

**CONSERVATION  
COMMISSION**

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Robert Materne, Chairman  
David Evans, Vice Chair  
Thomas Nicholson  
Krisna Prachanronarong  
Stephen Choquette  
Matthew Habershaw  
Matt Kershaw  
Scott Pennoyer, Assoc. Mbr.  
Sara Huber, Assoc. Mbr.  
Daniel Roach, Agent

**REHOBOTH CONSERVATION COMMISSION**  
**Meeting Minutes – July 7, 2020**

**Present:** Robert Materne, Chairman, Dave Evans, Krisna Prachanronarong, Thomas Nicholson, Stephen Choquette, Matt Kershaw, Daniel Roach Conservation Agent.

**Absent:** Matt Habershaw, Associate Member Sara Huber, Associate Member Scott Pennoyer.

**CALL TO ORDER**

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

**Public Hearing and Meetings**

1. Barrett – 94 Salisbury Street – NOI – SE60-1194

Mr. Mark Mariano of Oakhill Engineering was present.

Mr. Mariano presented plans.

Mr. Materne stated that the line had been verified and is all set. Asked are you going excavate the removal of the old leach field?

Mr. Mariano stated they are going to fill the tank and disconnect the pipe.

Mr. Materne asked are you going to reuse the hole that was already dug?

Mr. Mariano stated we are going to use it.

Mr. Materne stated that before we can issue an Authorization to Proceed you need a new set of plans.

You need to erase all that's existing and put the whole septic system design where it's going. Not show where it was going. You also have to change your elevations.

Mr. Mariano stated he will give direction to build it as show on the plan. He will put stakes out for the contractor.

Mr. & Mrs. Powers were present.

Mrs. Powers stated they were informed that the commission needed to know how much hay was going to be used. It wasn't discussed.

Mr. Materne stated that they have erosion control already in place.

Mrs. Powers stated we were told that the hay was holding up the process.

Mr. Materne explained that the process was held up because a filing needed to be done.

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 with the purple lines taken off the plan.

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

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2. Ferreira – 180 Pleasant Street – NOI – SE60-XXXX

Mr. Rob Davis of InSite Engineering was present.

Mr. Davis presented plans.

Mr. Materne asked where are you in the 50' buffer zone?

Mr. Davis stated we are not in the 50' buffer zone. We are just outside of the 100' buffer zone.

Mr. Materne asked why did you file?

Mr. Davis stated that there is a steep slope where the discharge is going. He'd rather have the commission on board and be involved with the project.

Mr. Materne asked where on the plan is the closest impact area?

Mr. Davis stated on page 11. There is a blow up of the wetlands. At CSW2 that shows the compose sock right up against the 100' buffer zone. The constructed wetland come outside it including the discharge. It is right next to the 100' buffer zone. We could have filed an RDA, because it's so close, and a fairly large project it's best to get off on the right foot with the commission.

Mr. Nicholson asked what are you looking to permit, just the infrastructure or the homes as well?

Mr. Davis stated that we will file individual NOI's for each lot. This is just for the roadway and BMPs.

Mr. Evans stated we are hoping that in the future we find out about properties coming out of chapter in a prompter manner.

Mr. Davis stated he would pass that along to the developer.

Mr. Davis asked for a continuance until July 21, 2020.

Mr. Evans made a motion to grant a continuance until July 21, 2020.

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

3. Karalis – 9 Park Street – RDA

Mr. Chris Andrade of InSite Engineering was present.

Mr. Materne asked if the line was approved under and ANRAD?

Mr. Roach stated it was approved with 9 Park Street filing.

Mr. Materne asked if the line was still valid?

Mr. Roach stated yes.

Mr. Andrade presented plans.

Mr. Materne asked if all the flags were in good order?

Mr. Andrade stated we had the flags rehung.

Mr. Materne asked is the limit of work below the 50' buffer? Is it an open area between the wetlands and the siltation control?

Mr. Andrade stated it is hilly. Whatever the applicant has to do to stay within the 50' they are going to do. All work will stay between the 100' and 50' mark.

Mr. Evans made a motion to issue a Negative 3 Determination.

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

4. Lambe – 63 Homestead Ave – ANRAD – SE60-XXXX

Ms. Rachel Smith of Otis Dyer's office was present.

Ms. Smith presented plans.

Mr. Materne stated we need to go out to verify the line due to the holiday. You do not want us to verify the mean annual high water, why is that?

Ms. Smith stated we are not proposing anything within 200' of that. At a previous meeting with Mr. Mariano you suggested we could take a look at it but not verify it.

Mr. Materne stated if we don't verify it, we have to make sure you are more than 200' from the mean annual high water mark. My concern is where your septic system pits are. You might not end up being that far away.

Ms. Smith stated Mr. Mariano has a septic design which we will be submitting and it keeps everything well out of 200' river protection buffer.

Mr. Materne asked if the limit of work is going to be well beyond the 200' mark?  
Ms. Smith stated yes.  
Mr. Evans asked if the mean annual high water mark flags in the field?  
Ms. Smith replied yes, they are.  
Mr. Materne stated that if we look at that and verify it the project and buffer zone of A27-A32 series if it's outside of that buffer zone then it would be outside of the riparian zone.  
Ms. Smith stated that almost all the activity is trying to be kept even outside the 100' buffer.  
Mr. Materne stated that the mean annual high water mark 9 is 250' from pipe 4.  
Mr. Mark Mariano of Oakhill Engineering was present.  
Mr. Mariano stated from the limit of disturbance to the 200' mark we have about 35' extra. That is to the tow of the slope.  
Mr. Materne asked if the culvert had ever been built?  
Ms. Smith stated no.  
Mr. Materne stated that this is a natural heritage site as well.  
Ms. Smith stated they will be filing with them.  
Ms. Smith requested a continuance until July 21, 2020.  
Mr. Evans made a motion to grant a continuance until July 21, 2020.  
Mr. Choquette seconded the motion. Roll call vote; all replied aye. Motion passes.

5. Dumas – 1 Glebe Street – NOI – SE60-XXXX

Mr. Chris Andrade of InSite Engineering was present.  
Mr. Andrade presented plans.  
Mr. Materne stated because you are working right up to the edge of the wetlands you need to have more conservation signs. Put them at A2, A32, A28 and A5.  
Mr. Evans asked if the wetland line had been verified?  
Mr. Materne stated yes through and ANRAD.  
Mr. Roach asked with the driveway right next to the A34-A31, do you think there is a need for additional erosion control other than straw wattle?  
Mr. Andrade stated it is pretty flat there.  
Mr. Andrade requested a continuance until July 21, 2020.  
Mr. Evans made a motion to grant a continuance until July 21, 2020.  
Mr. Choquette seconded the motion. Roll call vote: all replied aye. Motion passes.

6. Meridian – 3 Linden Lane – RDA

Mr. Chris Andrade of InSite Engineering was present.  
Mr. Andrade presented plans.  
Mr. Materne stated we did not go out and verify the line.  
Mr. Evans made a motion to issue a Negative 3 Determination with the wetland line not verified.  
Mr. Prachanronarong seconded the motion. Roll call vote; all replied aye. Motion passes.

**General Business**

1. Pennoyer – 237 Brook Street – Request for 3 yr. Extension – SE60-1003

Mr. Scott Pennoyer was present.  
Mr. Evans made a motion to grant a 3-year extension for SE60-1003.  
Mr. Prachanronarong seconded the motion. Roll call vote; all replied aye. Motion passes.

2. Branco – 259 Plain Street – Request for 3 yr. Extension – SE60-1079

Mr. Evans made a motion to grant a 3-year extension for SE60-1003.  
Mr. Prachanronarong seconded the motion. Roll call vote; all replied aye. Motion passes.

### 3. 425 Fairview Ave – Widening Driveway - Discussion

Mr. Materne stated that applicant has an NOI application. They want to widen the driveway 4' on either side. The ditch is under highway control. We have to decide how to approach this.

Mr. Roach stated he has spoken to Michael Costello; he is fine with it as long as they extend the pipe that is going under the driveway. This is either an amended Order of Conditions or included on an as-built plan.

Mr. Materne asked if it needs to be replicated? It's 8' wide by 8' long.

Mr. Evans asked if this had replication area?

Mr. Materne stated no, there was never a replication area because it was an already existing cart path.

Mr. Evans asked when did we issue the orders?

Mr. Roach stated right now it's a swale running down the length of Fairview Ave.

Mr. Materne stated the plan was drawn in 2018.

Mr. Evans stated he would like to see it before he gives his thoughts on it.

The commission agreed to go out on their next site walk.

### 4. 297 Winthrop Street – Prosperity Partners – Siltation Control – Discussion

Mr. Steve Gioiosa of SiTec Engineering was present.

Mr. Gioiosa spoke in regards to the requested change in the siltation controls. Requesting the change to be silt fence instead of straw wattles.

Mr. Nicholson asked if there was a reason why it was originally proposed with wire mesh silt fence and haybales?

Mr. Gioiosa stated we are not the original design consultants. We have been brought in to take the project over. I'm not sure why they did propose the wire mesh.

Mr. Materne stated that the problem we always have had with silt fence is a lot of times contractors don't install it correctly. The major concern is when we allow silt fence, we insist that straw wattles be part of the erosion control.

Mr. Choquette stated as long as it is installed correctly, I don't have a problem with it.

Mr. Materne asked if we want haybales along the driveway, the slope is steep.

Mr. Choquette stated absolutely.

The commission discussed what should be installed for siltation control and where.

The commission agreed on straw wattles everywhere silt fence is proposed, then haybales and straw wattles around the driveway. There is no need for silt fence at all.

### 5. Smith – 5 Willow Way – Request for COC – SE60-1022

Mr. Materne stated that this project had a replication area. We did not go out and look at it.

Mr. Roach stated that Mr. Choquette and himself had gone out to this site previously.

Mr. Materne asked if the replication area is ok?

Mr. Choquette stated yes.

Mr. Materne asked is the as-built plan correct?

Mr. Roach stated yes.

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

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

### 6. Correia – 174 Anawan Street – Request for COC – SE60-640

Mr. Materne stated this has a replication area.

Mr. Roach stated that he and Mr. Choquette had gone out to the site.

Mr. Choquette stated there were no planting for this, just a wetland seed mix. It looks good.

Mr. Materne asked if the as-built meets the requirements?

Mr. Roach stated it does.

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

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

7. DuVally – 22 Birchwood Drive – Request for COC – SE60-862

Mr. Materne stated there are two NOI's on this property. The building of the house and for the driveway. There was never a COC for the driveway. On the plans I couldn't find the replication area for the driveway, even though there was a crossing.

Mr. Roach stated that the replication area was done with the driveway.

Mr. Materne asked if it has a COC?

Mr. Roach stated he would have to check. I did go to the site and walked the line. Everything is done properly.

Mr. Evans asked we have an outstanding NOI on the same property and we don't know if the replication area is done?

Mr. Materne stated for the driveway not the house.

Mr. Evans stated why don't we resolve the driveway before we give a COC for this. I don't want to give a COC if there is still something outstanding on the driveway.

The item was tabled until the next meeting.

8. Agent Update

Mr. Roach updated the commission on the Authorization's to proceed that had been issued since the last meeting.

Mr. Roach spoke in regards to the Conservation Restriction proposed for Middlebrook. He has spoken with Town Counsel and Natural Heritage. Some of the owners of the properties are concerned that the Conservation Restriction is going to be on their property. Natural Heritage is going to work with the current owners. Due to the complicated nature of this it's my opinion that we let someone else hold the Conservation Restriction. I have asked Town Counsel their opinion on this. They are reviewing the language before giving their opinion.

Mr. Materne stated we don't have a say about this. It is in Town Counsel's hands.

The commission discussed the issue of who should hold the Conservation Restriction and who is responsible for questions for the property owners.

Mr. Robert Fasullo of Pleasant Street was present.

Mr. Fasullo gave a brief overview of what he is doing and the situation with the Conservation Restriction.

Mr. Evans explained Natural Heritage and how they handle things.

Mr. Materne stated that the Conservation Commission does not specialize in endangered species. We are here to enforce the Wetlands Protection Act.

Mr. Daniel Fournier of Pleasant Street was present.

Mr. Fournier stated he was looking for direction from the commission on how to proceed with this situation.

Mr. Roach stated that the best place to get answers for your concerns is Natural Heritage.

Ms. Mary Alice McGee of Pleasant Street was present.

Ms. McGee stated that the Conservation Restriction is the piece we are all objecting too. I don't want a Conservation Restriction on my property. Is there anything the Conservation Commission can do to help with that?

Mr. Evans stated no, it's not in our jurisdiction. You would need to speak to whomever sold you the property.

Mr. Materne announced that South East Mass district and the Cape & Islands are the only two area in Mass that are not under a drought restriction. This is something the commission needs to keep an eye on. It will effect people trying to overcome the presumption of a perennial stream.

### **Concerns & Complaints**

Mr. Materne asked if Mr. Roach had reached to any of the below addresses?

Mr. Roach stated he had reached out to all of them. He gave an update on where each one stood:

1. 46 Broad Street – Concern

Mr. Materne stated that this property is in good shape.

2. 72 Martin Street – Concern

Mr. Materne stated that the commission will be going out to this site at their next site walk.

3. 97 Salisbury Street – Concern

Mr. Materne asked if the Mr. Nicholson wanted to go out to the site or wait for the Notice of Intent.  
Mr. Nicholson stated to wait for the Notice of Intent.

4. 582 Winthrop Street – Concern – Working Past Scope of RDA

Mr. Materne asked if anything had been done/

Mr. Roach stated no.

### **Meeting Minutes**

Minutes were tabled to a future meeting.


### **ADJOURNMENT**

Mr. Evans made a motion to adjourn the meeting.

Mr. Choquette seconded the motion. Roll call vote – all replied aye. Motion passes.

Meeting adjourned at 8:33 pm.

For the Conservation Commission

  
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Robert Materne, Chairman

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David Evans, Vice-Chairman