

**CONSERVATION  
COMMISSION**  
340 Anawan 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  
Matt Kershaw  
William Morgan, Assoc. Mbr  
Daniel Roach, Agent

**REHOBOTH CONSERVATION COMMISSION**  
**Meeting Minutes – July 26, 2022**

**Present:** Robert Materne, Chairman, Dave Evans, Thomas Nicholson, Stephen Choquette, Associate Member William Morgan.

**Absent:** Krisna Prachanronarong, Matt Habershaw, Matt Kershaw, Daniel Roach Conservation Agent.

**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. Babbitt – 111 Summer Street – NOI – SE60-1290

This public hearing was continued until August 9, 2022

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

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans.

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

Mr. Materne asked if the audience have 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. Nicholson seconded the motion. Motion passes.

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

Mr. Chris Andrade of InSite Engineering was present.

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

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

Mr. Nicholson seconded the motion. Motion passes.

23 APR 26 AM 9:35  
REHOBOTH, MA  
CLERK

## **General Business**

### **1. Close Escrow Accounts**

- RCC – Phase 2 & 3 - \$500.00

Mr. Evans made a motion to close the above-named escrow account.

Mr. Nicholson seconded the motion. Motion passes.

- Behind 11 Linden Lane - \$230.00

Mr. Evans made a motion to close the above-named escrow account.

Mr. Nicholson seconded the motion. Motion passes.

- 154 Barney Ave - \$230.00

Mr. Evans made a motion to close the above-named escrow account.

Mr. Nicholson seconded the motion. Motion passes.

- Camp Ramsbottom - \$2781.17

Mr. Evans made a motion to close the above-named escrow account.

Mr. Nicholson seconded the motion. Motion passes.

### **2. Ticket Book, Letter for Violators**

Mr. Materne stated that he has spoken with Mr. Roach and asked him to reach out to Town Counsel. With Mr. Roach unable to attend tonight's meeting we don't know if Town Counsel has responded back to him yet.

## **Concerns & Complaints**

### **1. Sousa – 237 Brook Street – Concern**

Mr. Manuel Sousa the property owner was present.

Mr. Materne stated that the commission had gone out to the site. We meet with representatives from Tilton Engineering Associates and yourself and discussed what needs to happen on site to correct the issues.

1. The slash that is in the wetlands needs to be removed. You are allowed to use the excavator to go in and pull it out.
2. The soil that was brought in on top of the wetland layer needs to be brought back to grade. Along the driveway on both sides.
3. The amount of disturbance has to be recalculated. Because you changed the driveway.
4. The replication area has to be staked out, recalculated, depending on the size of disturbance.
5. Do a restoration planting plan, in kind, for the disturbance from the driveway.
6. Conservation signs need to be put up once everything is down to grade on the driveway.
7. A 3:1 slope needs to be used along the driveway.
8. When approved, the replication to be brought down to grade.
9. To install erosion controls on both sides of the driveway.

Mr. Materne stated because this NOI was for the driveway only, we have to make sure that where you are clearing is we have to make sure that you are outside of the buffer zones. Wetland flags 2-23. We have to make sure that the IVW doesn't need erosion control, flags WF20-WF85.

## **General Business**

### **2. Conservation Commissioners Updates**

- Dam Repairs

Mr. Materne stated that there was an email sent regarding dam repair. They are not major repairs. This was discussed further.

## **Concerns & Complaints**

### **2. Clinton Drive – Concern**

Mr. Materne stated that he had spoken to Mr. Chris Andrade at InSite Engineering. The HOA had spoken to him but he has not heard back from them. A letter will be resent to the HOA.

### **2. 14 Katie Dr. – Concern**

Mr. Materne stated the Mr. Kershaw had gone out to the site and nothing had been done. A letter will be resent to the property owner.

## **Violations**

### **1. Rego – 23 Winthrop St – Enforcement Order**

There was no update.

### **2. Alves – 29 County St – Enforcement Order**

There was no update.

### **3. Cordeiro – 97 Salisbury St – Enforcement Order**

There was no update.

### **4. 172 Summer Street - Violation**

There was no update.

### **5. 582 Winthrop St. – Enforcement Order**

There was no update.

### **6. Foley – 55 Old Fall River Rd. – Enforcement Order**

There was no update.

### **7. Pray – Almeida Road – Enforcement Order**

This was discussed during the joint meeting with the Board of Health & Water Commission.

### **8. 12 Katie Dr. – Enforcement Order**

Mr. Bruce Webb of EcoSystem Solutions was present.

Mr. Brandon Faneuf of EcoSystem Solutions was present.

Mr. Webb stated that they have withdrawn the previous restoration plan and are working on creating a new one.

This was discussed further.

### **9. Morrissey – 72 Martin St. – Enforcement Order**

Mr. Brandon Faneuf of EcoSystem Solutions was present.

Mr. Bruce Webb of EcoSystem Solutions was present.

Mr. Webb gave the commission an update on where this violation stood.

This was discussed further.

## **General Business**

### **3. Joint Meeting with Board of Health & Water Commission – Pray - Almeida Rd.**

The Board of Health was unable to have a quorum so they will be rescheduling their meeting, regarding this property, with the commission.

Mr. Lenny Mills, Jr. of the Board of Selectmen, in Rob Johnson's place, was present.

Mr. Karl Drown Board of Health Agent was present.

Ms. Rachel Smith of the Board of Health was present.  
Ms. Katie Eyer of the Board of Health was present.  
Ms. Tish Vadnais of the Water Commission was present.  
Mr. Joe Nunes of the Water Commission was present.  
Mr. Tom Nicholson also of the Water Commission was present.  
Mr. Art Gareau of the Water Commission was present.  
Mr. Brandon Faneuf of EcoSystems Solutions was present on behalf of the property owner.  
Mr. Bruce Webb of EcoSystem Solutions was present on behalf of the property owner.  
Mr. Nunes called the Water Commission meeting to order at 7:25pm.  
Mr. Materne stated that this meeting was to discussed the fact that DEP isn't giving anyone any information on this violation. Since our last meeting we did hear from DEP they are taking over this violation. The Conservation Commission will still be a part of this but DEP is now in charge.  
Ms. Vadnais asked if DEP would be keeping the commission informed?  
Mr. Materne stated that he has asked Mr. Roach to have DEP submit in writing that they are taking over this violation. We felt as a commission if we brought more boards and commission on board with this violation that we might get further with DEP rather than if it was just the Conservation Commission asking them questions in regards to this violation.  
Ms. Vadnais stated that she felt that the Agricultural Commission should have been invited to the meeting.  
Mr. Materne stated he hadn't thought to invite Ag. Comm. Explained the reasons for each board or commission being involved with this violation.  
Ms. Vadnais suggested that all the boards and commissions get together and draft a letter to DEP and let them know that we want to be keep informed of what is going on with this violation.  
Members of the Water Commission stated that they would like to see the site.  
Mr. Materne stated that they would have to get permission from the property owner in order to do that. This was discussed further.  
Mr. Materne gave a history of what has happened and describe what the site looks like at this time.  
Mr. Nunes had a question in regards to the plan that was provided by Mr. Materne. Asked if the white you see on the plan was the actual sludge that was brought into the site.  
Mr. Faneuf stated yes.  
Mr. Webb explained the plan to the Water Commission.  
This was discussed further.  
Mr. Evans explained what had occurred on the stie.  
This was discussed further.  
Mr. Gareau stated that the Water Commission had spoke in regards to this property and violations at their meetings. Stated that Mr. Pray had attended an Agricultural Commission meeting and spoke in regards to some of what happened on the site. The town is concerned with their drinking water from their wells because of this. We need to find out what is in the material that was dropped on site.  
This was discussed further.  
Ms. Smith stated she didn't feel that anyone would disagree with the fact that we need to know what is in the sludge and that it should be moved off the property as soon as possible. The issue is how do we get the state to resolve the issue.  
This was discussed further.  
Mr. Materne stated that we are here to find a way to get DEP to work with us and to tell us what is going on and what is going to happen to fix the situation. Explained when the material should be moved.  
This was discussed further.  
Ms. Vadnais asked if Swansea or Seekonk have been notified? If all the towns get together and get on DEP maybe this will be taken care of faster.  
Mr. Evans stated that the commission would like to encourage the other boards to make as much noise as possible to DEP.

Mr. Choquette asked why the voice of the people hasn't been heard? The public should be made aware of the situation.

Mr. Materne stated that he wanted to have the correct information before he said anything.

This discussed further.

The boards agreed to work together to resolve this issue.

Mr. Materne asked if the boards and commissions felt it was ok for him to speak to Mr. Joe Siegel from the Rehoboth Reporter?

The boards and commissions agreed that he should.

What should and shouldn't be said was discussed.

Mr. Nunes stated that before the Water Commission moves forward, we would like to review any reports the commission may have in regards to this issue.

Mr. Evans stated that they should also contact DEP. Explain to them who you are and what commission you are on.

Mr. Materne stated he would get the Water Commission any reports that the Conservation Commission has as well as the contact information to DEP.

Ms. Vadnais stated that she felt that a letter should be drafted from the entire Water Commission to be sent to DEP as well.

All the boards and commission agreed that they want the material moved off the site as soon as possible and that it cannot stay in Rehoboth.

Ms. Smith stated that we are all dealing with 3 different state entities. The DEP wetlands division, because of the wetland violation, DEP strike force, because of the toxic sludge, and the Department of Agricultural Resource, because the property that has been damaged has a permanent agricultural preservation restriction on it. So, the land was never supposed to be touch to begin with.

Mr. Materne stated DEP waste water is involved.

Ms. Smith stated that the Department of Agricultural Resources wants to review any remediation plan with their attorneys along with the DEP departments involved.

This was discussed further.

Mr. Choquette stated that the DPW should be notified also. The trucks ruined the road.

This was discussed further.

Ms. Smith stated that all state entities involved should be contacted. Mr. Mike Whiteside, of DEP, had stated that DEP wanted the Rehoboth Conservation Commission to handle this situation. Why did they take over? Was it because of the PFAS?

Mr. Materne stated he could only assume because this situation was in the Boston Globe and then the next day, we were told that DEP was taking over.

Mr. Evans stated that it is the appropriate thing that DEP took over.

This was discussed further.

Ms. Smith stated that the board could draft a letter and send it to DEP. Maybe we could talk to Mr. Mills and find out about talking to our state representative and our state senator.

Mr. Mills stated that he felt that we are all on the right track. We need a letter to notify Swansea and Seekonk of the situation. If DEP sees a letter from 3 towns, they may pay more attention to that. Stated he would speak to the towns State Representative and higher than that.

Mr. Materne asked if this would affect Rhode Island in any way?

Mr. Nunes stated it would affect the upper bay.

This was discussed further. Well testing was also discussed.

Mr. Faneuf stated that the violation was made by Carney Corp., Mr. Pray, the owner, has had very little involvement with the violation. We are reporting to Mr. Chris Carney, owner of Carney Corp, to get things done.

This was discussed further.

Mr. Evans stated that we should have a circuit rider from DEP come to a meeting to help us with a strategy to let DEP know that we are feeling left out and that we need more information.

This was discussed further.

The boards and commission agreed to meet again at the next meeting.

Ms. Vadnais asked if any of the boards or commission had spoken with Town Counsel in regards to this?

Mr. Materne stated no because we didn't even know where we stood with the matter.

Ms. Vadnais asked Mr. Mills if he could speak to the Selectmen and asked them to ask Town Counsel what route need to go in to get this stuff removed.

Mr. Materne suggested that the Water Commission call Mr. Pray and get his permission to go on the site.

Mr. Mills asked that the 2 two towns, Swansea and Seekonk, be notified.

Mr. Materne stated it should come from the Board of Health. Asked each board to write letters to DEP and to do some research on how the site is going to affect the water in town and toxic materials. Each board agreed to reach out to their respective boards in Swansea and Seekonk.

Ms. Smith asked Mr. Faneuf what his next step is? Does he have some type of remediation plan?

Mr. Faneuf stated yes, he is working on a remediation plan.

Ms. Smith asked Mr. Faneuf where do those plans stand? When do you expect to have something to submit to DEP?

Mr. Webb stated that he has been working on this for a few weeks and has a drafted plan almost complete.

Mr. Nicholson asked don't you have to have some findings from DEP before you decide what you're doing to correct the site?

Mr. Webb stated they are approaching this in a wetland science perspective.

This was discussed further.

Mr. Mills asked Mr. Faneuf what other experts he had on his team in regards to this site?

Mr. Webb stated that his background included working with hazardous waste management. He is not a MA licensed site professional.

Mr. Faneuf stated that we are wetland scientist but we also have soil scientist and wildlife biologist on staff.

This was discussed further.

Mr. Mills asked the Mr. Faneuf to ask the violator to add to his team someone to address the chemical portion of this issue.

Mr. Faneuf stated he would ask.

Ms. Smith stated they need to know who the contact people are DEP.

Mr. Materne stated that Mr. Mike Whiteside and Gary Mckuch at DEP.

Mr. Faneuf stated that the material needed to be removed from the wetlands. He felt that the hold has been where will the material go, and is it worse to start moving it around.

This was discussed further.

Ms. Smith asked why the material can't go back to where it came from?

Mr. Faneuf stated because DEP has been fining Mr. Carney for having the material on Mr. Carney's property, in Raynham, for too long. Mr. Carney has been trying to find places for it.

This was discussed further.

Mr. Materne asked the audience for questions or concerns?

Mr. Al Bouchard of Wheaton Ave. was present.

Mr. Al Bouchard asked if there were PFAS in the water test?

Ms. Smith stated there are.

Mr. Al Bouchard asked if there were any other compounds?

Ms. Smith stated there are heavy metals, coliform, and some other things.

Mr. Al Bouchard asked Mr. Gareau if you took a handful of this slug and test it and there are so many parts per million in the sample. If you take a huge pile do the parts per million increases?

Mr. Gareau stated it doesn't change the concentration there would just be more of it. He explained further.

Mr. Morgan stated that we don't know if it is uniform material. There were other things mixed in with it, such as trash, tires, and steel.

Matt Bouchard Wheaton Ave was present.

Mr. Matt Bouchard how far was dug down for the sampling?

Mr. Faneuf stated that Mr. White Whiteside from the Environmental Strikeforce of Dep that did the sampling. Mr. Faneuf witness the sample taking and it was taken from the surface.

Mr. Matt Bouchard stated so, we don't know what is on the bottom of the pile. His biggest concern is getting the material off site and his well water. We need your help to facilitate this. Call DEP tell them the situation. We have many well around there, we have farms, we have animals.

Ms. Vadnais stated a Water Commissioner. DEP is going to come and test your well. As a homeowner she suggested that you do your own testing as well.

Mr. Nicholson stated that well testing is very expensive. PFAS is \$1400.00.

Mr. Morgan stated that Mr. Bouchard is intitled to the data.

Mr. Matt Bouchard stated what they test for, they are not testing for all the chemicals.

Mr. Nicholson stated what would be tested for.

Mr. Al Bouchard stated that we have been told that when there is a violation that the land owner owns the violation, correct?

Mr. Materne stated traditionally that is true. In this particular case DEP is going with Carney.

Mr. Nicholson stated DEP can assign the wrong party:

This was discussed further.

Mr. Al Bouchard thanked all the boards/commission for what they are doing.

Mr. Materne stated that he wanted everyone to know that Mr. Faneuf is doing what he can do. He has parameters to follow also.

Mr. Morgan asked if at the next meeting when all the boards and commissions meet again should we have representatives from the other towns present?

Mr. Materne stated that if people from the other towns do come it should be one representative and they can go back and relay the information to their town.

Ms. Vadnais made a motion to adjourn the Water Commission meeting.

Mr. Gareau seconded the motion. Motion passes. The Water Commission meeting adjourned at 8:48pm.

#### 4. Agent Update

There were no updates.

### **ADJOURNMENT**

Mr. Evans made a motion to adjourn the meeting.

Mr. Nicholson seconded the motion. Motion passes.

Meeting adjourned at 8:49 pm.

For the Conservation Commission

  
Robert Materne, Chairman

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David Evans, Vice-Chairman