiting to hear back from them. Mr. Davis would like to eliminate the straw wattles that are outside the buffer zone. He added they were added at the request of the consultant review. Mr. Evans stated he doesn't want to second guess a review and they haven't said why they want the extra straw wattles in place. Mr. Davis suggested that perhaps they visit the site during construction when the review engineer is on site to explain the situation. Mr. Evans noted that when they conducted the site visit for the ANORAD they felt the wetlands were properly marked but they also felt drainage structures were very close to the resource areas. Ms. Bradley questioned sheet 4 and sheet 10, where sheet 4 shows the proposed tree line. Lot 7 on sheet 4 compared to Lot 7 on sheet 10 shows the erosion control to be almost on the wetland line, which is the limit of clearance. The proposed tree line on sheet 4 is quite a bit up-gradient. She would like to see the erosion control line follow the limit of the proposed tree line, which would be the limit of clearing. Mr. Davis explained that very likely there will be a Notice of Intent filed for a house he showed on the plan for Lot 7 and will require more of a backyard than is shown on the plan. The Notice of Intent will provide grading for the actual house design. Ms. Bradley would like to see the erosion control only for what is needed for drainage and the roadway. This would leave a little more upland. Mr. Davis suggested a 50' buffer zone line and asked if she would be comfortable with that. Mr. Evans agreed with Ms. Bradley and asked Mr. Davis to bring the erosion control up gradient wherever possible. This is for lot 10 and the right of way going in to Lot 12 as well as Lot 7 and Lot 6. Mr. Davis agreed. Mr. Davis requested a continuance.

Mr. Nicholson motioned to grant a continuance of the public hearing.

Mr. Choquette seconded the motion. Motion passed.

2. 308 Summer Street – Everett McPhillips – NOI – SE60 – Ms. Bradley stated they could not close the public hearing as she was waiting for a DEP number. She has received the DEP number.

Mr. Nicholson motioned to close the public hearing.

Mr. Choquette seconded the motion. Motion passed.

Mr. Nicholson motioned to issue the Order of Conditions.

Mr. Choquette seconded the motion. Motion passed.

3. 41 Colonial Way – David Duarte – ANRAD – SE60 – Ms. Bradley stated she is waiting for the DEP number. She still does not have a DEP number and it is not listed on the DEP website. Mr. Evans asked if payment for the ad was received. Ms. Bradley stated she has received nothing and that the applicant was not present. They cannot open the public hearing. Mr. Evans noted the commission did visit the lot and they have some information but will not discuss it. The applicant will have to re-advertise the public hearing since tonight's public hearing did not take place. Mr. Evans did note that the flags seemed "off" in terms of the lot line. They cannot open the public hearing for the ANRAD for 41 Colonial Way. They will look to open a new public hearing at the next meeting with a new add and abutter notification. Ms. Bradley will contact the applicant who will need to re-advertise.

GENERAL BUSINESS

1. Bill Hollinshead – 122 Martin St. – Dredging of Pond – Discussion – *property falls within NHESP, Floodplain and Rocky Run Brook* – Mr. Evans stated Mr. Hollinshead contacted the commission regarding dredging on his property at 122 Martin St., but Mr. Hollinshead was not present. This matter was tabled.

2. 47 Spring St. – Request for Extension – ORAD (stream determination) – SE60-847 – Mr. Evans noted the applicant requested a 3 year extension and he is within the correct timeframe. The commission was comfortable granting a 3 year extension.

Mr. Nicholson motioned to grant a 3 year extension of the ORAD to Mr. Dumontier.

Mr. Prachanronarong seconded the motion. Motion passed.

3. 72 Francis Street – Rodrigues – Lift Enforcement Order (issued November 2015) - Mr. Evans stated Mr. Rodrigues has at this point met the requirements of the commission and asked for a motion to lift the enforcement order.

Mr. Nicholson motioned to lift the Enforcement Order.

Mr. Choquette seconded the motion. Motion passed.

4. 23 Winthrop Street – Kim Enos – ongoing BOH issues. – Mr. Evans noted there are several issues related to the Board of Health. He spoke to Karl Drown on this matter. He emphasized the fact the commission is here to discuss issues related to the resource area. He asked for a quick summary of the property visit. Mr. Choquette stated fencing was in place. The manure piles have been taken care of. A berm was constructed outside the fence area to prevent runoff. Mr. Evans stated that in terms of conservation she has done everything they have asked.

5. Board of Selectmen Zoning Workshop – June 20, 2017 – Senior Center – 7:00pm – Mr. Nicholson and Ms. Bradley will be attending the workshop. She added that this workshop is mandatory for certain departments. This workshop is the same night as the next Conservation Commission. They agreed to meet the following Tuesday which will be 6/27/17. An email will be sent out with the date change.

*Not on Agenda: Mr. Evans wished to discuss the Walter Munroe Conservation Area. He had a few questions for the commission from the Rehoboth Land Trust. The area is in the process of obtaining a Conservation Restriction. The Conservation Commission cannot hold the Conservation Restriction. There has been discussion about how to address that. The initial idea from Skip Vadnais was that the Farm Bureau might be able to do it, but that did not work out. He asked the commission if they were in favor of exploring the idea of Wild Lands Trust holding the Conservation Restriction. Mr. Evans stated they have been discussing this at the Rehoboth Land Trust. They need to find Conservation Restriction holders that have a lot of stability. He stated he would get back to the commission about this matter. He also added they are exploring the idea of some kind of opening event. Mike Higgins has volunteered to make a sign.

Ms. Bradley had one item to discuss that was not on the agenda. There were two options for the sign for the Miller Bird Sanctuary. The commission agreed choice "B" was the preferred sign. She will order two signs to be posted at the sanctuary.

MINUTES

- | | | |
|-------------------|------------------|--------------------------------|
| 1. March 21, 2017 | 2. April 4, 2017 | 3. April 4, 2017 Exec. Session |
| 4. April 18, 2017 | 5. May 2, 2017 | |
- Mr. Nicholson motioned to approve meeting minutes for March 21, 2017, April 4, 2017 and April 4, 2017 Executive Session.

Mr. Choquette seconded the motion. Motion passed.

The commission still needs to review the April 18, 2017 and May 2, 2017 minutes. These will be on the next agenda for review and approval.

INVOICES

1. Environmental Consulting & Restoration, LLC – Attend ConCom Meeting – Stream Classification Protocol - \$300.00

Mr. Nicholson motioned to submit payment to Environmental consulting And Restoration LLC for \$300.00.

Mr. Choquette seconded the motion. Motion passed.

2. W.B. Mason – office supplies - \$7.79

Mr. Nicholson motioned to submit payment to W.B. Mason for \$7.79.

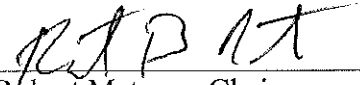
Mr. Choquette seconded the motion. Motion passed.

ADJOURNMENT

Mr. Nicholson motioned to adjourn the meeting at 8:00p.m.

Mr. Choquette seconded the motion. Motion passed.

For the Conservation Commission


Robert Materne, Chairman


David Evans, Vice-Chairman