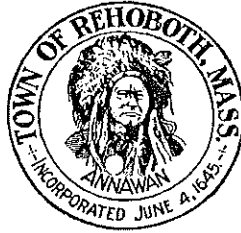


**CONSERVATION  
COMMISSION**  
148 Peck Street  
Rehoboth, MA 02769  
(508) 252-6891 Telephone  
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Robert Materne, Chairman  
David Evans, Vice Chair  
Thomas Nicholson  
Krisna Prachanronarong  
Stephen Choquette  
Matthew Habershaw  
Scott Pennoyer  
Matt Kershaw, Assoc. Mem.

**REHOBOTH CONSERVATION COMMISSION**  
**Meeting Minutes – December 19, 2017**

RECEIVED  
18 FEB 21 AM 8:12  
OFFICE OF THE TOWN CLERK  
REHOBOTH, MA

**Present:** Robert Materne, David Evans, Thomas Nicholson, Matt Habershaw, Stephen Choquette, Matt Kershaw

Leeann Bradley, Conservation Agent

**Absent:** Scott Pennoyer, Krisna Prachanronarong

**CALL TO ORDER**

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

**CONCERNS AND COMPLAINTS**

**CURRENT ISSUES**

1. Lot 10 Plain St. – Vieira – EO lifted – Restoration area – Ms. Bradley stated she has sent a letter to Mr. Vieira and is waiting to hear from him.
2. Manitook Estates – Administrative Consent Order – No new information. No work is being done.
3. One Linden Lane – Martel – Mr. Choquette stated he went to the property prior to the last meeting. He had photos and noted that half of the hay bales were installed, and half were in a pile. Some were staked and some were not. He also brought to the commissions attention that a For Sale sign was on the house. He feels the commission needs to make a decision as this has been going on for at least a year and Mr. Martel has had ample time to comply with the commissions requests.  
Mr. Evans feels an Enforcement Order should be issued. Mr. Materne stated an Enforce Order will prevent Mr. Martel from selling the house unless the buyer pays cash. The commission agreed to give Mr. Martel one more opportunity to comply with the commission before the next meeting on January 2, 2018. Mr. Choquette will check the status of the hay bales before then and inform Ms. Bradley. If Mr. Martel has not met the requirements of the commission an Enforcement Order letter will be sent out.
4. Oakhill Beagle Club – The commission made a site visit and they feel things are growing. They will be asked to attend the next Conservation Commission meeting.
5. 367 Anawan Street – Lilli Mae – possible cutting within BVW – Mr. Materne asked Ms. Bradley to request that Mr. Brian Viera attend the next Conservation Commission meeting.

6. 364 Winthrop Street – Mendonca – Riverfront alteration – EO issued – Commission to ratify – Mr. Larry Mendonca was present. He began by stating that in the middle of November he had a contractor come in and remove a large amount of trash on the left side of his property. He also removed approximately 7 trees and stumps. He then received an Enforcement Order letter. Mr. Materne stated that Mr. Mendonca's property is probably in the most sacred jurisdictional areas it could be in. Not only is he in a riparian zone he is also in a Natural Endangered Species area. He added that to build his home a lot of conditions had to be met. He added that when Mr. Mendonca bought the house the well was in the woods only because the commission allowed it to be there. Mr. Materne had a set of plans and showed Mr. Mendonca exactly what he was talking about. Mr. Habershaw suggested obtaining the certified as-built plan of the foundation that will show the location of the house and measure off of that to determine where the riverfront is. Mr. Mendonca stated he bought the house brand new from a builder. Mr. Materne instructed Mr. Mendonca to go to the Building Department to obtain the certified as-built plan. He should then measure from the reference point where he will place stakes. That is a starting point. He needs a definitive line to begin the work. Mr. Mendonca stated that erosion control is in place. He will contact Ms. Bradley once the outer riparian has been staked so the commission can conduct a site visit. Mr. Habershaw suggested that Mr. Mendonca also obtain the as-built for the septic system and match it up to the as-built for the foundation. He feels this will show a better lay of the land including well placement. Mr. Mendonca can obtain that from the Board of Health. Mr. Materne briefly reviewed what needs to be done with Mr. Mendonca. He added once the stakes are in place, the commission will come out and take a look with plans in hand, and go from there. Mr. Materne stressed to Mr. Mendonca that he is obligated to correct the problems and that they realize this was not done intentionally. The commission is willing to work with him to resolve the issues on this property. There was no further discussion.

7. 454 Winthrop Street – Silveira – junk cars in BVW at front of property – Ms. Bradley went to the site and noticed cars hidden in a pile of brush. Mr. Materne feels this requires an Enforcement Order. The cars must be removed. He feels the Board of Selectmen should receive a copy of the Enforcement Order as well. Mr. Habershaw suggested an Enforcement Order with a narrative of how he should remove the cars so as not to impact the wetlands. Mr. Materne stated the Board of Health should also be notified of the Enforcement Order if oil is spilling. Mr. Drown should take a look at it. The commission agreed to a deadline of January 14, 2018 to remove all cars or action will be taken.

Mr. Evans motioned to issue an Enforcement Order.

Mr. Habershaw seconded the motion to include a narrative limiting the impact to the wetlands.

Motion passed.

## **PUBLIC HEARINGS & MEETINGS**

1. The Reserve at Spring Hill – 40B – Dumontier – NOI- SE60-1081 – Mr. Phil Fusco from D'Amico Engineering was present on behalf of the applicant Mr. Dumontier. Mr. Rob Roseen was also present as the 3<sup>rd</sup> party review consultant. Mr. Fusco began by stating he has addressed the concerns presented by the 3<sup>rd</sup> party consultant. He has modified the report, revised the plans and all documents. He reviewed the changes with the commission. Mr. Nicholson feels this project will impact the wetlands. He feels the engineer has done everything he could do to address the impact to the wetlands. Mr. Rob Roseen came forward and addressed the board. He is the 3<sup>rd</sup> party review consultant. He stated that he feels Mr. Fusco has addressed nearly everything. He feels there are some remaining items that may be something they can handle at the level of issuing construction specifications and drawings. He feels it is a strong project from a wetland protection and DEP requirement standpoint. Mr. Roseen also stated there were a few critical pieces he would like to add in the application and the construction phases in particular. A project this size takes place over many years and with the infiltration systems that are being proposed they want to carefully think out how to phase the construction. He added there should be a list of construction phasing requirements and inspections in the appendices. Everything he is recommending should be in the Orders of Conditions. Mr. Roseen also suggested that a storm water checklist needs to be part of the

requirements. A professional engineer stamp needs to be added to the drainage reports. Material specifications for drip edge and permeable pavers are needed. Mr. Materne requested an O&M plan that should be implemented in perpetuity and also indicate who is responsible. Mr. Roseen suggested an annual reporting form to be submitted and signed by the professional engineer.

Mr. Evans motioned to close the public hearing.

Mr. Habershaw seconded the motion. Motion passed.

Mr. Evans motioned to issue the Order of Conditions.

Mr. Nicholson seconded the motion. Motion passed.

**\*\*Not on agenda.** Mr. Materne made a brief announcement that due to the illness of Mr. Scott Pennoyer, Associate Member Mr. Matt Kershaw has been appointed as a regular member of the Conservation Commission. Mr. Pennoyer will stay on as an Associate Member of the Conservation Commission.

2. Mason Street – Faneuf – RDA - Mr. Brandon Faneuf from Ecosystems Solutions was present on behalf of the applicant. He stated he filed an RDA for an agricultural maintenance project on Mason Street. This property is mostly a hay field and has been for decades. The applicant thinks that the existing drainage ditches are being filled up and not functioning as intended and he would like to dredge them out. Mr. Faneuf is requesting to perform normal maintenance of land and agricultural maintenance. He added there is an irrigation pond at the back of the property that the applicant would like to dredge out as well. Ms. Bradley stated that Natural Heritage has that listed as a potential vernal pool. Mr. Faneuf agreed but if it is an agricultural pond he suspects it does not matter. Mr. Materne is concerned with the BVW and the pond. He stated the commission must first vote that the blue line is the intermittent stream on that property.

Mr. Evans motioned the scour ditches in yellow be classified as intermittent.

Mr. Nicholson seconded the motion. Motion passed.

Mr. Materne stated he is concerned about dredging a pond that is surrounded by BVW without having controls in place. He wants to know what the procedure is. He feels the area should be delineated around the pond. He wants to make sure it's done right because of the BVW. The next step is to separate the RDA for the ditches and then discuss what to do with the pond.

Mr. Evans motioned to issue a Negative #3 Determination of Applicability for field maintenance, pipes, ditches and edges and straightening the field.

Mr. Habershaw seconded the motion. Motion passed.

Mr. Materne asked the commission their opinion about a pond surrounded by BVW. The commission felt the resource area should be protected. Mr. Faneuf agreed to delineate the MHW and BVW of pond including a procedural write up for the pond, equipment, erosion control etc. Mr. Faneuf stated some of this information is included in his cover letter for the RDA. He reviewed the procedures stated in the cover letter with the commission. The commission will make a site visit on December 31, 2017 and this matter will be continued at the meeting of 1/2/18.

Mr. Evans withdrew his previous motion and motioned to grant a continuance to 1/2/18.

Mr. Habershaw seconded the motion. Motion passed.

There was no further discussion.

3. 205 Winthrop Street – Boys & Girls Club NOI-SE60-183 and ANRAD –SE60-1084 - Mr. Bruce Hagerman was present on behalf of the applicant. He began with the ANRAD proposing pool repairs at Camp Ramsbottom. He reviewed the ANRAD with the commission by reviewing the resource areas on site. Mr. Materne stated the commission made a site visit. Mr. Evans felt the area along the river was fine. He did question the gazebo area and the wetland flags north of that that, however, they determined it does not impact the scope of the project. He added that it would be helpful to clean out the brush in the resource area.

Mr. Evans motioned to close the public hearing for the ANRAD.  
Mr. Habershaw seconded the motion. Motion passed.  
Mr. Evans then motioned to issue the ORAD for the ANRAD.  
Mr. Nicholson seconded the motion. Motion passed.

Mr. Hagerman then discussed the NOI. Mr. Hagerman reviewed the repairs proposed to the existing pool and filter system as well as a flood storage compensation area. Mr. Choquette suggested larger erosion control in the flood compensation area by using double staked hay bales. Mr. Hagerman agreed. An abutter, Mr. Joe Fishbach of 201 Winthrop St. had concerns regarding flooding on his property. He stated flood water from the river overflows and backs up onto his property. He is concerned that if the edge of the pool is raised 1 foot it will flood his property as well as his neighbors. He feels the raised pool will act as a dam and flood his property. Mr. Materne explained to Mr. Fishbach that basically the raised pool will act as a boulder in a river. He showed him on the plan how the water would flow around the pool. Mr. Evans noted that Mr. Fishbach's concerns were valid as the pool is taking away flood storage capacity. Mr. Hagerman explained this to Mr. Fishbach referring to the plan details. Mr. Materne asked the commission for any suggestions for Mr. Fishbach to help alleviate his concerns. Mr. Nicholson stated when the water is displaced it has to be compensated someplace in that watershed. Where the pool is going they know they are displacing a certain volume of the river under a certain flood stage. They take that certain volume and look at the whole flood basin and excavate that volume out and put the storage volume in place. Mr. Materne reminded Mr. Nicholson that Mr. Fishbach is concerned that raising the pool will create a dam that will then back up onto his property. Mr. Nicholson added if he was on site he would know that wouldn't happen. The area by the river is wide open. Mr. Materne stated he respects Mr. Fishbach's concerns and they are just trying to figure out a way to address them. The pool will not make the water level higher behind it towards his property. The water level will be the same no matter what, with or without the pool.

Mr. Evans explained that one of the reasons the River Protection Act came about was because of problems related to flooding. Development along rivers impairs the flood storage capacity of rivers and the watersheds. When the River Protection Act was passed it included some very strong performance standards. He added that the plan before them had to meet those performance standards. The net flood storage volume of the site isn't changing. He understands Mr. Fishbach's concerns but noted the plan is in compliance with the River Protection Act and will not change his flood elevation upstream. This is what the plan is designed to do.

Mr. Choquette asked Mr. Fishbach in the 30 years he has lived at 201 Winthrop Street, are the photos he submitted to the commission the worse he's ever seen? How many times in those 30 years has he had significant flooding? Mr. Fishbach stated the photos are not the worse he's ever seen and the flooding happens quite often. He added that over the course of 30 years the water is up to his backyard and it seems the water is getting higher and higher every year. This is why he is before the commission tonight. There was no further discussion.

Mr. Evans motioned to close the public hearing for the NOI  
Mr. Choquette seconded the motion. Motion passed.  
Mr. Evans motioned to issue the Order of Conditions.  
Mr. Nicholson seconded the motion. Motion Passed.

4. 220 Tremont Street – Harney – ANRAD – SE60-1085 – Mr. Dean Monsees, was present on behalf of the applicant. He began by stating the property is currently a retreat lot. He is proposing development of the property. He noted two flag lines. The smaller flag line was originally thought to be ILSF with a potential vernal pool. The B and C flags are the wetland line. There are 3 potential vernal pools on this property.

Mr. Evans motioned to close the public hearing.  
Mr. Habershaw seconded the motion. Motion passed.

Mr. Evans motioned to issue the ORAD noting the resource areas on the site are not flagged or verified. Mr. Nicholson seconded the motion. Motion passed.

5. 70 New Street – Smith – ANRAD – SE60-1086 – Mr. Brandon Faneuf from Ecosystems was present on behalf of the applicant. He stated this is approximately a 19 acre parcel of land which once had a barn but is now gone. It is directly across from Maple Swamp road. It is on the west side of New Street. He noted there is an established path toward the back which splits a wetland which was flagged A and B series. It heads over to the Algonquin Gas Line. If you continue past that, it is wooded with another foundation and no structure on the west side of the gas line. The applicant would like to purchase the property to build a house. They are trying to do this in the most cost effective way. However, crossing the gas line requires a lengthy legal process for a permit crossing with Algonquin Gas. He added there is a triangle in the northeast quadrant of the property that may work for a new house, septic system and well. Mr. Faneuf delineated that area to submit for an ANRAD. He added there is a potential vernal pool on the south side of the existing crossing with BVW. There is also an intermittent stream. Mr. Faneuf noted there are telephone poles that run to the gas line. He is before the commission requesting verification of the wetland line.

Mr. Materne asked Mr. Faneuf about wetlands indicated on the plan that are not delineated. He knows there are wetlands there since he has been on the Enos property. Mr. Evans suggested Mr. Faneuf delineate the area in question and ask for a continuance of the public hearing.

Mr. Faneuf requested a continuance of the public hearing to the meeting of January 2, 2018.

Mr. Evans motioned to grant a continuance of the public hearing to the meeting of January 2, 2018.

Mr. Nicholson seconded the motion. Motion passed.

6. 25 Pond Street – Brisson – NOI – SE60-1087 – Mr. Peter Lavoie was present on behalf of the applicant. He is proposing a single family home at 25 Pond Street. The property is 3.6 acres and has been recently sub-divided. They want to construct a 600' driveway from Pond St. He reviewed the plan showing the position of the house, septic system, well and well pit. He showed a 50' no touch area on the plan. Mr. Lavoie has staked the house, the limit of clearing and driveway including the well placement. Mr. Materne stated they delineated one of the lines. The commission felt flags 101-108 are accurate. Since they felt they were on private property, they did not go to flag 15 however there is a perennial stream there and it's possible that the project could be in the outer riparian zone. The MAHW mark must be delineated. Mr. Lavoie stated he had stream statistics with him. He felt the stream was over 200' away. Mr. Materne disagreed. He asked those in attendance if they had any questions. Abutter Mr. Ed Tessier had a question about trolley tracks. Mr. Lavoie stated it is not shown on the plan as it does not impact the project. Mr. Whittemore questioned the distance between a well and septic. Mr. Materne stated that is a Board of Health issue. Mr. Lavoie showed Mr. Whittemore on the plan the well placement. Mr. Lavoie has not been before the Board of Health yet for this project. Mr. Lavoie requested a continuance of the public hearing to the meeting of January 16, 2018.

7. I-195 – Mass DOT – RDA – Ms. Andrea Coates was present representing Mass DOT District 5 as the District Environmental Engineer. She is requesting a determination to allow them to conduct drainage outlet maintenance associated with the resurfacing project for the length of 195 from Seekonk to Swansea. Ms. Coates had no plans but she was able to find old plans for work done in the 1970's. The project proposes cleaning out drainage ditch outlets. She gave a brief overview of the project and assured Mr. Materne there would be no impact on the Palmer River. A DOT engineer will be overseeing the project. This project will begin in the spring of 2019.

Mr. Evans motioned to issue a Negative #3 and #5 Determination of Applicability.

Mr. Nicholson seconded the motion. Motion passed.

8. 208 Winthrop Street – Perkins – NOI- SE60-1088 – Mr. Mike Patenaude was present on behalf of the applicant who is selling his home. He submitted plans for a new septic system. The current system failed a Title V inspection. Mr. Evans felt the wetlands were accurately flagged. He noted debris between wetland flags 8 and 9 needs to be removed. Mr. Patenaude confirmed they received a variance from the Board of Health. The commission felt the erosion control measures were sufficient. Mr. Evans motioned to close the public hearing. Mr. Nicholson seconded the motion. Motion passed. Mr. Evans motioned to issue the Order of Conditions. Mr. Habershaw seconded the motion. Motion passed.

## **GENERAL BUSINESS**

1. Request for COC – Three Park Street - SE60-487 – Ms. Bradley stated everything is stabilized. Mr. Habershaw motioned to issue the Certificate of Compliance. Mr. Nicholson seconded the motion. Motion passed.

2. Associate Member appointment – Sarah Huber – Ms. Bradley received an email stating Ms. Huber could not attend this meeting due to work. Mr. Habershaw feels she should not be appointed as an Associate Member until she comes before the commission. Ms. Bradley will ask Ms. Huber to attend the next meeting.

3. Associate Member appointment – Scott Pennoyer – Mr. Habershaw motioned to appointment Scott Pennoyer as an Associate Member of the Conservation Commission. Mr. Evans seconded the motion. Motion passed.

## **MINUTES**

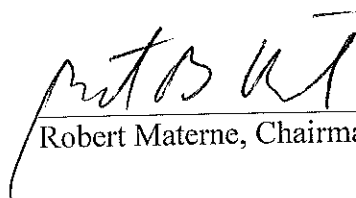
1. August 15, 2017                      2. September 5, 2017  
The minutes were not read. They will be on the agenda for the January 2, 2018 meeting.

## **INVOICES**

## **ADJOURNMENT**

Mr. Habershaw motioned to adjourn the meeting at 9:05.m.  
Mr. Nicholson seconded the motion. Motion passed.

For the Conservation Commission

  
Robert Materne, Chairman

\_\_\_\_\_  
David Evans, Vice-Chairman