

**CONSERVATION
COMMISSION**
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Robert Materne, Chairman
David Evans, Vice Chair
Thomas Nicholson
Krisna Prachanronarong
Stephen Choquette
Matthew Habershaw
Scott Pennoyer
Matt Kershaw
Sara Huber Assoc. Mbr.
Leeann Bradley, Agent

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – February 6, 2018

Present: Robert Materne, David Evans, Thomas Nicholson, Krisna Prachanronarong, Stephen Choquette, Matt Kershaw, Sara Huber Associate Member

Leeann Bradley, Conservation Agent

Absent: Scott Pennoyer, Matt Habershaw

CALL TO ORDER

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

RECEIVED
18 APR 26 AM 8:10
OFFICE OF THE TOWN CLERK
REHOBOTH, MA

CONCERNS AND COMPLAINTS

CURRENT ISSUES

1. One Linden Lane – Martel – Mr. Materne stated the commission made a visit to the property and noted the hay bales were installed and that Mr. Martel did a good job. The commission felt the quality of the work was good.

Mr. Evans motioned to lift the Enforcement Order.

Mr. Nicholson seconded the motion. Motion passed.

2. 364 Winthrop Street – Mendonca – Riverfront alteration – Mr. Materne stated the commission did not visit this property adding it has not been staked yet. Ms. Bradley stated she received an email today from Mr. Mendonca stating the property has been staked. The commission will visit this property at the next site visit on February 18, 2018.

PUBLIC HEARINGS & MEETINGS

1. 25 Pond Street – Brisson – NOI – SE60-1087 – This public hearing has been continued to the meeting of February 20, 2018.

2. 41 Colonial Way – Duarte – ANRAD – SE60 – Mr. Duarte was present. He stated that additional flags had been placed and are reflected on the plans. Mr. Materne stated the commission made a visit to the property and noted the line was fine. He added that some of the flags had fallen off and asked that he re-tie them. Mr. Duarte agreed.

Mr. Evans motioned to close the public hearing.

Mr. Nicholson seconded the motion. Motion passed.

Mr. Evans motioned to issue the ORAD for the property.

Mr. Nicholson seconded the motion. Motion passed.

3. 82 Cedar Street – Baker – NOI – SE60-1091 – Mr. Prachanronarong recused himself from the public hearing. Mr. Rachel Smith was present on behalf of the applicant Jeremy Baker. She gave a brief history of the project noting this project came before the board in 2005. It was empty land with an existing farm road that crossed a stream in the back. At the time they proposed shifting the driveway over, put in a new culvert and a single family house with well and septic system in the back where there is substantial upland. This was done and approved at the time. Now the owners want to sell they are looking for a COC. Ms. Smith went there to do the as-built she noticed the replication area had never been built. Everything else was completed some time ago. All the permitting has expired. The new owner, Mr. Baker, wants the project properly completed.

Ms. Smith is proposing to build the replication area. She is proposing the replication in a different area. It was originally proposed right up against the stream. She added there are many boulders there and also a lot of water running through there now. Trying to dig and controlling erosion up against the stream could be problematic. This is the reason she is proposing moving farther away which is still in the same BVW. Mr. Materne feels the closer you can replicate the original disturbance the more accurate you are reproducing what you took away. Mr. Choquette added that after going through the site and seeing where the proposed replication would go versus where it was originally supposed to go, he feels the replication could go between flags 26 and 29 and it would cause less damage. Mr. Kershaw agreed with Mr. Choquette.

The commission asked Ms. Smith to recalculate the area relocating the replication. Ms. Smith then discussed the partial COC stating the majority of the project had been completed. She is trying to concentrate on the new filing for the replication area. Mr. Materne asked the commission how they felt about a partial COC. It was decided the commission felt uncomfortable issuing a partial COC. This public hearing will be continued to the meeting of February 20, 2018. Ms. Smith requested a continuance.

Mr. Evans motioned to issue a continuance.

Mr. Nicholson seconded the motion. Motion passed.

Mr. Evans motioned to deny the request for a COC.

Mr. Nicholson seconded the motion. Motion passed.

4. 425 Fairview Avenue – Cabral – NOI – SE60-1089 – Ms. Rachel Smith was present on behalf of the applicant. She noted the ANRAD was previously approved. She is proposing a single family house with well, septic and lawn. There is an existing crossing over a ditch with a culvert in bad shape. The highway superintendent will take care of removing that and replacing it with a larger culvert in a different location. She added it is not part of the property but rather a part of the road. Mr. Materne was concerned about siltation from construction equipment going over the crossing and also the new culvert impacting the wetlands. Ms. Smith believes the land owner will be working with Mr. Costello of the highway department and will pay for any materials needed so it doesn't impact the highway budget. Ms. Smith does not feel the current crossing is safe to go over due to the poor condition. She feels the new culvert may have to go in first but that is up to Mr. Costello. The commission requested double hay bales and a

silt fence at the lower area with grading at flag 34 to go as far as the new crossing. A stone pad at the crossing entrance will need to be installed before an ATP is issued.

They also requested a slurry pit for the well and conservation signs. Ms. Smith stated she had some at flags at 38, 40 and 44. The commission requested additional flags at 34 and 36.

Mr. Evans motioned to close the public hearing.

Mr. Nicholson seconded the motion. Motion passed.

5. 220 Tremont Street – Harney – NOI – SE60-1090 – Mr. Dean Monsees from OSD Systems was present on behalf of the applicant. He stated the property is a large retreat lot but plans show a small portion of the lot. He reviewed the plan showing the single family home construction, well, septic system and driveway. He also reviewed the wetland flags and straw wattle placement. He proposed 13 wetland signs on the property. Ms. Bradley added that DEP noted there are 3 potential vernal pools on the property. The commission had no concerns.

Mr. Evans motioned to close the public hearing

Mr. Nicholson seconded the motion. Motion passed.

6. 11 Reservoir Avenue – Roy – ANRAD – SE60 – Mr. Dean Monsees from OSD Systems was present on behalf of the applicant. He noted there are two BVW's on the property which is approximately 900 linear feet of wetland. Mr. Materne noted a few issues with the wetland line. He stated the B line is fine. He had some questions regarding the A line. Mr. Monsees stated Natural Resource Services did the flagging. Mr. Materne was concerned about soil samples in the pasture. The commission requested rechecking flags 11 through 15 and conduct soil samples. Mr. Materne emphasized his concern about the pasture. Mr. Monsees understood his concern.

Mr. Monsees requested a continuance of the public hearing to the next meeting on February 20, 2018.

Mr. Evans motioned to grant the continuance.

Mr. Nicholson seconded the motion. Motion passed.

7. 3 Skyla Way – Ray – NOI- SE60 – Mr. Rob Davis from Insite Engineering was present on behalf of the applicant. He is before the commission tonight presenting an NOI for 3 Skyla Way, Lot 6. He noted the wetland line was approved through and ANRAD prior to filing the sub-division plan. He outlined the placement of the house, well and septic. He proposed keeping erosion control 10' off the wetlands. He also noted a double row of hay bales between the wetland line and the edge of the hay bales. The commission had no questions other than requesting one more conservation sign at A15-A16. That will be incorporated into the Order of Conditions.

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. Nicholson seconded the motion. Motion passed.

8. 7 Skyla Way – R. DuVally – RDA – Mr. Rob Davis from Insite Engineering was present on behalf of the applicant. He reviewed the 50' and 100' buffer zone on the plan. He noted the house is within the 100' buffer zone. He is proposing erosion control along the 50' buffer zone up to the 100' buffer zone. There is a double line of hay bales for the well. Ms. Bradley has a concern regarding conservation signs along the wetland line. She added if the hay bale line is the limit of work at the 50' mark what is to stop the homeowner from seeing the conservation signs and not clearing to that point. Mr. Materne asked if the wetland line signs should be moved. Ms. Bradley stated that once the homeowner moves in and sees the wetland signs, what happens is, most people clear to the wetland line. She feels the signs should be at the limit of work. There was no further discussion.

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

Mr. Nicholson seconded the motion. Motion passed.

9. 15 Skyla Way – R. DuVally – RDA – Mr. Rob Davis from Insite Engineering was present on behalf of the applicant. He noted that 15 Skyla Way is Lot 9 on the subdivision plan. He reviewed the wetland line and the 50' buffer zone. The proposed hay bales are along the edge of the drainage easement. There is a double row of hay bales next to the well. The commission had no concerns.

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

Mr. Nicholson seconded the motion. Motion passed.

10. 5 Willow Way – Meridian Custom Homes – RDA – Mr. Rob Davis from Insite Engineering was present on behalf of the applicant. He began by stating the driveway was partially constructed for a stream crossing, which is not yet complete. Mr. Materne stated the replication is not in and neither is the culvert. There is junk including a container in the wetlands. Mr. Davis stated at the time he did not know what kind of house and layout the buyer would want. The only thing in the buffer zone is the septic system. He added that the house, garage and well are completely outside the 100' buffer zone. Mr. Nicholson noted the people who are building the house are not the same people who filed the NOI. Mr. Davis confirmed this.

Mr. Materne stated the NOI and replication area must be done before the driveway and crossing go in. This has not been done. Mr. Davis stated the contractor who is doing the excavation for the house construction is also the one who will be installing the culvert. Ms. Bradley stated the replication must be done before they can do any work. She feels the driveway is not completed well enough to accommodate the machinery going across it until the replication area is done. Then they can work on the driveway. Once that is done they can move forward. She added there are special conditions in the Order of Conditions stating how to construct the replication area without going along the wetland line. The new homeowner was in attendance and Mr. Materne explained to him what was supposed to have been done on his property. He stressed the need to get the replication area going before the driveway goes in and added the junk needs to be removed from the wetlands. Mr. Evans reviewed with the homeowner that he cannot build his house until the replication area has begun first, and then build the driveway crossing. Mr. Materne asked the commission for a motion and determination for the RDA.

Ms. Bradley added that the Order of Conditions for the replication area and the driveway have not yet been recorded at the Registry of Deeds. This still needs to be done. The erosion control needs to be installed. Once that has been completed she can issue the Authorization to Proceed with that, but the Order of Conditions expires in June of 2018. Ms. Bradley suggested they may want to ask for an extension to the Order of Conditions.

Mr. Evans then made a motion to issue a Negative #3 Determination of Applicability.

Mr. Nicholson seconded the motion. Motion passed.

GENERAL BUSINESS

1. Request for COC – 599 Tremont Street – Fisk – SE60-397 – The Commission had no concerns.

Mr. Evans motioned to issue the COC for 599 Tremont Street.

Mr. Nicholson seconded the motion. Motion passed.

2. Request for partial COC - 82 Cedar Street – Baker – SE60-702 - Denied

3. Cloud Estates – Open Space Parcel Discussion – Ms. Bradley believes this was a piece of property that was part of the sub-division that was supposed to be deeded to the Conservation Commission. This never happened. She noted there is also an easement for access. She added Mr. Cloud came in to the office

recently and wanted to know if the commission still wanted this piece of property. Mr. Materne stated that of course they do, especially since it has an easement. He added if the commission still wants it he would like to make that happen. The commission gave Ms. Bradley the authority to contact town counsel to begin the process.

MINUTES

1. November 21, 2017

2. December 19, 2017

The commission did not read the minutes. They will be tabled until the next meeting.

INVOICES

1. Bristol County Registry of Deeds - \$1,870.00 – Recording of Sprague St. Deeds/MLC's

Mr. Evans motioned to authorize payment to the Registry of Deeds.

Mr. Nicholson seconded the motion. Motion passed.

NOT ON AGENDA:

Mr. Materne approached the commission about the idea of hiring someone to go through all the files to get records up to date and computerized. He wants to go back 20-25 years. Mr. Materne understands Ms. Bradley and Ms. Procopio cannot take this on. Ms. Bradley stated she really needs one full time person. Mr. Materne stated that would have to go through the selectmen and is not likely to happen. She emphasized the fact that she has 3 departments, Zoning, Conservation and Planning. The commission agreed it would be good to hire someone to review the files.

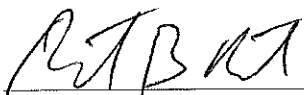
Mr. Materne also brought up that he spoke to Rachel Smith and he wants full size plans of conservation property the commission owns. This will give the commission a good idea of all the properties

ADJOURNMENT

Mr. Evans motioned to adjourn the meeting at 8:20p.m.

Mr. Nicholson seconded the motion. Motion passed.

For the Conservation Commission



Robert Materne, Chairman

David Evans, Vice-Chairman