

**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 3, 2021**

**Present:** Robert Materne, Chairman, Dave Evans, Matt Habershaw, Stephen Choquette, Associate Member William Morgan, Daniel Roach Conservation Agent.

**Absent:** Krisna Prachanronarong, Thomas Nicholson, Matt Kershaw.

**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. Ferreira – Perryville Rd. – ANRAD – SE60-1242**

Mr. Rob Davis of InSite Engineering was present.

Mr. Davis presented revised plans.

Mr. Materne stated that the over flow channel, if it shows flow, it's considered a perennial stream. Do you want to leave the ANRAD open until you get the 4 days of no flow for the perennial stream or do you want us to close the public Hearing?

Mr. Davis asked if the commission would be ok with them filing an RDA for the stream, or just hold that portion of the ANRAD open and agreed to consider it a perennial stream.

Mr. Materne stated to be very careful working around the IVW because if there's a flow then the IVW can't be filled.

Mr. Davis stated that is understood. We have no intentions of going near the IVW, near the clubhouse.

Mr. Materne stated the two things that could be affected are the road and the retention pond.

Mr. Evans asked if the flags had been moved to reflect the 3' fringe?

Mr. Davis stated yes.

Mr. Evans asked the part that you are asking us to determine, is it the whole plan or does it stop at the line?

Mr. Davis replied it stops at the line.

Mr. Evans asked so, the flags at the top of the plan is going to be a separate filing?

Mr. Davis stated he thought they did review it because the G series does go over that line.

Mr. Materne asked when do you plan on doing phase 2?

Mr. Davis stated it is not on his radar right now. He has his hands full with phase 1.

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Mr. Materne stated that ECR has reviewed all that flagging. Right now it's just lines on the plan. He thought that all the flagging is part of the ANRAD.

Mr. Evan asked if lot 6 was included in the application?

Mr. Davis asked ANR lot 8?

Mr. Evans replied yes.

Mr. Materne stated that ECR didn't identify all the lots, just reviewed all the flagging.

Mr. Evans replied ok. If we issue an ORAD it's going to cover the entire plan. Including the triangle piece?

Mr. Davis stated if the commission is comfortable with that. If you'd like to excluded that it's ok.

Mr. Materne stated he felt it would be simpler to include it all as one.

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. Habershaw seconded the motion. Motion passes.

Mr. Evans made a motion to issue the ORAD with the conditions that the IVW could possible be a BVW, if there is flow going into the over flow channel and the understanding that the perennial stream could become an intermittent stream.

Mr. Habershaw seconded the motion. Motion passes.

## 2. DuVally – 14 November Ln- NOI – SE60-1253

Mr. Rob Davis of InSite Engineering was present.

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. DuVally – 18 November Ln – NOI – SE60-1254

Mr. Rob Davis of InSite Engineering was present.

Mr. Evans made a motion to close the public hearing.

Mr. Habershaw seconded the motion. Motion passes.

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

Mr. Habershaw seconded the motion. Motion passes.

## 4. DuVally – 22 November Ln. – NOI – SE60-1255

Mr. Rob Davis of InSite Engineering was present.

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.

## 5. DuVally – 26 November Ln. – NOI – SE60-1256

Mr. Rob Davis of InSite Engineering was present.

Mr. Materne stated that all changes were made to the plan as requested.

Mr. Evans made a motion to close the public hearing.

Mr. Habershaw seconded the motion. Motion passes.

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

Mr. Habershaw seconded the motion. Motion passes.

## 6. DuVally – 30 November Ln. – NOI – SE60-1257

Mr. Rob Davis of InSite Engineering was present.

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.

7. DuVally – 34 November Ln. – NOI – SE60-1258

Mr. Rob Davis of InSite Engineering was present.  
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.

8. Kirk – 33 Nichols Street – RDA

Mr. Mark Mariano of Oakhill Engineering was present.  
Mr. Mariano presented plan.  
Mr. Materne stated that the flag line was so far from the work and the work is in an existing lawn, we didn't verify the line.  
Mr. Materne asked the commission if there were any questions or concerns, there were none.  
Mr. Evans made a motion to issue a Negative 3 Determination.  
Mr. Habershaw seconded the motion. Motion passes.

9. Andrade – 33 Medalist Dr. – NOI – SE60-XXXX

Mr. Rob Davis of InSite Engineering was present.  
Mr. Davis presented plans.  
Mr. Materne stated that the commission went to the site. The wetland line is accurate. When was the drainage easement and drain pipe installed?  
Mr. Davis stated 2004.  
Mr. Materne asked the commission if there were any questions or concerns, there were none.  
Mr. Davis requested a continuance until August 17, 2021.  
Mr. Evans made a motion to grant a continuance until August 17, 2021.  
Mr. Choquette seconded the motion. Motion passes.

10. Andrade – 29 Meadalist Dr. – NOI – SE60-XXXX

Mr. Rob Davis of InSite Engineering was present.  
Mr. Davis presented plans.  
Mr. Materne stated the commission went to the site. We disagree with the wetland line. On the house side of the wetland line, where it's all field, it's all wetland plants. They were found almost to the stake of the corner of the house.  
Mr. Evans stated the region from Z24 to Z29 needs to go upgradient considerably.  
Mr. Materne stated that you need to go back out there and re-study the vegetation and soils.  
Mr. Davis asked approximately how many feet?  
Mr. Evans stated there is sensitive fern at Z24 that goes up a good 9-10'.  
Mr. Davis replied he'd be happy to do that.  
Mr. Evans stated it may change the plans enough that he didn't want to speak about the replication area right now.  
Mr. Materne stated that in the ditch, it all of a sudden it starts and water starts coming out. That's right on the corner of your replication area around Z5, it's all orange. There's something coming out from under the ground. What's bothering him is why is the water orange. There has to be a pipe there or something. The ditch starts abruptly. Right where the ditch starts it's really hard to get in there to see what it is. It's a concern that needs to be addressed.  
Mr. Davis replied he would find out.

Mr. Materne stated it could be natural.  
Mr. Davis requested a continuance until August 17, 2021.  
Mr. Evans made a motion to grant a continuance until August 17, 2021.  
Mr. Choquette seconded the motion. Motion passes.

#### Autumn Heights Replication Area – Discussion

Mr. Materne stated that the commission had gone out to the site with Mr. Ryan DuVally, the owner of the property. We talked about the replication area. Asked the commission what they thought?  
Mr. Habershaw asked why is there a second wattle going through the middle?  
Mr. Materne stated because that's the pond area that DEP told them to leave alone.  
Mr. Davis stated that is correct.  
Mr. Materne stated that the wattle was to protect the pond from work when they did the replication area. That was the BVW line.  
Mr. Choquette asked so, from that wattle to the silt fence is the replication area?  
Mr. Materne replied yes.  
Mr. Choquette stated that grade is higher.  
Mr. Materne stated that the commission feel the elevation needs to be dropped.  
Mr. Choquette stated that some areas are 1' to 1 ½' higher. If you go to the silt fence some areas are 18-24" higher than the wattle. It slopes up.  
Mr. Davis stated he would take a look at it.  
Mr. Materne stated that the planting will not survive.  
Mr. Choquette asked do we have an as-built plan yet?  
Mr. Materne stated there's no as-built because we haven't issued a COC. Mr. DuVally agrees it needs to be taken care of now.  
Mr. Davis stated the replication area wasn't planted that long ago. So, if we are going to fix it, doing it now is best.  
Mr. Choquette stated it is supposed to be a wetland mix.  
Mr. Materne stated it can't grow too high.  
Mr. Choquette stated it's just grass, not a wetland mix.  
Mr. Evans asked do you think it possible it was applied and didn't grow?  
Mr. Choquette stated he didn't know if it was ever applied.  
Mr. Materne asked Mr. Davis when was it planted?  
Mr. Davis stated 3-4 weeks ago. Then we had to go back and re-do a portion of it with the maple trees. The first pass didn't grow.  
Mr. Choquette stated that with the amount of rain we've had if there was a wetland mix planted something should have germinated.  
Mr. Davis stated he would find out.  
Mr. Materne stated Mr. DuVally is going to fix it.  
Mr. Choquette stated that the trees planted are not Tupelo.  
Mr. Habershaw stated he would rather see whips planted.  
The commission discussed this further.  
Mr. Habershaw stated we have to have flexibility on size for what's available.  
Mr. Evans asked instead of ten 2" caliper trees, how many whips do you want planted?  
Mr. Habershaw stated 20.  
Mr. Materne stated what is called for on the plan is not what has been planted.  
Mr. Habershaw stated he needs to read the tree tags to match the list.  
Mr. Choquette stated he did not see any sensitive fern planted.  
Mr. Materne asked when are you going to plant this?  
Mr. Davis stated it is too hot right now.  
Mr. Materne stated let us know when you do so we can go out and check again, to make sure it's correct.

Mr. Habershaw stated it needs to be planted by September 15<sup>th</sup>, 2021.

11. Roiias – 98 Reynolds Ave. – NOI – SE60-1250

Mr. Materne stated this is a restoration plan not a replication plan.

Mr. Habershaw asked is this the property with the pile that has to be removed?

Mr. Materne stated yes.

Ms. Julie Goodwin of Prime Engineering was present.

Ms. Goodwin presented plans.

Mr. Materne stated the commission agreed with the flagging. Asked the commission if they agreed with the restoration plantings?

Mr. Habershaw stated he agreed.

Ms. Goodwin asked you don't want any cultivars in there?

Mr. Materne stated no.

Ms. Goodwin stated ok. She'll work with the owner and have other options for substitutes.

Mr. Habershaw stated you can use smaller Red Maples.

Mr. Materne stated the plan called for wetland signs; we have our own signs that need to be used.

Ms. Goodwin stated ok.

Mr. Materne stated you understand that there has to be a 75% success rate in a 2-year period? We are going to need revised plans.

Mr. Choquette stated it needs to be planted no later than October 15<sup>th</sup>, 2021.

Ms. Goodwin replied ok.

Mr. Evans made a motion to close the public hearing.

Mr. Habershaw seconded the motion. Motion passes.

Mr. Evans made a motion to issue Order of Conditions with the changes discussed.

Mr. Habershaw seconded the motion. Motion passes.

**General Business**

1. Samson – 205 Anawan St – SE60-1154 – Request for COC

Mr. Roach stated everything was built according to the plan. Recommended issuing a Certificate of Compliance.

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

Mr. Choquette seconded the motion. Motion passes.

2. Bisson – 33 Pond St. – SE60-1116 – Request for COC

Mr. Roach stated everything is in but it is a mess there. Recommended not issuing a Certificate of Compliance.

Mr. Evans stated to Mr. Roach to send him a letter and explain that they have to complete the job before we can say they comply.

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

Mr. Choquette seconded the motion. Motion passes.

3. Powis – 11 County St. – SE60-1233 – Request for COC

Mr. Roach stated everything was built according to the plan. Recommended issuing a Certificate of Compliance.

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

Mr. Habershaw seconded the motion. Motion passes.

4. Date Changes – August 31<sup>st</sup> & September 14<sup>th</sup> – Vote to Approve

Mr. Materne stated that this was discussed at the last meeting.

Mr. Evans made a motion that our new meeting will be held on August 31<sup>st</sup>, 2021 and a single meeting, which will be September 14th, 2021.

Mr. Habershaw seconded the motion. Motion passes.

#### 5. Date Changes – November 2<sup>nd</sup> – Discussion

Mr. Materne explained that November 2<sup>nd</sup>, 2021 is an election. We can not hold a meeting on an election day.

Mr. Roach stated the commission could meet the 9<sup>th</sup> and the 23<sup>rd</sup>.

Mr. Materne asked when the last meeting in October was?

Mr. Roach replied October 18<sup>th</sup>, 2021.

Mr. Materne stated that if we meet on the 9<sup>th</sup>, that would put us past the 21-day mark to take action.

Mr. Materne asked when is the first meeting in December?

Mr. Roach stated the 7<sup>th</sup>.

Mr. Materne stated that would be ok.

Mr. Roach asked the commission if there would be any issues meeting the week of Thanksgiving?

The commission agreed there would be no issues.

#### 6. Conservation Commissioners Updates

##### Land Donation

Mr. Materne stated that Mr. Ryan DuVally, owner of Autumn Heights, is going to donate a portion of land. The land is located behind Autumn Height that he owns.

##### Warrant Articles

Mr. Materne stated that Mr. Morgan has been working on this and there are 9 different groups of owners on record right now.

##### Handicap Trails

Mr. Materne stated he thought that the Daniel Savoie conservation property would be the commissions best candidate for a handicap trail. There's a large area in the back that's not developed and flat.

Mr. Choquette stated we talked about possibly having a handicap trail at the Francis Farm site.

Mr. Materne stated we don't know what we can do there yet.

Mr. Choquette stated he had people who could volunteer equipment and time if we need them. Do we need an engineer for handicap trails, it's ADA?

Mr. Materne stated there is a lot of work involved in this.

The commission spoke in regards to applying for grants and the open space plan.

Mr. Materne spoke in regards to using the Wetland Fee Fund for open space.

Mr. Roach stated that a lot of grants are requiring matching funds.

#### 7. Agent Update

Mr. Roach told the commission what Authorizations to Proceed had been issued since the last meeting.

### **Concerns & Complaints**

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

Mr. Materne stated the commission had visited the site on Sunday. There're no issues with stumps needing to be removed. There are tires, they have to come out. Do you remember he promised us he was going to build a berm? He never built the berm. There is gravel flowing towards the wetlands. The berm has to be built.

#### 2. 72 Martin Street – Concern

Mr. Materne asked if there were any updates?

Mr. Roach stated he hadn't heard from them.

Mr. Materne stated that there is a planting window. They can't do anything now. They need to file an NOI with a restoration plan soon. Tell him we want it on its way so he doesn't miss the window for planting.

### 3. 97 Salisbury Street – Concern

Mr. Materne stated the wetland signs are not installed. He was in the wetlands pulling out grape vines after we told him to stay out of the wetlands.

### 4. 29 County Street - Concern

Mr. Materne asked if there were any updates?

Mr. Roach stated he called the company he sent the soil sample to for an update. He should have it soon.

Mr. Materne asked if the owner had done any work since he knocked the shed down?

Mr. Roach stated no.

### 5. 23 Winthrop Street – Concerns

Mr. Materne asked if there were any updates?

Mr. Roach stated he had spoken to Town Counsel. We have two options, we can go to court seeking compliance, that would need approval from the Board of Selectman, or we can issue fines.

Mr. Materne stated we were told we couldn't issue fines because we don't have a by-law.

Mr. Roach stated he believed it was added to the rules & regulations.

Mr. Materne asked Mr. Roach to pull that part of the rules & regulation so we can issue fines and successfully collect the fines.

Mr. Evans stated that next meeting, if we find out we can issue fines, let's do it.

Mr. Roach stated he would look into it.

### 6. 172 Summer Street – Concern

Mr. Materne stated that Mr. Morgan, Mr. Nicholson, Mr. Karl Drown, Health Agent, Ms. Rachel Smith, Board of Health, Katie Eyke, Board of Health, Frank Barresi, Fire Chief, and himself had gone to the site on Wednesday. There has to be at least 10,000 tires there. The problem is it's been almost 10 years. So, what we saw 10 years ago is so overgrown now we actually got disoriented. We couldn't find our way through. We don't know how many piles we missed. There are a lot of 55-gallon drums, some on the ground, that are empty. But there's a lot stand that we didn't want to disturb. We don't know if there's any content or residue. There were pieces of equipment and actual equipment, a huge tank on it's side, household oil heating tanks, stuff falling into the wetlands, things in the wetlands. What's going to happen is Mr. Materne wrote a report. Karl Drown is writing a report, Ms. Smith wrote a report and the Chief Barresi has given me a report. We have to get all the reports together and photos. Also, Mr. Materne going to meet with the Board of Selectman. DEP will not get involved until the Board of Selectman say we can't handle this, that this is out of our scope. Then DEP will get involved. Spoke in regards to what the Chief Barresi had written in his report.

### 7. 35 Starr Lane

Mr. Choquette stated he had received a phone call regarding 35 Starr Lane. The erosion control has been released from the site with no germination on it at all. It is a site we requested it be on. It looks like the landscapers are in there now. The site is on a hill. Why it has been removed I don't know. It needs to be installed tomorrow, there is rain coming.

Mr. Materne stated didn't you say that the owner of the company would do anything?

Mr. Choquette stated we had the same exact problem on the last house. When he contacted the builder, he released the house over to the new owner. He did help to get the erosion control back on that site.

Mr. Materne stated we need to have Mr. Roach go there and tell the new owner that the erosion control needs to be put back now.

Mr. Morgan stated they are not finished with the build yet.

The commission discussed this further.

Mr. Evans made a motion to issue a cease and desist and an Enforcement Order for 35 Starr Lane that all outside work must stop until erosion control issues are addressed and clean up in the road is done.

Mr. Habershaw seconded the motion. 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 8:22 pm.

For the Conservation Commission



Robert Materne, Chairman

  
David Evans, Vice-Chairman