

**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 4, 2021**

**Present:** Robert Materne, Chairman, Dave Evans, Thomas Nicholson, Krisna Prachanronarong, Matt Habershaw, Matt Kershaw, Stephen Choquette, Associate Member William Morgan, Daniel Roach Conservation Agent.

**Absent:**

**CALL TO ORDER**

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

**Public Hearing and Meetings**

1. Silva – 29 Summer Street – NOI – SE60-1230

Ms. Karen Beck of Principe Engineering was present.

Mr. Materne stated that the only thing the commission had left to discuss was the driveway issue.

Ms. Beck stated yes. We removed the driveway from the rare species habitat. The flags are all in the field.

Mr. Materne asked the commission if there were any questions? There were none.

Mr. Materne asked the audience if there were any questions? There were none.

Mr. Habershaw made a motion to close the public hearing.

Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.

Mr. Materne asked the commission if they felt any special conditions were needed?

The commission agreed none were needed.

Mr. Habershaw made a motion to issue Order of Conditions.

Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.

2. Mello – 11 Johnnie's Way – NOI – SE60-1238

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Materne stated that the commission went out to the field and verified the flags, they were accurate.

Asked if the commission had any questions? There were none.

Mr. Materne asked the audience if there were any questions? There were none.

Mr. Materne stated for the house itself and the work on the house do we have any issues? There were none.

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Mr. Evans stated the question he had was related to the driveway easement. The flagging that we have along the easement that's BVW. On the pond side of that goes downhill. What would happen to a driveway there. You'd have to build a retaining wall.

Mr. Andrade stated yes. At this point the owner had given it as a potential use of a driveway. We haven't seen or received anything in regards to what someone wants to plan out there. The easement was put on for the benefit of that lot.

Mr. Evans felt that now is the time to address the matter. He was looking at the definitive subdivision plan and the subdivision plan disagrees with this plan. On the subdivision plan has no resource areas in this lot. The driveway easement is not going through any resource areas. But on this plan the driveway easement is going through a resource area.

Mr. Materne stated if they need an easement, they should be using lot 17 to get to lot 15. Lot 17 is all upland. You wouldn't be going through the BVW at all.

Mr. Evans stated he had issue with this. He couldn't condition this because he felt that they were going to create their own hardship.

Mr. Andrade stated that the plan they were showing now they are not proposing any work in the resource area, only the buffer zone.

Mr. Evans stated there is a driveway easement going through the BVW.

Mr. Andrade stated that you can have an easement for anything. If they decide to use that they would have to come to the commission with a NOI to get approval.

Mr. Evans stated that would be an NOI the commission would have to deny.

Mr. Materne stated that this is a case where you're creating your own hardship. We're not going to allow the 500' taking of the wetland. You have no place on the property to have a replication area. You built the pond; you created the wetland. Now you want to put a driveway through the wetland. There is another alternative. You should submit plans that eliminates the easement, or in the orders we can put a condition that states you can not put an auxiliary driveway on lot 11.

The commission agreed.

Mr. Andrade stated he would get confirmation from his client.

Mr. Materne tabled the public hearing until later in the meeting.

### 3. Daniels – 128 Peck Street – NOI – SE60-XXXX

Mr. Mark Mariano of Oakhill Engineering was present.

Mr. Mariano presented plans.

Mr. Materne stated that he had verified the wetland line on the hill. Asked the commission if the rest of the line was accurate?

Mr. Evans stated it was accurate.

Mr. Materne stated that the project was marked off as not in the NHESP zone, but it is.

Mr. Mariano stated ok.

Mr. Materne stated that NHESP will have to make a determination. Asked how the commission felt about signing off on this project without a determination from NHESP?

Mr. Nicholson stated that it is the commission's policy that we don't sign off on a project without a determination.

Mr. Evans stated that there is no DEP number for this project either.

Mr. Mariano requested a continuance until May 18, 2021.

Mr. Evans made a motion to grant a continuance until May 18, 2021.

Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

### 4. Zuckerberg Estates – 330 Fairview Ave. - RDA

Mr. Mark Mariano of Oakhill Engineering was present.

Mr. Mariano presented plans.

Mr. Materne stated that the commission was unable to visit the site because the gate was locked.

Mr. Mariano stated that there is no gate. It is the house next door to the gated house.

Mr. Materne asked the commission how they felt if the wetland line and MAHW line is accurate granting a Negative determination? Spoke in regards to several other projects that had taken place in town where the commission had issued Negative determinations with a similar situation.

Mr. Prachanronarong agreed that a Negative determination could be made.

Mr. Materne stated that this project would have no negative impact. There is no change to the riparian zone. Could we vote on this tonight?

Mr. Roach stated that the box on the determination that states the wetlands are approved would not be marked off.

Mr. Materne made a recommendation to issue a Negative 3 determination without the verification of the wetland line and the MAHW line.

Mr. Evans made a motion to issue a Negative 3 Determination with the stipulation that the lines were not verified.

Mr. Prachanronarong seconded the motion. Roll call vote; all replied aye. Motion passes.

#### 5. Mello – 11 Johnnie's way – NOI – SE60-1238

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade stated that the easement was an instrument that was already deeded over. It's a legal document. If you want to write the conditions to state that no future driveway will go through the easement, we're ok with that.

Mr. Materne stated that if they built a driveway and we find out about it the driveway would need to be torn up. It would have to come to us as a NOI. The we would deny it.

The commission discussed this further.

Mr. Materne asked if there were any other issues? There were none.

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

Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

Mr. Evans made a motion to issue Order of Conditions with the language that we agree upon that says that the driveway easement area will not have a driveway put in it.

Mr. Habershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

#### 6. Mass DOT – Route 118 & 44 – NOI – SE60-1239

Mr. Matt Lundsted of Comprehensive Environmental was present.

Ms. Melissa Lenker of Mass DOT was present.

Mr. Davern Chartier of CHA Companies was present.

Ms. Lenker gave a brief description of the project.

Mr. Lundsted presented the plans.

Mr. Materne stated that the commission had no say in what they do to the wetlands. Asked about the flares, are they going to allow siltation to get into the wetlands?

Mr. Lundsted stated no. Explained where erosion control would be installed. Stated that the work they're proposing will be collected in a closed drainage system. Explained the flared end sections.

Mr. Materne asked where the flow was coming from?

Mr. Lundsted stated where the existing discharge is from Route 44 drainage is now. That will be improving those catch basins and reconnecting to that existing outlet discharge.

Mr. Materne asked if there will be any sand or silt going through that outlet?

Mr. Lundsted stated no.

Mr. Materne asked if there were any questions? There were none.

Mr. Materne asked the audience if there were any questions? There were none.

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

Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.

Mr. Evans made a motion to issue Order of Conditions.

Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.

### **General Business**

#### **1. Mallozzi – 83 Simmons St – SE60-1104 – Request for a 3-year Extension**

Mr. Roach stated that a 3-year extension was requested. Everything is in order and the request was submitted on time.

Mr. Materne asked if there were any questions? There were none.

Mr. Evans made a motion to grant a 3-year extension.

Mr. Prachanronarong seconded the motion. Roll call vote; all replied aye. Motion passes.

#### **2. DuVally – 117 County Street – SE60-0786 – Request for a COC**

Mr. Ryan DuVally of Heritage Realty, 7 Park Street, was present.

Mr. DuVally explained his reason for the request for a Certificate of Compliance.

Mr. Materne stated that Mr. DuVally needed to make sure that the culvert crossing was done correctly.

We need to see the planting plan that was originally given, to see if the 75% growth is there.

Mr. DuVally stated he understood. Once he had all the proper paperwork, he will submit it. He knew that the plantings that were on the schedule were not done, he's happy to add plantings. He knew that 15 years ago the Order of Conditions had expired. He can't do anything on site without the permission of the commission.

Mr. Materne stated that the plantings are different. The orders do not have to be valid for the replication area. The culvert, if it needs work, you would have to refile to do the work.

Mr. DuVally stated that it was his understanding that the culvert itself is fine. There is no riprap on either side of the culvert. That can be placed by hand without any disturbance. He wants the commissions permission to do that.

Mr. Materne stated if you know the riprap has to be done, do it now. It's not an issue.

Mr. Choquette stated he would like to see what was originally proposed first.

Mr. DuVally stated that the riprap was proposed on the original plan and was not installed correctly.

The commission decided to have Mr. DuVally wait to install riprap until they have a copy of the original plan and visit the site.

Mr. Evans asked if Mr. DuVally had purchased the property?

Mr. DuVally replied yes.

Mr. Evans asked why this didn't show up in a title search.

This was discussed further.

Mr. Evans asked if Mr. DuVally had a physical copy of the orders.

Mr. DuVally replied yes. Stated there was not a lot of added conditions.

#### **3. Invasive Species Management – Discussion**

Mr. Evans stated that this is regarding knot weed, not all invasive species. The knot weed is located at the Perryville Dam. Explained what was happening at the dam. The friends of the Palmer River want to know what it is they could do to get rid of it. He told them that during the site walk we would review it. They just want to know if it is permissible to remove. Explained what the commission saw when they visited the property. Knot weed is difficult to remove. We need to come to a census as to what they can do that is not going to result in a negative impact, siltation getting into the system there. We discussed that we don't want them to use any herbicides. We want to give them the ability to go in and cut down new growth. Anything that is going to increase the risk of siltation, which includes digging them out, isn't something that should be done without siltation controls put in. It doesn't make sense to give them the ability to do whatever they want to do. Their best chance is to try to limit the spread of it. To be vigilant about getting rid of new growth. Going in every week or two taking away anything new and hopefully remove or limit the amount of new growth that's going to happen and limit the spread. He felt that eliminating the knot weed is going to be a little unrealistic. They might be able to hold it back.

Mr. Materne stated he agreed. He thought the only method is to keep cutting that growth down with a weed whacker or clippers.

Mr. Habershaw stated you don't want it to spread to another area. You have to maintain it before it seeds, which is August – October. It would be helpful to eliminate the seed head, cutting and disposing of them properly.

Mr. Materne asked, composting is not a good idea?

Mr. Habershaw stated absolutely not.

Mr. Materne stated they need to know that.

Mr. Evans stated he would draft a letter with Mr. Roach and the commission beforehand.

Mr. Choquette stated you can have them cut it and lay it out on asphalt to let it dry out.

Mr. Habershaw agreed.

#### 4. Agent Update

Mr. Roach gave an update on what Authorizations to Proceed he had issued since the last meeting.

### **Concerns & Complaints**

#### 1. 72 Martin Street – Concern

Brandon Faneuf of EcoSystem Solutions was present.

Attorney Bo Acres was present.

Mr. Acres stated the goal is to flag the property based on the 2009 plan. We will be assisting with this matter and work out a resolution.

Mr. Materne explained where the commission stood on this properties' issues.

Mr. Faneuf gave an update as to what is going to take place.

Mr. Materne asked the commission if there were any questions? There were none.

Mr. Faneuf stated he would report back to the commission at the meeting on June 1, 2021 with an update.

### **General Business**

#### 5. Danforth Street – Parking Area

Mr. Materne stated the commission marked off the parking lot. We wanted to make sure that the Planning Board didn't have any issues. He had contacted Chris Cooper, chairman of the Planning Board. We are going to discuss this tomorrow night with the Planning Board. If we get the Planning Board to sign off on this we will reach out to Michael Costello, Highway Superintendent, to get it built.

### **Concerns & Complaints**

#### 2. 582 Winthrop Street – Concern – Working Past the Scope of RDA

Mr. Roach stated this is scheduled for a site walk in June.

#### 3. 97 Salisbury Street – Concern

Mr. Roach stated he had not heard back from him. He will call again to figure this out.

#### 4. 29 County Street - Concern

Mr. Roach stated he had sent several letters and had driven by several times. He hadn't seen anyone there.

Mr. Materne stated it is getting worse and needs to be fixed.

#### 5. 23 Winthrop Street – Concerns

Mr. Roach stated he had been there a few times. They now have put up an additional fence with a lock on it. He has seen vehicles there no one responds when he calls out to them.

Mr. Materne stated we feel it's time for a constable to deliver a letter to them. If that doesn't work, we need to speak with Town Counsel.

Mr. Choquette asked if there was a sign out front that called it a family farm?

Mr. Roach stated yes.

Mr. Materne stated it had been there for a while.

6. 172 Summer Street – Concern

Mr. Materne stated he had been in touch with DEP. DEP wants the commission, Board of Health, and Fire Department to go out, do reports, before they'll get involved. Then they will decide whether or not it's just solid waste or DEP enforcement.

**Meeting Minutes**

1. February 2, 2021

Mr. Materne gave edits.

**ADJOURNMENT**

Mr. Evans made a motion to adjourn the meeting.

Mr. Choquette seconded the motion. Roll call vote – all replied aye. Motion passes.

Meeting adjourned at 8:22 pm.

For the Conservation Commission

  
Robert Materne, Chairman

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David Evans, Vice-Chairman