

**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

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REHOBOTH, MA

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – August 11, 2020

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

Absent: Associate Member Sara Huber, Associate Member Scott Pennoyer.

CALL TO ORDER

Mr. Materne called the meeting to order at 7:06 PM.

Public Hearing and Meetings

1. Lambe – 63 Homestead Ave. – ANRAD – SE60-1195

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

Mr. Mark Mariano of Oakhill Engineering was present.

Mr. Mariano presented plans.

The commission discussed the construction of the crossing, the construction of the headwall.

Mr. Nicholson stated that the section of headwall he is seeing a small minimum 1" ¾" stone. Are you putting 1" of stone there?

Mr. Mariano stated that is a typo. It should be 1'.

Mr. Nicholson asked what the culvert is discharging into? It is being shown as a precast what is the transition?

Mr. Mariano stated that the existing riverbank invert is 98'. I'm just trying to match it.

The commission discussed the wetland system on either side of the culvert and if replication was needed.

Mr. Nicholson made a motion that the applicant does not have to replicate because of the size of the wetlands that are being disturbed and the character of the wetlands that are being disturbed as well. The ditch was created to an Isolated Vegetated Wetlands to a Bordering Vegetative Wetland.

Mr. Habershaw seconded the motion.

Roll call vote:

Nicholson – aye

Kershaw – aye

Prachanronarong – aye

Habershaw – aye

Materne – abstain

Choquette – no

Evans – no

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Motion passes.

Mr. Nicholson stated that in the Order of Conditions it needs to be noted that the culvert be constructed in the dry season.

Mr. Materne stated that Natural Heritage stated there has to be a turtle plan during construction to protect the wood turtle. This needs to be approved by Natural Heritage.

Ms. Smith stated that Mr. Brandon Faneuf is working on that.

Mr. Nicholson stated that having a slurry pit 40' away from where the well is being installed is to far away.

Mr. Mariano stated we can move it closer.

Mr. Nicholson stated it should be tucked up next to the well.

Mr. Materne stated that when the Authorization to Proceed is issued you have to have the DEP sign on the road.

Ms. Smith requested a continuance until August 18, 2020.

Mr. Evans made a motion to grant a continuance until August 18, 2020.

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

2. Marks – 250 Perryville Road – RDA

Mr. Habershaw recused himself.

Mr. Materne stated that the wetland line had not been verified.

Mr. Roach stated that the commission had been out the before. There was an RDA for the well.

Mr. Materne stated that the flags are no longer in the field.

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

Mr. Prachanronarong seconded the motion. Roll call vote: all replied aye, Mr. Habershaw abstained.

3. Lillie Mac – 367 Anawan Street - RDA

Mr. Brian Vieira of 367 Anawan Street was present.

Mr. Materne stated that the commission had gone out to the site and could not find the flags. The application says "clearing trees for personal use". You have to tell us what you are going to be doing on the property. How many trees are going to be cleared? If you are going to clear 50%, they need to be marked and someone will need to oversee that.

Mr. Vieira stated that he wants to clear the trees.

Mr. Materne stated draw on the map what trees you are going to be clearing.

Mr. Vieira stated we are going to be clearing all the trees.

Mr. Materne stated the flags need to be rehung accurately on the property. Let us know on the plan what your intents are.

Mr. Vieira requested a continuance until August 18, 2020.

Mr. Evans made a motion to grant a continuance until August 18, 2020.

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

4. Mcallister – 17 Bay State Road - RDA

Mr. Roach presented the plans.

Mr. Materne stated because there are no flags on the wetlands, we have no way to verify them. We are only going to make a determination on the septic system not the driveway.

Mr. Evans made a motion to issue a Negative 3 Determination for the septic system only. The driveway and flag issue will have to be done with another filing. New plans without the driveway need to be submitted.

Mr. Habershaw seconded the motion. Roll call vote: all replied aye. Motion passes.

General Business

1. Close Escrow Account – 28 Smith Street - \$17.35

Mr. Evans made a motion to close the escrow account for 28 Smith Street.

Mr. Choquette seconded the motion. Roll call vote: all replied aye. Mr. Habershaw abstained. Motion passes.

2. Harper – 74-78 Blanding Road – Request for COC – SE60-1172

Mr. Roach stated that everything is in compliance.

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

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

3. Baasch - 62 Blanding Road – Request for COC – SE60-265 & 266

Mr. Roach gave the background on the property and the request.

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

Ms. Smith gave some background on the property as well.

Mr. Materne stated that more research needs to be done before we should vote on them.

4. Middlebrook Conservation Restriction - Discussion

Mr. Roach stated that the decision to make is if the Commission wants to hold the Conservation Restriction for this property. I have spoken with the engineer for this project and told him we would talk about this on August 18th, 2020.

Mr. Materne asked if we have heard back from Town Counsel?

Mr. Roach stated he has heard back from Town Counsel and has an opinion.

5. Signatory Authority - Vote

Mr. Habershaw made a motion to approve Mr. Materne, Mr. Evans and Mr. Roach to sign for the commission.

Mr. Choquette seconded the motion. Roll call vote: all replied aye.

6. Agent update

Mr. Roach gave an update on the list of Authorization to Proceeds he has issued since the last meeting.

29 County Street

Mr. Roach stated this was an NOI for a septic system. It appears there is more clearing than there should have been. He showed the commission pictures of the concern.

Mr. Materne stated to put this on for the next site walks.

Mr. Choquette stated to call them to Cease and Desist all work on the property.

Mr. Materne stated that a Cease & Desist should be issued and to let them know the commission is going to be coming out to look at the property.

23 Bay State Road

Mr. Materne stated behind 17 Bay State Road there is a violation. We need to contact them.

Mr. Nicholson stated he looked at a couple different areal maps and one map that showed a gray area there and that was in 2017. Then in early 2019 that gray area was ½ filled in with dirt from the back barn. Then the latest photo which is late 2019 it is like it is today.

Mr. Materne stated they should have filed for that. Mr. Roach could you contact them and let them know we need to look at their property. They did work without a filing.

Concerns & Complaints

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

Mr. Materne asked Mr. Roach have you hear anything?

Mr. Roach states he left them another message today. he has been getting their voicemail. He has not received anything back.

Mr. Nicholson asked if he is still working out there?

Mr. Materne stated no. He is using the property for his business.

Mr. Roach stated the commission can issue an Enforcement Order.

Mr. Materne stated issue an Enforcement Order and send a letter with it that states if we don't get a response it's going to Town Counsel.

Mr. Evans made a motion to issue an Enforcement Order by certified mail with a letter if we don't hear back, we are going to refer to Town Counsel.

Mr. Habershaw seconded the motion. Roll call vote: all replied aye except Mr. Choquette replied no. Motion passes.

2. 72 Martin Street – Concern

Mr. Materne stated this property has a lot of damage. He is going to have to file a Notice of Intent. We should issue an Enforcement Order.

Mr. Roach stated he is already speaking with an engineer and filing a Notice of Intent voluntarily.

Mr. Materne stated the Enforcement Order is different.

Mr. Evans stated that he thinks there's a way to issue an Enforcement Order. Have Mr. Roach write a letter that "the Enforcement Order is procedural. We understand you are hiring an engineer. Right now, a Notice of Intent will be required as outlined in the enclosed Enforcement Order. Any questions please call."

Mr. Evans made a motion to issue the Enforcement Order with the letter.

Mr. Habershaw seconded the motion. Roll call vote; all replied aye.

Mr. Michael Morrissey of 72 Martin Street was present.

Mr. Morrissey stated he has contacted three engineers. He has finally found one that he could get working on this. He is just waiting on them to put something together.

3. 97 Salisbury Street - Concern

Mr. Materne asked if the property owner has filed a Notice of Intent yet?

Mr. Roach stated that he has not received any communication from the property owner.

Mr. Evans asked is there any work being done?

Mr. Roach replied no.

Mr. Materne stated let's send a letter with the Enforcement Order date on it. This is the third time he has been in the wetlands. DEP denied him the request to work in the wetlands.

Meeting Minutes

1. May 19, 2020

2. July 7, 2020

Mr. Materne gave correction for May 19th, 2020 and July 7th, 2020.

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

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

ADJOURNMENT

Mr. Evans made a motion to adjourn the meeting.

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

Meeting adjourned at 8:25 pm.

For the Conservation Commission

A handwritten signature in dark ink, appearing to read 'Rt B Materne', written over a horizontal line.

Robert Materne, Chairman

A handwritten signature in dark ink, appearing to read 'David Evans', written over a horizontal line.

David Evans, Vice-Chairman