

**CONSERVATION  
COMMISSION**

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OFFICE OF THE TOWN CLERK  
REHOBOTH, MA



Robert Materne, Chairman  
David Evans, Vice Chair  
Thomas Nicholson  
Krisna Prachanronarong  
Stephen Choquette  
Matthew Habershaw  
Scott Pennoyer  
Karl Drown, Assoc. Member

**REHOBOTH CONSERVATION COMMISSION**

**Meeting Minutes – April 21, 2015**

**Present:** Robert Materne, Thomas Nicholson, Steven Choquette, Matt Habershaw, Scott Pennoyer, Matt Kershaw Associate Member; Leeann Bradley – Conservation Agent

**Absent:** Krisna Prachanronarong, David Evans

**CALL TO ORDER**

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

**CURRENT ISSUES**

1. Lot 10, Plain St. – Vieira – Restoration of altered BVW – Mr. Materne asked Mr. Pennoyer for his input. Mr. Pennoyer stated he spoke to Mr. Vieira who said he would start the restoration on May 9 or 10, 2015. Mr. Pennoyer will be on site to supervise the work being done.

2. Manitook Estates – Bliss Street 40B – SE60-839 – EO issued 12/5/14 – Mr. Materne stated the Commission made a site visit to the property. He noted the silt fence and haybales were in place, as well as the construction fence, and that they had done a good job with that. He questioned if they had everything in the correct area. He noted there was no erosion control between flags 200 and 226 and it stopped at flag 156. It has been reflagged and surveyed. After checking the plans Mr. Materne verified the erosion control. The Commission was satisfied with the work done so far. Mr. Pennoyer motioned to lift the Enforcement Order. Mr. Habershaw seconded the motion. Motion passed.

3. Two Key West Blvd – Ferreira – wetland fill/alteration – Mr. Ferreira was present. Mr. Materne stated the Commission made a visit to the property and had concerns with the accuracy of the wetland line. After checking, the Commission determined the area was correctly re-flagged. Mr. Ferreira needs to restore the area. Mr. Materne stated the area is a mess and requires restoration due to large trees being cut down. He questioned if Mr. Ferreira can gain access to the uplands. Mr. Materne felt there may be less damage to the wetlands by gaining access through the upland side in the back. He advised Mr. Ferreira that he will need to have an engineer flag the area and determine what needs to be replicated and if access is feasible.

Mr. Ferreira will need to remove debris around the house. Mr. Materne requested Mr. Ferreira return with a progress plan by June 15, 2015.

4. 83 Plain St. – Lopes – Add'l activity on property – manure management plan/removal of all cows – Ms. Bradley stated she received information that was forwarded to Susie Lopes from NRCS but has not received a manure management plan. Ms. Lopes had guidelines for a manure management plan but no actual plan was submitted. Mr. Habershaw thought the cows were to be removed and questioned why a manure management plan was being discussed. Commission members have seen several cows on the property. Mr. Materne stated Ms. Lopes did not attend the last meeting and is not present for this one. Ms. Lopes arrived for the meeting and apologized for being late. Mr. Materne asked why there are cows on the property when the Commission was under the impression she was removing all the cows. Ms. Lopes said she was helping a friend who needed a place to keep his cows. Mr. Materne advised Ms. Lopes that no matter whose cows are on the property she needs to advise the Conservation Commission and present a manure management plan. Ms. Lopes stated she has four (4) cows on site now and does not anticipate receiving more cows. They are in the upper paddock. Mr. Habershaw stated water was running into the BVW which means the problem is still there. Mr. Materne stressed the importance of creating a manure management plan immediately. Ms. Lopes has been working with NCRS but is frustrated with the lack of urgency on their part in trying to complete a plan. Mr. Materne asked if she has reached out to other residents who raise cows to see how they draft their manure management plans. He suggested contacting the Board of Health, Animal Control and the Farm Bureau. He stated the Board of Health is not thrilled with the activity there. Mr. Pennoyer suggested she reach out to Skip Vadnais. Mr. Choquette suggested a time limit to resolve this matter or move the cows out. There has been too much damage done. The Commission members all agreed. Mr. Materne reminded Ms. Lopes this problem has been going on for years and is very concerned about the wetlands. The Commission requested she present an approved NCRS manure management plan by the meeting of May 19<sup>th</sup> or the cows must be off the property. Ms. Bradley will send Ms. Lopes a follow up letter.

5. 187 Pleasant Street – Goulet – BVW/Riverfront fill – Ms. Bradley stated the owner is out of town but that she spoke with the owner and he has removed debris 25' back, and installed a row of hay bales, however some debris is still present. Ms. Bradley suggested issuing an Enforcement Order. Mr. Habershaw motioned to issue an Enforcement Order to stop work within the inner and outer riparian zone. Mr. Choquette seconded the motion. Motion passed.

6. Lot 36, Willow Way – BVW driveway fill – Mr. John Ferreira Jr. was present. Ms. Bradley stated she made a visit to the property to observe the erosion control for Lot 35 and upon leaving noticed the driveway to the retreat lot, Lot 36, crossed the BVW. She checked the plans which showed the BVW where the driveway has already been cleared. The driveway goes through the wetlands. No filing has been submitted for this driveway. Mr. Materne advised Mr. Ferreira to submit a filing for the driveway as soon as possible with no further work to be done until the filing is received. He must file by the May 19<sup>th</sup> meeting. Mr. Ferreira will install silt socks on either side to allow flow. Mr. Habershaw will check the property when Mr. Ferreira advises him it is ready.

7. WasteTech – 567 Winthrop St. – Sousa – Mr. Russell Weddell and Mr. Dale Sousa were present. Mr. Materne stated that Mr. Sousa has constructed a retaining wall without submitting a filing with the Commission. The Conservation Commission made a visit to the site and noted that haybales were installed. Mr. Materne advised Mr. Sousa that he should have made the retaining wall part of the initial filing. He noted the retaining wall may actually benefit the wetlands. Mr. Pennoyer suggested the retaining wall could be added to the asbuilt plan for the Certificate of Compliance. Mr. Materne then brought up the issue of the gravel in the back that is sliding into the BVW and that it must be removed. Mr. Sousa informed the Commission it would be removed next week. A member of the Commission will make a visit to the property to observe the work being done.

## **PUBLIC HEARINGS & MEETINGS**

None

## **GENERAL BUSINESS**

Bylaw Amendment – Fee Increase – Discussion with Jim Muri - Mr. Materne asked Mr. Nicholson to lead the discussion since he met with the Planning Board regarding fee increases. Mr. Tomas Ennis from the Planning Board was present and discussed the desire to make the Planning Board, Conservation Commission and Town Planner position self-sufficient through fees instead of relying on taxpayers. He noted they have been discussing fees over the last few meetings. They reviewed fees for the last three years and came up with an annualized income in combination with \$15,000 from the Conservation Commission toward salaries to determine how much they would have to raise their fees to become self-sustaining. They determined they would have to raise Planning Board fees by 300% with a 20% “fudge-factor” built in. Mr. Ennis stated Mr. Muri suggested the Conservation Commission do the same to take the burden off of the taxpayers and rely on the people who actually use the services to cover the fees. Mr. Pennoyer asked Mr. Ennis how their board felt about the 300% increase. Mr. Ennis stated that they are in overall agreement with the increase and they also consulted with town counsel regarding how much they are able to raise the fees. Town counsel advised them they can raise the fees as much as they need to as long as it is justifiable. Mr. Nicholson stated he had received a comprehensive report from Ms. Bradley with fees of surrounding towns and that there is room for an increase in Rehoboth. He stated there are other accounts they can access for Conservation purposes. He doesn’t want it to look as if all the money they bring in goes toward being self-sufficient. Most of the Commission’s fees come from townspeople who want to put up a shed in their yard. They don’t want to increase those fees too much. Mr. Ennis reminded them that the Planning Board sees more projects from developers who are accustomed to large filing fees. A discussion regarding Town Planner/Conservation Agent salary came up and how much is paid by Conservation and how much is paid by Planning. All of the Planning Board fees go into the town’s general fund. The Conservation Commission will have further discussions on how to handle fee increases.

2. Conservation Database Upgrade – Ms. Bradley stated many of the conservation wetland forms are changing due to regulation changes and the database needs to be upgraded.

Mr. Pennoyer motioned to approve \$620.00 payment for database upgrade. Mr. Habershaw seconded the motion. Motion passed.

## **OTHER**

Mr. Materne informed the Commission that he asked Ms. Bradley to look into real estate lawyers to start title searches to use conservation land. He wants the lawyer to check all the property conservation has to make sure they are recorded properly. Conservation has large amount of land behind the landfill that has a right of way. He wants a lawyer to define the legal right of way for the public to use.

## **INVOICES**

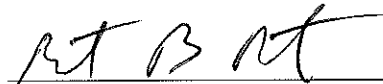
1. ECR – G&W Foundry Wetland Review - \$1,615.00

Mr. Nicholson motioned to approve payment. Mr. Pennoyer seconded the motion. Motion passed.

## ADJOURNMENT

Mr. Habershaw motioned to adjourn the meeting at 8:06p.m. Mr. Nicholson seconded the motion. Motion passed.

For the Conservation Commission,

A handwritten signature in cursive script, appearing to read 'Rt B Rt', written above a horizontal line.

Robert Materne, Chairman