

**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 18, 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.

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22 JUN 15 AM 10:59  
OFFICE OF THE TOWN CLERK  
REHOBOTH, MA

**Public Hearing and Meetings**

1. Winthrop – Morra, LLC – 297 Winthrop Street – Amended OOC – SE60-1046

Mr. Steve Gioiosa of Sitec Engineering was present.

Mr. Gioiosa presented the changes the applicant would like to make.

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

Mr. Materne asked do you have a track pad at the end of the road as it enters onto Winthrop Street?

Mr. Gioiosa stated yes. There will be a construction entrance with a track pad.

Mr. Materne asked there hasn't been any major changes other than for stormwater?

Mr. Gioiosa stated correct.

Mr. Materne asked the limit of work, is that the limit of cutting?

Mr. Gioiosa stated yes.

Mr. Evans asked what the expirations date would be for this Amended Order of Conditions, does it change or does it stay the same as before.

Mr. Roach stated that it doesn't change, it stays the same as the original Order of Conditions.

Mr. Gioiosa stated that the orders expire in 2022.

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

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

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

2. Ferreira – Perryville Road – ANRAD – SE60-1242

Mr. Rob Davis of InSite Engineering was present.

Mr. Davis presented plans.

Mr. Materne stated that he was going to challenge the drainage ditch. He felt that it is an intermittent stream. It connects 2 ponds and the only reason it's a ditch and stone lined is because it's a country club. It was done for their convenience. There are obligate plants. If it was a ditch, it would be full of grass. He is asking that the consultant double check that area.

Mr. Davis stated as long as we can do some maintenance to it.

Mr. Materne stated that would be part of your filing.

Mr. Davis spoke in regards to a stone culvert/blue line on the southerly portion of the stie. We have seen it dry. We plan to overcome the presumption of the stream. There's also an IVW near that stream, we did an evaluation of it and determined it is not ILSF.

Mr. Materne asked the "L" series is that ILSF?

Mr. Davis stated that's an island of upland in the middle of wetlands.

Mr. Materne asked if this is phase 1 of this entire project?

Mr. Davis stated correct. This is the 1<sup>st</sup> 9 holes of the golf course. They are still determining what they are going to do with the back 9 holes.

Mr. Materne ask if the commission had any questions?

Mr. Evans stated he had seen a subdivision lot plan. You already have a definitive subdivision plan?

Mr. Davis stated no definitive subdivision. We have a preliminary plan that we filed with the Planning Board before we do a definitive, we want to get the ANRAD accepted and make any adjustments as necessary.

Mr. Evans made a motion to send the ANRAD to ECR for review.

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

Mr. Materne explained that the application was just for the resource areas not for what may be built in the future.

Ms. Joan Caouette 110 Perryville Road was present.

Ms. Caouette stated she agreed that it is an intermittent stream between the 2 ponds. She is glad it is going to an outside consultant.

Mr. Materne explained the policy for an outside consultant.

There were no further questions.

Mr. Davis requested a continuance until June 1, 2021.

Mr. Peter Gengler of 79 Perryville Road was present.

Mr. Gengler stated he was concerned with the density of the development. He is also concerned with the water delineation for the Palmer River starting to encroach into this project across Perryville Road. He hoped the commission will consider that. He is concerned with well usage with a lot of houses.

Mr. Materne explained the Palmer River's protections with an inner and outer riparian zone. Stated that ECR will look at that and make sure that everything is accurate. As far as the well go, that is outside of out purview. That would be the Planning Board or the Board of Health. Asked if he Mr. Gengler had any other questions?

Mr. Gengler stated not at this time.

Mr. Evans made a motion to grant a continuance until June 1, 2021.

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

### 3. Miranda – 165 Pleasant Street – NOI – SE60-1243

Mr. Rob Davis of InSite Engineering was present.

Mr. Davis presented plans.

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

Mr. Materne stated that there were only 3 wetland signs. He would like 2 more. One between 613 at the edge of the property line and the corner. One between 613 & 615.

Mr. Davis stated ok.

Mr. Nicholson stated he didn't understand why the house wasn't shifted north to be further away from the wetlands.

Mr. Roach stated that the side yard setback is 25'.

Mr. Materne stated they are on the setback.

Mr. Choquette stated that the area that Mr. Nicholson was looking at was for the garage. The excavation there will be shallower than the foundation of the house.

The commission discussed further.

Mr. Choquette stated that bales to the inside of the foundation are needed. From flags 6 to 116 the bales are to be to the inside.

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

Mr. Choquette stated Mr. Roach and himself would go out during excavation to make sure that the bales are on the inside.

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 additions as discussed.

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

## **General Business**

### 1. DuVally – 117 County Street – SE60-0786 – Request for COC

Mr. Ryan DuVally of Heritage Realty was present.

Mr. Materne stated that the commission went out to the site. We are not happy with the replication area. There was a section that looked like a wetland, that one is fine. The other section looks like someone just stuck the plants in the ground. There was no excavation of the soil. That needs to be addressed. The culvert has to be fixed. As far as closing this NOI, could we issue a COC once everything is done with the new NOI?

Mr. Choquette stated he did not believe that the size of the replication area is correct and that it wasn't done properly.

Mr. Nicholson stated that the project is incomplete. The COC should be issued once everything is completed.

Mr. Habershaw stated that the as-built plan doesn't look like what we saw on site.

Mr. DuVally stated that the project was practically completed. Only a particular amount of filling was done. Not much taking of the wetlands occurred. He's asking the commission to consider that fact.

This was discussed further.

Mr. DuVally stated He would need the commissions permission to go into an approved wetland to do work, to correct the replication area. It's on the plan, what was disturbed and what was replicated in the past.

The commission discussed this further.

Mr. Evans spoke in regards to issuing a COC, marking that there is an invalid OOC.

Mr. Roach displayed the WPA COC form 8B. Read what Mr. Evan's was speaking about.

Mr. DuVally stated that nothing can be done on this property without a filing with conservation. That is the next step. All of the outstanding issues are going to be incorporated with the new filing.

Mr. Materne stated he is willing to agree to an "invalid OOC" checkbox as long as the new owners agree to address the outstanding issues with this property. How does the commission feel?

Mr. Evans stated he was ok with that. His concern was that although Mr. DuVally stated that "not much was filled", the plan did not show any filling.

Mr. DuVally stated the new surveyed plan that he submitted had exactly what you are asking for.

Mr. Materne stated we'll check the invalid box. The new owners will have to file and we'll go from there. How does that sound to everybody? The commission agreed.

Mr. Evans stated that Mr. DuVally should look at the old Order of Conditions and do a point-by-point demonstration that all the concerns, that have been raised by the old filing, have been addressed.

Mr. DuVally stated he did not have a problem with that. He will be working with the owners to file the NOI.

Mr. Evans made a motion to issue the COC, marking the invalid OOC box.  
Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes

## 2. Agent Update

Mr. Roach stated he had no update.

## 3. Commissioner Updates

This was not on the agenda. The chairman discussed this and this something he would like to add.

Mr. Choquette stated he was not comfortable on the site walk at 117 County Street on Sunday, having a potential buyer there. This is the Conservation Commission's time to go out and look at the site and discuss certain things. He felt uncomfortable if they are not invited for them to be walking through the site with us. One reason is if something is said, and it is very informal, it gets changed around. They'll come back to say they were with us on site and we said something else.

Mr. Materne stated he agreed. The site walk should be the commission, the engineer, botanist, and the owner of the property as needed.

Mr. Habershaw stated these are not hearings. We're asking questions. If they have questions they need to be asked at a meeting, not in the field.

Mr. Materne stated we point out things that might not be correct in the field. We are not voting on anything.

The commission discussed further.

Mr. James Moeller of 117 Country Street was present.

Mr. Moeller stated he does own the property. He was not a potential buyer. He saw the commission on site so he stopped in.

## **Concerns & Complaints**

### 1. 582 Winthrop Street – Concern – Working Past the Scope of RDA

Mr. Roach stated this is on the next site walk.

### 2. 72 Martin Street – Concern

Mr. Roach stated he had not received any filings from Mr. Faneuf of EcoSystem Solutions or Mount Hope Engineering.

### 3. 97 Salisbury Street – Concern

Mr. Roach stated he hasn't heard anything back from the owner as far as setting up a meeting date next week. He did meet with the property owner. He seemed hesitant about the fence. He is willing to discuss things with the commission.

Mr. Materne stated we told him he would have to file a NOI. We were willing to lift the requirements of a NOI if he put up or fence or something like it. It's not a negotiation it's a violation.

### 4. 29 County Street - Concern

Mr. Materne stated the commission went to the site. Asked Mr. Roach if he had received the email in regards to testing?

Mr. Roach stated yes. He is happy to go there and test the soil. He talked with the owner today and the owner said the grass has been planted there and all the work has been completed. Mr. Roach asked him about the pipe. He said the pipe was cut back into the yard. The pipe was temporary. Asked was the pipe cut back?

Mr. Materne stated yes, 4'. It's still going to flow in the wetlands. He's under an Enforcement Order. He was told that he can not do any work within 100' of the wetlands. He has knocked the whole shed down, which is probably 30' from the wetlands. Which is a strict violation of the Enforcement Order. That needs

to be addressed. The grass itself is fine. The pipe needs to be removed. We felt he could pump it out right underneath the downspout or a few feet from where the downspout is. That's where it should be, not into the wetlands. Let the owner know that.

5. 23 Winthrop Street – Concerns

Mr. Materne asked did the constable deliver the letter?

Mr. Roach stated he meet with the owner. This has been added to the next site walk to get this taken care of.

6. 172 Summer Street – Concern

Mr. Materne stated he is still waiting to hear back from Karl Drown, Health Agent, to get permission to go on the property.

**Meeting Minutes**

1. January 19, 2021

Mr. Materne gave edits.

Mr. Evans approved the above-named meeting minutes with edits.

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

**ADJOURNMENT**

Mr. Evans made a motion to adjourn the meeting.

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

Meeting adjourned at 8:10 pm.

For the Conservation Commission



Robert Materne, Chairman



David Evans, Vice-Chairman