

**CONSERVATION
COMMISSION**
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Robert Materne, Chairman
David Evans, Vice Chair
Thomas Nicholson
Krisna Prachanronarong
Stephen Choquette
Matthew Habershaw
Matt Kershaw
William Morgan, Assoc. Mbr
Daniel Roach, Agent

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – May 24, 2022

Present: Robert Materne, Chairman, Dave Evans, Thomas Nicholson, Stephen Choquette, Associate Member William Morgan, Daniel Roach Conservation Agent.

Absent: Krisna Prachanronarong, Matt Habershaw, Matt Kershaw.

CALL TO ORDER

Mr. Materne called the meeting to order at 7:00 PM.

Appeal Process

Mr. Materne explained the appeal process.

Public Hearing and Meetings

1. Morrissey – 72 Martin Street – ANRAD – SE60-1275

This public hearing was continued until the next meeting.

2. Barbosa – 71 Summer Street - RDA

Mr. Peter Lavoie of Landmark Site Design was present.

Mr. Materne stated that the only outstanding issue was NHESP.

Mr. Lavoie stated he contacted NHESP they stated that the project was exempt.

Mr. Materne asked if the applicant is going to be putting in a garage, if so, we never discussed it. The proposed garage is in the riparian zone.

Mr. Lavoie stated they had asked for me to put the garage on the plan but I can take it off. He will provide the office with revised plans.

Mr. Evans made a motion to issue a Negative 3 Determination, that will not be issued by the office until revised plans are received.

Mr. Nicholson seconded the motion. Motion passes.

3. Massbay – 74 Winthrop Street – NOI – SE60-1286

Mr. Jamie Bissonnet of Zenith Consulting Engineers was present.

Mr. Bissonnet presented plans.

Mr. Materne asked if they had received a variance from the Board of Health?

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Mr. Bissonnet stated that there was another engineer meeting with the Board of Health at the same time as the Conservation Commission.

Mr. Materne stated that the wetland line is accurate. There is a lot of brush, building materials, etc. throughout the wetlands. This needed to be cleaned up before we will issue Orders of Conditions for the septic system. If the debris is removed by June 12th, 2022, we could close the hearing on June 14th, 2022.

Mr. Bissonnet stated that it would all be removed by hand.

Mr. Materne stated if the debris is not being taken off site there needs to be a plan of where it is going to be disposed of. If it is still on site On June 12th, 2022, we want a narrative of where it is going.

Mr. Bissonnet requested a continuance until June 14, 2022.

Mr. Evans made a motion to grant a continuance until June 14, 2022.

Mr. Nicholson seconded the motion. Motion passes.

4. Ruggiero – No of 155 Perryville Rd. – ANRAD – SE60-1276

Mr. Materne explained to the audience what an ANRAD is and that the commission would only be discussing the accuracy of the delineation of wetland line and the mean-annual high-water line for the perennial stream.

Mr. Rob Davis of InSite Engineering was present.

Mr. Davis presented revised plans.

Mr. Materne asked do you concede to what the consultant stated in their review?

Mr. Davis stated yes.

Mr. Materne asked the commission for comments or concerns, there were none.

Mr. Materne asked the audience if there were any questions or concerns, there were none.

Mr. Materne explained that the outside consultant mistakenly identified the property as 72 Martin Street on their report. This will be corrected.

Mr. Roach stated it has been corrected and has been submitted to the office.

Mr. Evans made a motion too close the public hearing.

Mr. Nicholson seconded the motion. Motion passes.

Mr. Evans made a motion to issue Order of Resource Area Delineation.

Mr. Nicholson seconded the motion. Motion passes.

5. Davis – 6 Clubhouse Way – NOI – SE60-XXXX

Mr. Rob Davis of InSite Engineering was present.

Mr. Davis presented plans.

Mr. Materne asked if a slurry pit for the well wasn't added because they felt they were far enough away from the wetland line?

Mr. Davis stated he could add it without a problem.

Mr. Materne spoke in regards to the subdivision covenant requiring two wells on every property. There is only one well draw on the plan. He felt that both wells should be draw on the plan because it is public record. Explained that one well is for drinking water and household use and the seconded well, a point well, is for irrigation.

Ms. Katie Wilson of 120 Perryville Road was present.

Ms. Wilson stated that her neighbors are the Charnecki's, owners of the Perryville Inn, stated to Ms. Wilson that one of the lots that went in across the street from their home, the septic was less than 150' from their well. Asked who oversees that plans to make sure that things going in on properties is correct?

Mr. Materne stated that would be the Board of Health.

Mr. Davis stated this is being worked on right now, to correct the problem.

Mr. Peter Gengler of 79 Perryville Road was present.

Mr. Gengler asked if hoses were going to be connected to the shallow wells?

Mr. Davis stated no hoses, just sprinkler systems.

This was discussed further.

Mr. Davis requested a continuance until June 14, 2022.
Mr. Evans made a motion to grant a continuance until June 14, 2022.
Mr. Nicholson seconded the motion. Motion passes.

6. Tavares – 23 Hybrid Dr. – NOI – SE60-XXXX

Mr. Rob Davis of InSite Engineering was present.
Mr. Davis presented plans.
Mr. Materne stated that the irrigation well needs to be on the plans.
Mr. Materne asked that commission if there were any questions or concerns?
Mr. Evans asked what the distance was between the well and the septic system?
Mr. Davis stated 150'.
Mr. Materne asked if there were any questions from the audience, there were none.
Mr. Davis requested a continuance until June 14, 2022.
Mr. Evans made a motion to grant a continuance until June 14, 2022.
Mr. Nicholson seconded the motion. Motion passes.

General Business

1. 295 Tremont Street – Smith Street – Coming out of 61A – Discussion/Vote

Mr. Roach explained what piece of property this was.
This was discussed by the commission.
Mr. Evans made a motion that the commission does not use their right of first refusal.
Mr. Nicholson seconded the motion. Motion passes.

2. Camp Ramsbottom – Appeal

The commission discussed the DEP appeal of the commission's decision for the above-named property.

3. Town Meeting Results – ticket book, letter for violators

Mr. Materne thanked the people from that town for their support at Town Meeting.
Mr. Morgan spoke in regards to research he had made in regards to what the tickets should say.
This was discussed further.

4. Danforth Street & Greer/Borden Property – Bids to Survey

Mr. Materne stated he had spoken to 2 surveyors for quotes, in order to start the process of marking the boundaries of our properties. Asked the commission how many feet between marker there should be?
Mr. Evans stated it depends on the site.
Mr. Materne stated his concern of people being on conservation property and inadvertently trespassing on to private property. Asked the commission if the wanted to authorize him to get quotes from 2-3 surveyors and move forward from there?
Mr. Choquette asked what fund would be used to pay a surveyor?
Mr. Materne stated we have funding in the wetland fee fund.
The commission agreed to allow Mr. Materne to move forward.
The commission continued to discuss this item.
The commission also discussed the size of the plaques that would be posted to mark the property once it was surveyed. The commission agreed that the plaques that we already had would be too small. They agreed that the plaques should be 6", marked with the wording "Rehoboth Conservation Commission" on the outside and in the middle "boundary", white in color with black lettering. They discussed what type of material the signs should be made of and who to ask in regards to this.
This was discussed further.

5. Possible Gift of Land – Discussion

Mr. Materne stated the Mr. John Ferreira, Middlebrook Investments, would like to donate 10+ acres of land. The Conservation Commission already abuts land to these parcels.

Mr. Evans made a motion to accept the kind offer of the land donations of the Manwhaguw Swamp.

Mr. Evans made a motion to exercise our diligence in looking at the property details of the proposed gift.

Mr. Nicholson seconded the motion. Motion passes.

6. Conservation Commissioners Updates

- Trinity Estates – Boundary Markers

Mr. Materne stated to Mr. Roach that Mr. DuVally needs to have the boundary markers in place before the next site walk.

- 117 County Street

Mr. Materne asked Mr. Roach to look into the replication and culvert that were supposed to be take care of at this property.

This was discussed further.

Mr. Roach stated that the owner was supposed to file a NOI.

7. Agent Update

There were no updates

Concerns & Complaints

1. 76 Martin Street

Mr. Materne stated that the commission had visited the site and the erosion control needed to be move to the other side of the building. They have done work beyond the erosion control. The erosion control needed to be extended 20” towards the road.

2. Clinton Drive – Concern

There was no update.

3. 14 Katie Dr. – Concern

Mr. Roach had contacted the owner of the property to let them know what needed to be done. The owner is working to resolve the issues.

4. 102 Cameron Way - Concern

The commission discussed if it would be more beneficial to meet the owner, engineer & contractor on site or to have them attend a meeting. The commission agreed to meet them on site at the next site walk.

Violations

1. Rego – 23 Winthrop St – Enforcement Order

There was no update.

2. Alves – 29 County St – Enforcement Order

There was no update.

3. Cordeiro – 97 Salisbury St – Enforcement Order

There was no update.

4. Morrissey – 72 Martin St. – Enforcement Order

Mr. Materne wanted to know when the owner was going to be coming before the commission. This kept being pushed off.

Mr. Brandon Faneuf of EcoSystem Solutions was present.

Mr. Faneuf stated that the additional wetland flags had been hung in the field as requested. The Surveyor took a long time to get the site. When the surveyor got to the site there was a sign on the gate that made him leave immediately. Since then, we have been trying to set up a time that the surveyor & Mr. Morrissey to meet. Once the surveyor can get on site to map the flags that we placed in the field we can move forward.

5. 172 Summer Street - Violation

Mr. Materne stated that he is almost done with the letter to give to the Board of Selectmen to sign.

6. 582 Winthrop St. – Enforcement Order

There was no update.

7. Foley – 55 Old Fall River Rd. – Enforcement Order

There was no update.

8. 12 Katie Dr. – Enforcement Order

Mr. Brandon Faneuf of EcoSystem Solutions was present.

Mr. Faneuf stated that the owner has retained his company to help her with the wetland violations. Last week Mr. Bruce Webb of EcoSystem Solutions delineated the wetlands. Yesterday Mr. Rick Lebrun of EcoSystem Solutions used GPS to locate the flags and the edge of all the disturbance on the site. Today we flew a drone over the site to get updated arial photos of the site.

Mr. Evans stated when we were there and we saw the problem we had a consensus that there is a certain number of woodchips and other debris that if they were cutoff, the wetlands would revert back to their natural state.

Mr. Materne stated if they were the same grade as the original wetland. You could do more damage by removing them.

Mr. Choquette stated that the main area that was over filled was where the pile behind the shed. Triangle that area off from behind the shed to the left-hand side.

9. Pray – 46 Almeida Rd. – Enforcement Order

Mr. Brandon Faneuf of EcoSystem Solutions was present.

Mr. Materne stated that one of his concerns was we haven't heard if DEP was going to take over this violation or not.

Mr. Faneuf stated that he didn't feel that DEP would be taking it over.

Mr. Roach stated that as long as it is moving forward it will stay with the town.

Mr. Materne stated that DEP still doesn't have any results in regards to water samples or solid waste.

Mr. Faneuf read an email from Mr. Mike Whiteside from May 20, 2022 into the record. (See attached)

Mr. Materne stated he has not heard from DEP at all. The commission is waiting for the letter of certification for the dump site.

Mr. Roach stated that he would call tomorrow.

Mr. Materne stated the commission wants an assurance that the owner of the property is going to fix the violations on the property.

This was discussed further.

Mr. Faneuf stated the owner is willing to agree with the commission that the entire area is a BVW.

Provided a new plan with the total area of disturbed area, not estimated, the BVW, and streams.

This was discussed further.

Mr. Materne asked if the client knew where the sludge was going to be transported off site to?

Mr. Faneuf stated that at the moment the plan is to use the sludge on the existing fields of the Pray farm that are land in agricultural use. If the soils are deemed safe.

This was discussed further.

Mr. Materne stated that nothing is to leave the property until the commission has an approved restoration plan.

Mr. Nicholson stated that the sludge is to be used as fertilizer, not to be dumped on the land and raise the grade.

This was discussed further.

Mr. Faneuf asked the commission if they wanted a Notice of Intent filing or do you want the owner to do the work under the Enforcement Order?

Mr. Materne stated he wanted a NOI.

The commission agreed.

Meeting Minutes

1. May 18, 2021 – Review/Edit/Vote

Mr. Evans provided edits.

Mr. Evans made a motion to approve the above-named meeting minutes with edits.

Mr. Nicholson seconded the motion. Motion passes.

2. June 1, 2021 – Review/Edit/Vote

Mr. Evans made a motion to approve the above—named minutes.

Mr. Nicholson seconded the motion. Motion passes.

ADJOURNMENT

Mr. Choquette made a motion to adjourn the meeting.

Mr. Evans seconded the motion. Motion passes.

Meeting adjourned at 8:45 pm.

For the Conservation Commission



Robert Materne, Chairman

David Evans, Vice-Chairman

Stacy Vilao

From: Whiteside, Michael (DEP) <michael.whiteside@state.ma.us>
Sent: Friday, May 20, 2022 12:12 PM
To: Brandon Faneuf
Subject: Pray Farm - Rehoboth
Attachments: L2220245.pdf; L2220243.pdf

Hi Brandon,

Please see the attached analytical for the sludge and water at Pray Farm, 46 Almeida Rd.

Points of discussion on the site:

1. I discussed the results with our Wastewater Management group. The results are within the Residuals Approval of Suitability permit issued to EarthSource of Raynham, MA.
2. A staff member from our Solid Waste section inspected the site yesterday. Preliminary indications are the amount of solid waste is not excessive. If I hear otherwise after they discuss it internally, I will let you know.
3. I have had preliminary discussions with our Site Discovery group, they have been sampling residential wells in Rehoboth. They will expand their scope to include this area. I will be meeting with our Bureau of Waste Site Cleanup (BWSC) next week. In addition to discussing the expanded site discovery plan, BWSC staff will evaluate the analytical data to determine if additional actions are warranted.

Please call with any questions.

Mike