

**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 – August 17, 2021

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

Absent:

CALL TO ORDER

Mr. Materne called the meeting to order at 7:04 PM.

Public Hearing and Meetings

1. Andrade – 29 Medalist Dr. – NOI – SE60-1259

Mr. Materne stated that the application will be continued until August 31, 2021.

2. Andrade – 33 Medalist Dr. – NOI – SE60-1260

Mr. Habershaw recused himself.

Mr. Chris Andrade of InSite Engineering was present.

Mr. Materne stated that at the last meeting we were waiting for the DEP #, we have that now.

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.

3. McGee – 102 Cameron way – NOI – SE60-XXXX

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

Ms. Smith present plans.

Mr. Materne stated the commission had gone out and verified the line. We do not have a problem with you connecting B16 to B7.

Mr. Evans stated that Ms. Smith and himself had discussed the idea of putting a conservation sign at midpoint, between the part being completed.

Mr. Materne asked do you want any signs on the wetland line?

Ms. Smith stated they are proposed at flags B16, B7 and B2.

Mr. Materne asked if the commission had any issues with the driveway?

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Mr. Choquette stated this land abuts Cameron Way, correct?

Ms. Smith stated it has frontage on Cameron Way.

Mr. Choquette asked if the plans had been brought before the Architectural Committee that was established on Cameron way?

Ms. Smith stated that the applicant needs to talk to them. We just found out about it recently. She believed she contacted a resident to find out who the architectural committee was.

Mr. Choquette stated with the courts there is a restriction of covenant on that land. This is usually done prior to any approval of any project.

Mr. Materne asked would that effect our decision making?

Mr. Choquette stated it might.

Mr. Evans asked if we still did not have a DEP #?

Ms. Smith stated we are still waiting for a DEP #.

Mr. Evans stated let's continue it and see if they can get a meeting with the committee. Hopefully by the time we meet next we'll be in a position to know what happened with the committee and be able to approve the project.

Mr. Choquette asked why they couldn't access it from the other side of the property?

Mr. Materne stated there's a small brook. You could drive over it with a small homeowner's mower but not a farm tractor.

Mr. Choquette asked about the bridge?

Ms. Smith stated that the bridge was good enough for a golf cart.

Mr. Materne stated the bridge is not abutting her property. There are 2 bridges. The one that is part of her property and a secondary one, which is a bit wider. Do you want to discuss the driveway tonight or wait?

Mr. Choquette stated he wanted to wait until it's approved by the committee.

The commission agreed.

Mr. Morgan stated that he had a conversation with Ms. McGee. He discussed the driveway. Particularly the fact that it's a gravel driveway and there are no other gravel driveways on the street.

Ms. Smith stated she didn't mind that Mr. Morgan speak but he is an abutter. You are supposed to recuse yourself.

Mr. Morgan then recused himself.

Ms. Smith stated that a portion of the turn around is in the estimated priority habitat. So, we have filed with Natural Heritage. We have not heard back from them yet. Requested a continuance until August 31, 2021.

Mr. Materne stated he had a number of discussions with DEP. The golf course hasn't been maintained for 3 years. DEP considers anything within 200' of the riparian zone, any type of alteration, which includes mowing, requires a filing with the Conservation Commission. You can not mow any part within 200' of the riverfront without a filing. Cutting and mowing is considered an alteration of the vegetation. If the land owner wants to mow within 200' of the riverfront they have to file a NOI. That will require flagging to determine the line.

Mr. Evans made a motion to grant a continuance until August 31, 2021.

Mr. Habershaw seconded the motion. Motion passes.

4. Goodheart – 396 Tremont Street – NOI – SE60-XXXX

Mr. Chris Andrade from InSite Engineering was present.

Mr. Materne stated the wetland line was already approved by an ANRAD.

Mr. Andrade presented plans.

Mr. Materne asked how many acres there were?

Mr. Andrade replied 15.

Mr. Materne asked do you plan to clear up to the haybales everywhere?

Mr. Andrade stated we are not going to clear anything we don't need to.

Mr. Materne stated ok. At the end of the gravel driveway there's a fair distance to wetland flag A13 line. Are you going to be clearing up to that?

Mr. Andrade stated yes. Along the edge, just if they need space for whatever uses they are going to have. Then they can landscape and maintain. It.

Mr. Materne asked the commission for questions or concerns. There were none.

Asked the commission do you feel the driveway is a good enough buffer between the paddock and the wetland line? Usually if there's a paddock close enough, we would require a berm.

Mr. Evans stated no.

Mr. Morgan asked if it was a paved driveway?

Mr. Andrade stated a gravel driveway. You have 22' to the driveway. Then a 12' driveway. The paddock is almost another 10'.

Mr. Materne stated ok.

Mr. Materne asked where they plan to put the manure?

Mr. Mark Goodheart of 396 Tremont St. was present.

Mr. Goodheart stated usually you spread what you can. Then if there's too much you hire a service to come remove it.

Mr. Materne stated you will be taking it off the property?

Mr. Goodheart stated if we need to, yes.

Mr. Evans stated this application has no DEP #.

Mr. Andrade requested a continuance until August 31, 2021.

Mr. Evans made a motion to grant a continuance until August 31, 2021.

Mr. Habershaw seconded the motion. Motion passes.

5. Ferreira – 10 Starr Lane – NOI – SE60-XXXX

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented revised plans.

Mr. Morgan stated there were a few things discussed in the field. One was a reconfiguration of the septic and the reserve, to make it narrower.

Mr. Andrade stated yes, that is correct.

Mr. Morgan stated one element of that was there was going to be a small retaining wall between that and the street. Is that shown on the plan?

Mr. Andrade stated he was unaware of that. There's no need for it. The concern was whether we'd have enough room to grade.

Mr. Materne asked how far back did you move the house?

Mr. Andrade stated an additional 4'. It's 7' from the retaining wall and then an additional 7'. Were 14' back now. We were at 10'.

Mr. Materne stated previously you were 3' from the waters edge with the retaining wall. Now it's a concrete wall?

Mr. Andrade stated yes. Now it's a concrete wall and 7' from the edge.

Mr. Morgan asked does it say concrete wall on the plan?

Mr. Choquette stated it does not. The detail still shows boulders. Is this the plan that's going to be submitted?

Mr. Andrade stated this was revised and we will submit a new one with any additions from this meeting. He will revise the wall detail.

Mr. Choquette stated there is a boulder wall off one of the wings of the house, where the grade is 4-5' on the corner. You just need to add detail for the concrete wall. From your septic system out to the road it looks like 84-81 grade. There's a 3' grade change, is that correct?

Mr. Andrade stated currently where the driveway is we are at 82'. It's pretty steep on that end. The top grade is going to be 84' in that section. The actual road height is at 79'. There's a 5' difference from where the top of the system is.

Mr. Choquette replied ok.

The board discussed this further.

Mr. Roach asked how far off the road is the top of the system?

Mr. Andrade stated about 20'.

Mr. Materne asked the commission other than the detail of the concrete wall do you have any issues with this project?

Mr. Choquette stated they have to be very careful on excavation on this. We need a detail on how it's going to be done.

Mr. Andrade requested a continuance until August 31, 2021.

Mr. Evans made a motion to grant a continuance until August 31, 2021.

Mr. Choquette seconded the motion. Motion passes.

General Business

1. Ellen Realty Trust – 150 Barney Ave – SE60-1170 – Request for COC

Mr. Roach stated this was done according to plan except there's no germination of seeding, if it was put down. This is not ready for a Certificate of Compliance (COC).

Mr. Evans stated to write them a letter stating "we are not able to issue the COC until the slopes are stabilized" and have them call us when it's ready.

Mr. Materne stated he felt the commission should deny it and have Mr. Roach write a letter explaining why it's been denied.

Mr. Evans made a motion to deny the request for Certificate of Compliance.

Mr. Choquette seconded the motion. Motion passes.

2. Meridian – 27 Starr Lane – SE60-1107 – Request for COC

Mr. Roach stated the grass is in and the slope looked good. Recommended issuing a Certificate of Compliance.

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

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

Mr. Habershaw seconded the motion. Motion passes.

3. Vasconcellas – 39 Starr Lane – SE60-1133 – Request for COC

Mr. Roach stated the grass is in and the slope looked good. Recommended issuing a Certificate of Compliance.

Mr. Choquette stated he was familiar with this site. It all set.

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

Mr. Choquette seconded the motion. Motion passes.

4. Elite Tile – 19 Round Farm Road – SE60-556 – Request for COC

Mr. Roach stated that the site looked good. They actually cleared less than what was on the plans. Recommended issuing the COC.

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

Mr. Habershaw seconded the motion. Motion passes.

5. November 9th & November 23rd – Date Change – Vote

Mr. Materne stated the meeting dated needed to be changed due to the election. These are the new dates.

Mr. Habershaw made a motion to approve the November 9th and November 23rd date changes.

Mr. Choquette seconded the motion. Motion passes.

6. Conservation Commissioners Updates

- 117 County Street

Mr. Materne stated the commission went to the site. Looking at the driveway, do they have to file a NOI to finish the work?

Mr. Roach stated they definitely have to.

Mr. Materne stated they had to file a NOI to work on the driveway. Did they say they were going to file a NOI?

Mr. Roach stated he would check back in the meeting minutes.

Mr. Materne stated the replication area is a messed up. He thought they were going to file a NOI to fix all of it. The original NOI had already expired.

The board discussed this further.

- Open Space Plan

Mr. Materne stated SRPEDD had given us a new Open Space Plan. It's over 100 pages long. Asked if anyone would like a copy? The next step is he's going to bring this before the Board of Selectmen. Then they are going to decide if a new ad-hoc committee is needed, to vote on it, to accept it. This needs to be formal. Once this becomes an official Open Space Plan for the town we can start to apply for grants.

- Land Trust – Carol Entin – Grants

Mr. Materne stated he had spoken to Carol Entin of the Rehoboth Land Trust. She had stated that the state will send out professionals to look at properties. They will devise wild life management plans, for our properties.

- Planning Board

Mr. Materne stated that one of things is we never found out whether or not the Planning Board has made a policy on clear cutting of trees. Have they done that?

Mr. Roach stated they do have a policy already in place. You clear cut what is needed for the roadway and stormwater that is all.

Mr. Materne stated that a lot of the clear cutting has been unnecessary then?

Mr. Roach stated correct.

Mr. Materne asked does the Planning Board have away to make sure they follow the rules?

Mr. Roach stated it would be the Zoning Enforcement Officer.

Mr. Choquette stated that we also meet with them about street tree plantings.

Mr. Roach stated he would bring that up to the board again.

Mr. Materne stated the other thing is the retention ponds. He's concerned because the weather patterns are changing. What if it starts to get really wet and the retention ponds are all overgrown. How do they work? Will they hold stormwater on a major rain event?

Mr. Choquette stated they are designed to.

Mr. Materne stated if they are filled with tree, will they? The town is responsible to keep them clean.

This was discussed further

7. Agent Update

There was no update.

Concerns & Complaints

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

Mr. Materne asked if there was an update?

Mr. Roach stated the owner was out of town. The owner is going to continue working on this. Do you want to set a date that it needs to be done by?

Mr. Materne stated the berm, cleaning up the gravel, and the cleaning by hand work, that is half a days' worth of work.

Mr. Choquette stated by September 15th.

Mr. Materne stated we have a meeting on September 14th. So, completed by Sunday September 12th.

2. 72 Martin Street – Concern

Mr. Materne asked if there was an update?

Mr. Roach stated he had called the owner and the owner is going to reach out to the engineer.

Mr. Materne stated we gave him a deadline to due the work by the end of the planting season.

Mr. Habershaw stated growing season is August 15th – October 15th.

Mr. Materne stated otherwise they are going to have to wait another year.

Mr. Habershaw stated they will have to wait until next spring.

3. 97 Salisbury Street – Concern

Mr. Materne stated he drove by the property and nothing has been done. There are no wetland signs up.

Mr. Roach stated he would call the owner.

4. 29 County Street – Concern

Mr. Roach stated he received information back from the soil sample that was sent out. There wasn't anything in it.

5. 23 Winthrop Street – Concern

Mr. Materne asked if there was an update?

Mr. Roach stated he was mistaken; we do not have anything that allow us to fine someone.

Mr. Evans stated we need to have a by-law.

Mr. Materne stated now it is up to Town Counsel.

Mr. Roach stated he has spoken with Town Counsel.

6. 172 Summer Street – Concern

Mr. Materne state that he has given the reports to the Board of Selectmen's office. That included what the Fire Chief had written, the photographs, what Ms. Smith wrote, what Mr. Morgan had written, what he had wrote and what Ms. Eyke wrote. Ms. Arruda, Interim Town Administrator, stated that Mr. Perry is the lead on this for the Selectmen. Now we wait for the Board of Selectmen to decide if they are going to call people that were there to speak to them. The Board of Selectmen decide whether they think the town can handle the violation or not. That decision will be given to DEP

7. 35 Starr Lane – Concern

Mr. Roach stated that the straw wattles were put back.

Mr. Choquette stated they are not properly installed. They are sitting on top of each other.

Mr. Habershaw stated there's space underneath them.

Mr. Roach stated he would go back out there tomorrow.

Mr. Materne stated to Mr. Roach when you go back out to the stie call Mr. Choquette and himself. They would like to look at them also.

ADJOURNMENT

Mr. Evans made a motion to adjourn the meeting.

Mr. Habershaw seconded the motion. Motion passes.

Meeting adjourned at 8:03pm.

For the Conservation Commission


Robert Materne, Chairman

David Evans, Vice-Chairman