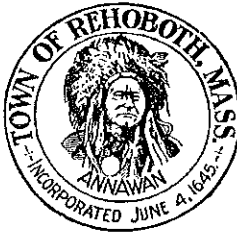


**CONSERVATION
COMMISSION**
148 Peck Street
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Robert Materne, Chairman
David Evans, Vice Chair
Thomas Nicholson
Krisna Prachanronarong
Stephen Choquette
Matthew Habershaw
Scott Pennoyer
Matt Kershaw, Assoc. Mem.

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – July 11, 2017

Present: Robert Materne, David Evans, Thomas Nicholson, Matt Habershaw, Krisna Prachanronarong, Stephen Choquette, Scott Pennoyer, Matt Kershaw-Associate Member

Leeann Bradley, Conservation Agent

Absent: Krisna Prachanronarong

CALL TO ORDER

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

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

CONCERNS AND COMPLAINTS

1. Lot 10 Plain St. – Vieira – EO lifted – Restoration area. Mr. Materne stated the commission will visit the property at the next site walk.

CURRENT ISSUES

1. Manitook Estates – Administrative Consent Order - Mr. Materne noted DEP will make a site visit on July 18, 2017.

2. One Linden Lane – Martel – Mr. Choquette stated nothing has been done.

3. Map 63, Lot 12 – Fairview Avenue – Reuter – forest cutting – EO issued – Mr. Materne stated the commission went to the property due to an Enforcement Order and forest cutting without a Forest Cutting Plan. There has been no more cutting and they are not doing any work. He feels the Enforcement Order should be lifted. Mr. Evans would like Ms. Bradley to send a letter to the property owner lifting the Enforcement Order.

Mr. Evans motioned to lift the Enforcement Order for Map 63, Lot 12 Fairview Avenue.

Mr. Habershaw seconded the motion. Motion passed.

4. Oakhill Beagle Club – Waiting for Forest Restoration and Wildlife Management Plans – Mr. Materne stated they hope to see the applicant at the next meeting to present the Forest Restoration and Wildlife Management Plan.

5. 367 Anawan Street – Lilli Mae – possible cutting within BVW – Mr. Materne stated the commission went to the property and found nothing has been done. He went on to state Mr. Viera has been notified in writing in an Enforcement Order letter from Ms. Bradley that he must re-flag the area. This has not yet been done. The Cease and Desist was issued on May 23, 2017. He asked the commission for suggestions. Mr. Habershaw suggested sending a letter to Mr. Brian Viera with the date all work must be completed.

Mr. Habershaw suggested a one month time frame. Mr. Materne agreed. The commission will make a site visit on the Sunday before the next meeting in August. Ms. Bradley will send a letter letting Mr. Viera know what is required and when the commission will visit his property.

6. 300 Summer Street – Anderson – clearing within BVW - Mr. Materne stated the commission went to the property and wetland vegetation had been mowed down. The property owner stated she hired a clean-up crew for spring cleaning and they got over aggressive. This is not what she wanted done. Mr. Materne stated everything will grow back. There has been no disturbance of soil at all. Mr. Materne informed the property owner the Conservation Commission would not take any action.

7. 10 Duval Street – Meridian Custom Homes – ratify EO – Mr. Eric Brainsky was present on behalf of the applicant, Meridian Custom Homes. It is his understanding that all the issues with regard to the May 22, 2017 Enforcement Order have been met. This includes signage as well as hay bales. The Order of Conditions has been recorded and submitted to Ms. Bradley. His client is hoping the Enforcement Order will be lifted and he will be granted an Authorization to Proceed. Mr. Pennoyer went to the site just before the meeting. He noted siltation control is in and the wetland signs are posted. He questioned why they stopped the wattles and begin with the silt fence. The applicant explained that was an addition that the General Manager thought would be better and also noted there is a third wetland sign in the back. A neighbor was present with concerns. Mr. Materne asked him to come forward. Mr. Jeremy Baker stated he spoke to Ms. Bradley regarding concerns with water on the property when tree cutting began the first week of April. He stated stop soil was removed and water was bubbling out. There was no work beside the tree cutting and stumps being cleared. He stated they cannot do anything there. There is no well, foundation and a ton of water. The machinery cannot move around. Mr. Baker raised his concerns to Mr. Kelly of Meridian. Communication has broken down between Meridian and the Bakers so he then spoke to Ms. Bradley. Mr. Materne asked the commission how they want to proceed after hearing Mr. Baker's concerns. Do they want to lift the Enforcement Order? The commission members saw no reason not to lift the Enforcement Order. Mr. Materne informed Mr. Baker that the Enforcement Order will be lifted so Meridian can work. They will be given an Authorization to Proceed.

Mr. Pennoyer motioned to lift the Enforcement Order for 10 Duval Street.

Mr. Evans seconded the motion. Motion passed.

Mr. Materne clarified to Mr. Baker that the Conservation Commission's main concern is with the wetland boundary not storm water issues. Meridian will be given an Authorization to Proceed so they can get back to work. Mr. Baker understood. There was no further discussion.

PUBLIC HEARINGS & MEETINGS

1. Reposa Estates – off 237 Pine St. – Ryan DuVally – NOI- SE60-1071 – Mr. Materne recused himself from this public hearing. Mr. Chris Andrade from Insite Engineering was present as well as the applicant, Mr. Ryan DuVally from Moonlight Realty. Mr. Andrade presented revised plans and stated that all the previously requested conditions have been met and shown on the new plans. The new plans show some minor modifications such as street name changes. They have kept the tree clearing as minimal as possible. Mr. DuVally confirmed to Mr. Pennoyer that the plans have been approved by the Planning Board. There were no other concerns.

Mr. Pennoyer motioned to close the public hearing.

Mr. Nicholson seconded the motion. Motion passed.

Mr. Pennoyer motioned to issue the Order of Conditions.

Mr. Nicholson seconded the motion. Motion passed.

2. 41 Colonial Way – David Duarte – ANRAD – SE60-1074 – Ms. Beth Hallal was present on behalf of the applicant David Duarte. Mr. Materne recused himself as he was not at the previous meeting. Mr. Evans took over. Mr. Evans stated the commission went out to the site to review the flags. His only concern was related to the lot lines next to the flagging itself. It appears that the property line is at the stone wall but the plan shows a larger space. Ms. Hallal explained that at the time they thought the stone

Mr. Evans recalled the flagging was fine it was just a question of the location of the flags in relation to the property line. The commission will revisit the property at the next site visit. He expects it to be fine. Mr. Evans motioned to grant a request for a continuance of the public hearing for 41 Colonial Way. Mr. Nicholson seconded the motion. Motion passed.

3. 113 Reynolds Avenue – John DuVally – ANRAD – SE60-1073 – Mr. John DuVally was present. He presented plans to the commission. Mr. Materne stated they made a site visit to the property and reviewed the wetland line. Mr. Evans had a concern on the north property line with regard to a flag that is offset to the property line a bit. Mr. DuVally will have the engineer add another flag to make the correction. There was no further discussion.

Mr. Evans motioned to close the public hearing.

Mr. Habershaw seconded the motion. Motion passed.

Mr. Pennoyer motioned to issue the ORAD.

Mr. Nicholson seconded the motion. Motion passed.

4. 579 & 583 Winthrop St. – Baasch – ANRAD – SE60-1069 – Ms. Lisa Caledonia from LSC Environmental Consulting was present on behalf of the applicant. She submitted new plans to the commission. Mr. Materne stated they made a site visit and found the wetland line to be well done this time. Ms. Caledonia noted the old flags were not removed. Mr. Materne added the old flags should really be removed as it becomes confusing for contractors. Mr. Pennoyer suggested making that a condition of the orders.

Mr. Evans motioned to close the public hearing.

Mr. Nicholson seconded the motion. Motion passed.

Mr. Evans motioned to issue the ORAD.

Mr. Nicholson seconded the motion. Motion passed.

5. 415 Fairview Avenue – Price – NOI – SE60- (ANRAD) to be discussed – Ms. Rachel Smith from Otis Dyers office was present on behalf of the applicant. The applicant is proposing a single family house with associated septic system, well and driveway. Work is within the buffer zone with no filling or crossing. Mr. Materne stated the commission did not go out to verify the line because on the plan it looked like it was over 700+ feet long which would make this an ANRAD. It turned out the line was marked on the plan by Rachel's assistant as 700' of line in error. Ms. Smith apologized for the error. The commission suggested hay bales as well as straw wattles for erosion control in the steep areas. Mr. Materne wants to know where the limit of work will be. He feels the hay bales should extend past the limit of work. Mr. Choquette feels a silt fence should be behind the hay bales. Another question was what is the purpose of the driveway extension and is that the limit of work. Ms. Smith stated there is a path there and the family used it when they cut wood. They want to move the driveway over so they can still get to the back. Mr. Materne noted the grading shown on the plan for the extension of the driveway doesn't work. Ms. Smith will speak to the owner to get a better understanding where they want the limit of work to be. It was agreed that a silt fence with hay bales will be placed along the line at flags A8 to A11. Hay bales and silt fence will be installed along the upland side. Ms. Smith requested a continuance of the public hearing to the next meeting on July 25, 2017.

Mr. Pennoyer motioned to grant a continuance of the public hearing to the next meeting on July 25, 2017.

Mr. Nicholson seconded the motion. Motion passed.

GENERAL BUSINESS

1. Bill Hollinshead – 122 Martin Street – Dredging of pond – Discussion – Mr. Evans noted the owner wants to dredge his pond. He is not in violation. He just wants to do it and make the commission aware. Mr. Pennoyer asked if the pond is connected to a stream. Mr. Materne feels the commission should look at it to make sure he can do it and do it right.

2. Reorganization and Reappointments –

Mr. Pennoyer motioned to have Mr. Materne remain the Chairman and Mr. Evans remains the Vice-Chairman. All other members retain their current positions representing the Conservation Commission. Mr. Nicholson seconded the motion. Motion passed.

3. DEP Inspection – Bliss Street – see letter attached. DEP is making a site visit on July 18, 2017.

4. Request for Certificate of Compliance - Steven Bonilla - 164 Reynolds Ave. – SE60-1009 – Mr.

Materne felt everything was fine but they want 5 conservation signs. They took some land from past where the silt fence was. They want to make sure there is no more encroachment.

Mr. Pennoyer motioned to issue the COC contingent upon the applicant installing 5 more conservation signs.

Mr. Evans seconded the motion. Motion passed.

5. Scott Pennoyer (Not on Agenda) – Mr. Pennoyer recused himself and then approached the commission on his own behalf requesting an extension to his ORAD, SE60-1003 for 237 Brook St. Mr. Materne stated it expires on October 9, 2017.

Mr. Evans motioned to grant Mr. Pennoyer a 3 year extension for the ORAD for 237 Brook St.

Mr. Habershaw seconded the motion. Motion passed.

MINUTES

1. April 18, 2017 2. May 2, 2017

To be approved at next meeting.

INVOICES

1. Perma-Line – Miller Street Bird Sanctuary Signs - \$84.80

Mr. Habershaw motioned to submit payment to Perma-Line in the amount of \$84.80.

Mr. Nicholson seconded the motion. Motion passed.

2. MACC – yearly membership - \$603.00

Mr. Evans motioned to submit payment in the amount of \$603.00.

Mr. Nicholson seconded the motion. Motion passed.

ADJOURNMENT

Mr. Evans motioned to adjourn the meeting at 7:57p.m.

Mr. Nicholson seconded the motion. Motion passed.

For the Conservation Commission,


Robert Materne, Chairman


David Evans, Vice-Chairman