

**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 6, 2021

Present: Robert Materne, Chairman, Dave Evans, Krisna Prachanronarong, Thomas Nicholson, Matt Kershaw, Associate Member William Morgan, Daniel Roach Conservation Agent.

Absent: Matt Habershaw, Stephen Choquette.

CALL TO ORDER

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

Mr. Materne explained the appeals process.

Public Hearing and Meetings

1. Daniels – 128 Peck Street – NOI SE60-1241

Mr. Mark Mariano of Oakhill Engineering was present.

Mr. Mariano presented plans.

Mr. Materne stated that NHESP has determined that this project will not have a negative impact.

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. Nicholson seconded the motion. Roll call vote; all replied aye. Motion passes.

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

Mr. Nicholson seconded the motion. Roll call vote; all replied aye. Motion passes.

2. Ferreira – Perryville Road – NOI – SE60-1242

Mr. Materne stated that Brad Holmes, of ECR, the peer reviewer, asked if the commission was ok with him meeting with the applicant's wetland scientist on site? Does the commission have any issues with that?

The commission had no issues.

3. 12 & 14 Linden Lane – NOI – SE60 – 1244 & SE60-1245

Mr. Materne stated at the last site walk the flags were not up in the field. This needs to be fixed. A suggestion was made that from now on any applications made by Chris Andrade from InSite Engineering, need to be with photo documentation. For the staking of the well, footprint and the flagging. How does the commission feel about that?

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The commission agreed.

Mr. Materne asked how many flags does the commission feel should be photographed?

Mr. Nicholson stated one flag should be enough. It doesn't make sense for them to only place 3 flags in the field and not flag the rest of the line. Either they're going to flag it or they're not.

Mr. Evans stated that sometimes there might be a set of new flags in place but they didn't restore the old flags. If we go out to the site and the application is incomplete. We open the public hearing and turn it down.

Mr. Materne replied ok.

Mr. Evans stated we just have to document why we turned it down. The outcome we want here is to not put the burden on us. Visit a site once, when we're told it's ready, is enough of a burden on us.

Mr. Materne stated a letter had to be sent to Mr. Andrade. The documentation for these two properties needs to be submitted before the next site walk. Going forward it must come with the application.

Mr. Nicholson stated to tell Mr. Andrade that there won't be a site walk unless we get the documentation.

Mr. Roach asked what about marking of the actual lot when it is undeveloped lot?

Mr. Materne stated to add that to the letter.

2. Ledgard - 24 Danforth St. – NOI – SE60-XXXX

Mr. Materne stated we didn't have to go out to this site because the wetland line was approved under an ANRAD.

Ms. Nicole Letendre of Watershed Environmental was present.

Ms. Letendre presented plans.

Mr. Materne stated that haybales were needed around the slurry pit.

Ms. Letendre stated she would fix that.

Mr. Materne asked if she felt there was enough room where the work is at the 50' elevation in front of the house? Are you using haybales? You have straw wattles on the plan.

Ms. Letendre stated it didn't matter which one she uses.

Mr. Materne asked do you have enough room to get construction equipment to do your work next to the wattles?

Ms. Letendre stated it's grading that's close to the wattles there.

Mr. Materne asked so you feel the equipment can do work there without damaging the wattles?

Ms. Letendre stated yes.

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

Mr. Prachanronarong stated that wetland signs are needed at Flags 1, 3, 5, and 7.

Ms. Letendre stated ok.

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

Ms. Letendre requested a continuance until July 20, 2021.

Mr. Evans made a motion to grant a continuance until July 20, 2021.

Mr. Kershaw seconded the motion. Roll call vote; all replied aye. Motion passes.

3. Costa – 15 Hillside Ave. – NOI – SE60-1248

Mr. Materne stated that the applicant requested a continuance until July 20, 2021.

Mr. Evans made a motion to grant a continuance until July 20, 2021.

Mr. Nicholson seconded the motion. Roll call vote; all replied aye. Motion passes.

4. Pioneer Investments – 267 Homestead Ave. – NOI – SE60-1249

Mr. Kyle Devenish of Outback Engineering was present.

Mr. Materne stated that the commission did not visit the site due to the holiday weekend.

Mr. Devenish requested a continuance until July 20, 2021.

Mr. Evans made a motion to grant a continuance until July 20, 2021.

Mr. Nicholson seconded the motion. Roll call vote; all replied aye. Motion passes.

5. Crosby – 133 Martin St. – RDA

Mr. Dean Monsees of OSD Systems was present.

Mr. Monsees presented plans.

Mr. Materne stated that the commission did not verify the line because of the holiday. He didn't see an issue with this project. Recommended a Negative 3, with the stipulation that the wetland line was not verified, be issued. How does the commission feel?

Mr. Evans stated to Mr. Monsees to please let the client know they need to be careful on how they drain the above-ground pool.

Mr. Evans made a motion to issue a Negative 3 Determination with no wetland line verified.

Mr. Nicholson seconded the motion. Roll call vote; all replied aye. Motion passes.

6. Solo Realty – 16 Short Street – RDA

There was no representative from Gilbert Associates present.

Mr. Materne asked if the commission wanted to discuss the project?

Mr. Evans stated he had questions as to why they don't move the septic system outside the 100' buffer zone.

Mr. Nicholson stated that the septic system should be moved north and west.

The public hearing was not opened.

7. Roias – 98 Reynolds Ave. – NOI – SE60-1250

Mr. Dave Santos of Prime Engineering was present.

Mr. Materne asked if they heard back from NHESP yet?

Mr. Santos stated that they had heard back from them. This project does not result as a prohibited take. We will forward the letter to the commission.

Mr. Santos presented plans.

Mr. Materne asked the lined area, that's the part that was disturbed?

Mr. Santos stated correct. Our wetland scientist has gone out and delineated a wetland line, using a lot of soil samples. We determined the area that was disturbed. We are going to replant that area and replenish it. The dark circle marks we are proposing to put boulders or rocks to outline this. So, if there is any maintenance that happens in the future the wetlands are not disturbed again.

Mr. Materne stated you are going to need to present us with a restoration plan. We want to know what you're planting in the area you restore.

Mr. Santos stated we have a planting mix that we will include on the plan.

Mr. Materne stated when you restore the wetland you restore it in kind. If he cut trees down, he has to put trees back.

Mr. Santos replied ok.

Mr. Materne stated that has to be on the plan.

Mr. Materne stated he wanted to discuss the wildflower seed mix you are going to plant and mow once or twice a year.

Mr. Evans asked could you tell us more about the disturbance?

Mr. Santos stated he had not been to the site himself. He believed it was clearing of trees and brush in order for the applicant to reach the back of the property.

Mr. Roach stated the applicant brought it down to grade.

Mr. Materne asked in the wetlands?

Mr. Roach replied yes.

Mr. Materne stated the commission would be going out there. They will then have a better idea of what's going on.

Mr. Santos requested a continuance until July 20, 2021.

Mr. Evans made a motion to grant a continuance until July 20, 2021.

Mr. Prachanronarong seconded the motion. Roll call vote; all replied aye. Motion passes.

General Business

1. Ferreira – 155 Perryville Road – SE60-509 – Request for COC

Mr. Roach stated that everything is in order. Recommended issuing the COC.

Mr. Materne asked if there were any questions? There were none.

Mr. Evans made a motion to issue a Certificate of Compliance.

Mr. Nicholson seconded the motion. Roll call vote; all replied aye. Motion passes

2. Wharton – 17 Victoria Ln. – SE60-330 – Request for COC

Mr. Roach stated that it looked like any boundaries there were being respected, there were no takings.

Mr. Materne asked if there were any questions? There were none.

Mr. Evans made a motion to issue a Certificate of Compliance.

Mr. Nicholson seconded the motion. Roll call vote; all replied aye. Motion passes

3. 243 Homestead Ave. – Discussion

Mr. Roach stated that he was asked to have this on the agenda for discussion. This was an approved NOI. There is a driveway that is crossing over the wetlands. They received their Authorization to Proceed with erosion control installed. They brought some fill in. They have not constructed the driveway yet. It caused some back up of water on the adjacent property. He spoke with the owner of the lot in question. The owner installed a temporary pipe before the driveway is installed. It did elevate some of the water back up. But an additional pipe would be necessary. The person who owns the adjacent property asked that this be put on the agenda to ask the commissions opinion.

Mr. Materne stated that these are the very concerns the abutter had to begin with. Have any of the equalizer pipes been installed yet?

Mr. Roach stated no. The driveway has not been installed.

Mr. Materne stated he thought that before they do any work in the back the driveway needs to be installed correctly. Right now, they are creating problems that the abutter expressed concerns about when we discussed approving the NOI. How does the commission feel about that?

The commission agreed.

Norma Souza was present on behalf of her parent of 243 Homestead Ave.

Ms. Souza stated that the property is her mom and dads. She has walked the property the entire time of construction of the driveway. Prior to them digging a trench, yesterday or today, there was 3' of water on my mother's side of the property. The abutter of our property had no water, there was always water there before. Now the trench has been dug. There is 2' of water where it seems to be rolling back off of that. The problem is there's a pond behind the next neighbor from us, that would stream across the middle of our property and stream across into the swamp between us and the next-door neighbor on the other side. That has all stopped because of this driveway. Our concern was the water flooding on our side. Knowing that the driveway was going to stop the natural flow of water from east to west. That's exactly what has happened. The pipe that was put in, the water isn't even reaching it. To put a seconded one in it would have to be lower than the water level for it to work. We need to correct the flooding. Is he required to replace the foliage he has destroyed?

Mr. Materne asked what side of the driveway is the trench on? Your side or the other side?

Ms. Souza stated it is on our side.

Mr. Materne stated we are going to make him do the driveway correctly first. We felt that the piping would be sufficient. He hasn't put any of it in. That's his requirement. He also thought we need to go out there to see what type of damage is being done.

Ms. Souza stated she had proof of everything from day one until now with pictures.

Mr. Materne stated to Mr. Roach that he needed to tell them that all other work stops until the driveway is built correctly and water flow is controlled per the plans.

4. Conservation Commissioners Updates

Mr. Materne stated that a lot had been done to get handicapped trails.

Mr. Materne asked how SRPEDD was doing with completing the Open Space plan?

Mr. Roach stated they are putting the final touches on it. It will then be sent to the state to be verified.

5. Agent Update

Mr. Roach stated he spoke with Town Counsel regarding signing over land to the Conservation Commission. Town Counsel stated there is a process for that to occur. It would take a vote at Town Meeting. Explained further.

Concerns & Complaints

1. 582 Winthrop Street – Concern – Working Past the Scope of RDA

Mr. Roach stated they are on the stie walk list for July 18, 2021.

Mr. Materne asked do they know if they are not there that this will go to Town Counsel?

Mr. Roach stated yes.

2. 72 Martin Street – Concern

Mr. Roach stated he had not received anything from them.

3. 97 Salisbury Street – Concern

Mr. Materne stated that Mr. Morgan, Mr. Nicholson, Mr. Roach and himself had meet with the property owner. We agreed that he has to put up wetland signs.

Mr. Roach stated that he has a meeting scheduled for this week. He will mark the three locations for the signs.

Mr. Materne stated that once those signs are in place, we can lift the Enforcement Order.

4. 29 County Street - Concern

Mr. Roach stated he had not done the soil testing yet.

Mr. Materne stated that the testing has to be done before it is diluted and washed away. Get this done before the next meeting.

Mr. Roach stated yes. The vegetation not growing back is what prompted this?

Mr. Materne stated yes. There was a clear line. It was like someone sprayed it with a herbicide.

5. 23 Winthrop Street – Concerns

Mr. Roach stated they are on the stie walk list for July 18, 2021.

Mr. Materne asked do they know if they are not there that this will go to Town Counsel?

Mr. Roach stated yes.

6. 172 Summer Street – Concern

Mr. Materne stated he is still waiting for Karl Drown, Health agent. He hasn't gotten in touch with him yet. He is getting ready to go directly to the Fire Chief. He doesn't want this to get dropped again.

Meeting Minutes

1. March 2, 2021

Mr. Evans made a motion to approve the above-named meeting minutes.

Mr. Nicholson seconded the motion. Roll call vote; all replied aye. Motion passes.

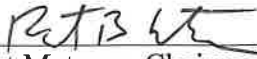
ADJOURNMENT

Mr. Evans made a motion to adjourn the meeting.

Mr. Nicholson seconded the motion. Roll call vote; all replied aye. Motion passes.

Meeting adjourned at 8:07 pm.

For the Conservation Commission



Robert Materne, Chairman

David Evans, Vice-Chairman