

**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 – July 12, 2022

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

Absent: Krisna Prachanronarong, Matt Kershaw.

CALL TO ORDER

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

Appeal Process

Mr. Materne explained the appeal process.

Public Hearing and Meetings

1. Morrissey – 72 Martin Street – ANRAD – SE60-1275

Mr. Bruce Webb of EcoSystem Solutions was present.

Mr. Webb gave an update to the commission on where the application stands.

Mr. Materne stated that the outside consultant agrees with the wetland line with the changes that had been flagged.

Mr. Materne asked if the audience had any questions or concerns, there were none.

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

Mr. Habershaw seconded the motion. Motion passes.

Mr. Evans made a motion to issue an Order of Resource Area Delineation.

Mr. Habershaw seconded the motion. Motion passes.

Mr. Materne stated that a year has gone by on this violation. He told the applicant's engineer that there cannot be any more delays on this. Requested that no later than the 2nd meeting in August that there be a NOI filed and ready to be heard with the commission. Discussed the planting season.

2. Babbitt – 111 Summer St. – NOI – SE60-1290

Mr. Materne stated that Rehoboth policy is any wetland line over 600' requires you file an ANRAD.

There had been no ANRAD filed for this project. We will open the public hearing but we cannot close the public hearing until we approve the ANRAD filing.

Nyles Zager of Zenith Consulting Engineers was present.

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Mr. Zager presented plans.

Mr. Materne stated that the proposed well is located down a slope. Asked how a drilling rig is going to be able to drill the well safely?

Mr. Zager stated they would take a look at it.

Mr. Materne suggested moving the well to the left of the house where there is less of a slope.

Mr. Zager stated he would take a look at that.

Mr. Habershaw stated that it is up to the drilling company to get the rig down the slope.

Mr. Materne stated that everything needs to be staked out including the driveway. Requested that a fence be installed where the haybales are now located, because the project is located in the riparian zone.

Mr. Zager asked if a split rail fence was recommended?

Mr. Materne stated it was up to the home owner which fence they use.

Mr. Habershaw stated he would like to have a split rail fence.

Mr. Zager stated ok.

Mr. Materne asked the commission if there were any questions or concerns, there were none.

Mr. Materne stated the commission will need to go back out to the site to check the blue flagging and the staking. The BVW is accurate.

Mr. Zager requested a continuance until August 9, 2022.

Mr. Evans made a motion to grant the continuance until August 9, 2022.

Mr. Nicholson seconded the motion. Motion passes.

3. Castelluci – 116 Spring St. - RDA

Mr. Brad Fitzgerald of SFG Engineering was present.

Mr. Fitzgerald presented plans.

Mr. Materne stated he had visited the property. The wetland line is fairly accurate. Between flags 3 & 4 should be moved towards the house by 12'. He didn't feel that this change would have an impact on the project. Does the commission feel we can approve this without the wetland line being approved?

Mr. Materne asked if the commission had questions or comments, there were none.

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

Mr. Evans made a motion to issue a Negative 3 Determination and that the wetland line was not approved.

Mr. Habershaw seconded the motion. Motion passes.

4. Lima – 7 Hybrid Dr. – NOI – SE60-1289

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Materne stated flags A24 & A 25 are the closest to the wetland line, they should have wetland signs on them. Between those two flags regarding the slope, are they going to build a wall right next to the erosion control without impacting the wetlands?

Mr. Andrade stated they would be working from the upland side, the high side and grade down. The slope is 3:1. We can bump out where it is closest to the driveway.

Mr. Nicholson stated that 3:1 slope is stable. There shouldn't be a problem if they use an excavator from the driveway area.

Mr. Materne asked the commission if there were any questions or concerns, there were none.

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

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

Mr. Choquette seconded the motion. Motion passes.

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

Mr. Choquette seconded the motion. Motion passes.

5. Escobar – 3 Clubhouse Way – NOI – SE60-1291

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Materne asked how high the water table was?

Mr. Andrade stated 36" standing for the property.

Mr. Nicholson asked how an 8' drainage dry well was going to be put in with the groundwater elevation at 36"?

Mr. Andrade stated we'll have to move it to a different location. We can put it behind the proposed driveway. Requested a continuance until July 26, 2022.

Mr. Evans made a motion to grant a continuance until July 26, 2022.

Mr. Habershaw seconded the motion. Motion passes.

6. Ishaq – 54 Cameron Way – NOI – SE60-XXXX

Mr. Materne stated that this property is going to need a filing of an ANRAD.

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

Mr. Materne stated that 10% taking of the riverfront means if you need it, to build a house. You don't need to have a lawn. He wants a change on the plans regarding the riverfront. He can not accept it the way it is now.

Mr. Andrade stated ok.

The potential changes were discussed further.

Mr. Materne stated if there is any taking of the riverfront there needs to be an alternative analysis done.

Mr. Nicholson stated a retaining wall could be installed behind the pool all the way over to behind the shed.

Mr. Materne asked the commission if there were any questions or concerns?

Mr. Habershaw stated that there needs to be a backwash pit for the pool.

The commission and Mr. Andrade discussed the possibility of shifting the house and changing grading to remove the need for any taking of the riverfront.

Mr. Andrade requested a continuance until July 26, 2022.

Mr. Evans made a motion to grant a continuance until July 26, 2022.

Mr. Habershaw seconded the motion. Motion passes.

General Business

1. Dion – 90 Reynolds Ave. – SE60-1224 – Request for COC

Mr. Roach stated that everything was built according to the Order of Conditions and the approved plan. Recommended granting the COC.

Mr. Evans made a motion to grant the Certificate of Compliance.

Mr. Habershaw seconded the motion. Motion passes.

2. Johnson & Wales – 29 Francis St. – SE60-1161 – Request for 3yr. Extension

Mr. Roach stated that all the paperwork had been submitted prior to the 30 day deadline. This project has not been started.

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

Mr. Habershaw seconded the motion. Motion passes.

3. 121 Mason Street – Land Coming Out of Chapter 61A

Mr. Materne stated that this property is a 13-acre hayfield. We were not give the amount it would cost to purchase this land. A request has been made to the seller by the Board of Selectman's office for an amount. It has no value to the commission. This item will stay on the agenda until the commission has the amount of what the and would cost.

4. Ticket Book, Letter for Violators

Mr. Materne stated that he has received an email from Mr. Brandon Faneuf of EcoSystem Solutions, who did this type of work for the Town of Sutton for 10-years. He would be willing to give us some advice. Asked the commission if they wanted to have Mr. Faneuf come in and give a presentation on the proper way to do this?

The commission agreed they would like Mr. Faneuf to come in and speak with them in regards to this. Mr. Materne stated that he felt the commission should provide Mr. Faneuf with a fee for his services. We don't want this to look like favoritism.

Mr. Morgan made the suggestion to have this done in the form of a workshop and not during a meeting. The commission agreed to speak with Town Counsel first.

5. Conservation Commissioners Updates

▪ Trinity Estates – Property Markers

Mr. Materne stated that he went to the site and the metal states were easy to find and follow. He also found the first two granite markers but can not find the other two granite markers on the corner.

Mr. Roach stated that he watched them being installed so they are there.

Mr. Materne stated he would like to have a sign placed there that stated "right of way".

▪ 90 Pond Street – Pre-Construction - Site Visit

Mr. Materne stated that Mr. Roach and himself had gone to this property for a pre-construction review. Gave a brief update.

6. Agent Update

There were no updates.

Concerns & Complaints

1. Sousa - 237 Brook Street – Concern

Mr. Manuel Sousa owner of the property was present.

Mr. Ted Lyzeuga of Tilton & Associates was present.

Mr. Materne stated that the commission visited the site. There is no possible way that the wetland flags that were rehung are accurate. The driveway is the accurate wetland line. Asked if the line was resurveyed?

Mr. Lyzeuga stated that he surveyed the wetland line and rehung the flags. There were remnants of old flags where he rehung flags.

Mr. Materne stated that when we originally approve the ANRAD compared to the flags hung in the field now, is 30' feet off. Along the driveway is a wetland. Mr. Sousa is working at the end of the driveway. Has worked in the wetland and disturbed part of the wetlands. Your flags were too far inside the wetland.

Mr. Lyzeuga stated that he would meet the commission on site to show them where he hung the flags per the plan.

Mr. Materne stated that the commission would go back out. Asked that the replication area be remeasured. It doesn't seem like an accurate measurement. It should be a 3000 sq. ft. layout.

Mr. Evans asked if there is a possibility that the wetland grew over time?

Mr. Materne stated that if it did then something is blocking the water, like damming the stream. This was discussed further.

Mr. Evans stated that if the wetland line is still active, even if it moved, according to the Wetland Protection Act it is considered accurate.

Violations

1. Pray – 46 Almeida Rd.

Mr. Bruce Webb of EcoSystem Solutions was present.

Mr. Webb currently this has been passed over to DEP. We are preparing a restoration plan now.

Mr. Materne stated that the commission has not been made aware of that by DEP. Asked if there were any updates on chemical analysis?

Mr. Webb provided an update.

This was discussed further.

Mr. Materne stated that one of the concerns is that since this is sewer waste, we are concerned about PFAS. Has any testing been done on that?

Mr. Roach stated that independent of this issue DEP was scheduled to test wells in this area for PFAS already. They have now expanded the radius of the testing.

This was discussed further.

Mr. Al Bouchard of Wheaton Ave was present.

Mr. Bouchard stated his concern is the water and the PFAS. You don't know if the PFAS are in the water. They talk about elevated levels of what?

Mr. Materne stated that there are no elevated levels, PFAS are bad at any level.

Mr. Bouchard stated that it was his understanding that they took water test when they were there. It shouldn't take months to test it and get results.

Mr. Materne stated that the problem is we don't have control over any of this, it is DEP.

Mr. Bouchard questioned the fact that the commission was told that there was no bill of lading. He stated that if you are paying someone per load how would they not know how many loads there were?

Mr. Materne stated that the commission got a number of loads from Mike Whiteside of DEP and it was the exact same number that the commission received from a woman on the street that counted them. It didn't make sense we don't think she could have counted every truck that went by.

Mr. Bouchard stated that there were some trucks that came on Wheaton Ave., some were going down Barney Ave. then down Almeida Road.

Mr. Materne stated that the commission knows that the number given to DEP isn't accurate. This is no longer in our jurisdiction.

This was discussed further.

Concerns & Complaints

2. Clinton Drive – Concern

There was no update.

3. 14 Katie Dr. – Concern

There was no update.

Violations

2. Rego – 23 Winthrop St – Enforcement Order

There was no update.

3. Alves – 29 County St – Enforcement Order

There was no update.

4. Cordeiro – 97 Salisbury St – Enforcement Order

There was no update.

5. Morrissey – 72 Martin St. – Enforcement Order

Mr. Bruce Webb of EcoSystem Solutions spoke in regards to this during the ANRAD hearing.

6. 172 Summer Street - Violation

Mr. Materne stated that he is almost done with the letter to give to the Board of Selectmen to sign.

7. 582 Winthrop St. – Enforcement Order

There was no update.

8. Foley – 55 Old Fall River Rd. – Enforcement Order

Mr. Roach is going to follow up on this.

9. 12 Katie Dr. – Enforcement Order

Mr. Bruce Webb of EcoSystem Solutions was present.

Mr. Webb stated that they would like to consult with an attorney. We will come back with more information once this is taken care of.

Meeting Minutes

1. July 6, 2021 – Review/Edit/Vote

Mr. Materne gave edits.

Mr. Evans made a motion to approve the above meeting minutes as edited.

Mr. Choquette seconded the motion. Motion approved

ADJOURNMENT

Mr. Evans made a motion to adjourn the meeting.

Mr. Habershaw seconded the motion. Motion passes.

Meeting adjourned at 8:12 pm.

For the Conservation Commission


Robert Materne, Chairman

David Evans, Vice-Chairman