

**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 31, 2021

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

Absent: Dave Evans, Krisna Prachanronarong

CALL TO ORDER

Mr. Materne called the meeting to order at 7:05 PM.

Public Hearing and Meetings

1. McGee – 102 Cameron way – NOI – SE60-1262

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

Ms. Smith stated that since the last meeting we have received a DEP #. There was a question as to the covenant on the subdivision. She called Mr. John Ferreira; he is the Architectural Commission for the subdivision. He did state that it's was ok with him to be a gravel driveway. If you want something in writing he can provide that.

Mr. Materne stated he considers that a civil matter.

Ms. Smith stated that is true. But it was brought up at the last meeting. Today we received a letter back from Mass Wildlife as far as the endangered species issue. They have determined that the driveway project will not adversely affect the resource area habitat.

Mr. Materne asked if the commission had any questions or concerns? There were none.

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

Ms. Smith stated they did add the extra conservation sign. Provided copies to Mr. Roach for the file.

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

Mr. Habershaw seconded the motion. Motion passes.

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

Mr. Habershaw seconded the motion. Motion passes.

Mr. Materne stated to remind your applicant that any work requires an Authorization to Proceed. He thought that Mr. Roach needs to write a letter to the fact that this is not only in NESHP priority, the whole property. A large portion of the property is in the riverfront. No activities, you cannot mow. Any disturbance of any kind within the 200' of a delineated mean annual high-water mark or within any area outside where the driveway was made that falls under NESHP jurisdiction. They are not allowed to mow for the dogs, within 200'. They can mow outside the 200', as long as it's been delineated.

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Ms. Smith replied ok.

Mr. Materne stated that if the cart path that goes from the crossing is dirt or grass that can be mowed.

Nothing else.

The commission agreed.

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

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented plans. Findings for an area of concern that was brought up at the last meeting in regards to an orange film that was on the top of the water by the wetlands were read into the record (see attached). The findings were by Hoffman Engineering Inc., Robert Hoffman.

Mr. Materne stated the commission went out to the site and verified the line; it is accurate. There are a few things that need to be fixed on the plan. You don't have any erosion control to protect the wetlands where you put the replication area. Do you want to add any wetland conservation signs?

Mr. Andrade stated there are signs currently at Z12, Z24c, Z9, Z24f, Z32, & Z5.

Mr. Materne asked how they were going to get into the site? Asked if Mr. Andrade had been to this site?

Mr. Andrade replied he had not been to this site.

Mr. Materne stated that there is no way to access the site. How are you going to build the replication area without damaging the surrounding area?

Mr. Andrade stated by cutting and filling into it.

Mr. Materne stated you may need a narrative on how this is going to happen.

Mr. Andrade stated ok.

Mr. Materne asked the area towards Medalist Dr. between the wetlands, is that going to have a lawn at all?

Mr. Andrade stated no.

Mr. Materne stated we can add more conservation signs if they were.

Mr. Andrade stated he could add them to Z2, Z5, & Z9.

Mr. Materne stated please do that. Change Z72 to Z24e, move one to Z28.

Mr. Materne asked if there were any questions or concerns?

Mr. Morgan stated that the lab report stated 45 Medalist Dr. not 49. 45 Medalist Dr. is downstream.

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

Mr. Choquette seconded the motion. Motion passes.

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

Mr. Choquette seconded the motion. Motion passes.

3. Goodheart – 396 Tremont St. – NOI – SE60-1263

Mr. Chris Andrade of InSite Engineering was present.

Mr. Materne stated at the last meeting we did not have a DEP #, we do now. Everything was all set otherwise.

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

Mr. Habershaw seconded the motion. Motion passes.

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

Mr. Habershaw seconded the motion. Motion passes.

4. Ferreira – 10 Starr Ln. – NOI – SE60-1261

Mr. Chris Andrade of InSite Engineering was present.

Mr. Andrade presented revised plans.

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

The commission discussed how the concrete wall should be constructed.

Mr. Habershaw stated that it needs to be back filled with crushed stone.

Mr. Andrade stated he would modify it.

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

Mr. Choquette seconded the motion. Motion passes.

Mr. Nicholson made a motion to issue Orders of Conditions with the special conditions discussed and the narrative.

Mr. Choquette seconded the motion. Motion passes.

5. Goulart – 62 Barney Ave. – NOI – SE60 – XXXX

Mr. Dean Monsees of OSD Systems was present.

Mr. Monsees presented plans.

Mr. Materne stated the commission had gone to the stie. They disagreed with the BVW line. The commission felt that the 43' elevation line is the BVW line. Do you have a variance from the Board of Health?

Mr. Monsees stated they approved it, upon your approval.

Mr. Materne stated any time there is a river we have to have an alternative analysis.

Mr. Monsees stated that was his error and apologized.

Mr. Materne stated we don't have a DEP #, so, we can't close the hearing. Revise the plans to show the new location of the wetland line.

Mr. Monsees stated from what I have here maybe change A7 then drop down to the 43' line and carry it along the 43' line.

Mr. Materne stated you'll see the toe of the slope, it is the 43' line, follow that. From A9 to A11 move to the 43' elevation, the others are fine.

Does the commission have any questions or concerns?

Mr. Kershaw stated there was a sump pump being discharged, going behind the shed.

Mr. Monsees stated that there is a constant 3" of water in the cellar.

Mr. Materne stated you can't discharge into the wetlands. You are going to have to put in a dry well.

Mr. Monsees asked how do you put in a dry well in with the water table 3" over the slab? We can sump it out to the front yard.

Mr. Nicholson stated you could put in a grass swale. Just don't discharge directly to the wetlands.

Mr. Materne stated to make sure you have enough sun light. It is really dark there. As long as the grass can grow, then a swale works. The debris in the wetland need to come out.

Mr. Monsees replied ok.

Mr. Habershaw stated that the applicant would be better off pumping the water into the front yard.

Mr. Monsees asked about putting wetland sings at 5, 11, & 9, once the wetland line is moved. Requested a continuance until September 14, 2021.

Mr. Nicholson made a motion to grant a continuance until September 14, 2021.

Mr. Choquette seconded the motion. Motion passes.

General Business

1. DuVally – off Skyla Way – SE60-1108 – Request for 1yr Extension

Mr. Materne asked the commission if they had any issues, there were none.

Mr. Habershaw made a motion to grant a 1-year extension for SE60-1108.

Mr. Choquette seconded the motion. Motion passes.

2. Leelerc – 23 Skyla Way – SE60-112 – Request for COC

Mr. Roach stated that everything had been done according to the plan. Recommended issuing the COC.

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

Mr. Habershaw seconded the motion. Motion passes.

3. Conservation Commissioners Updates

- Ticketing/Fines

Mr. Roach stated that fines are something that needs to be in our by-laws. We can adopt and construct them. Once we establish a fee schedule Town Counsel can put it together.

Mr. Morgan stated that the Board of Selectmen can invoke the Conservation Commission to be able to issue fines also.

The commission discussed this further.

- Natural Heritage – Conservation Restrictions

Mr. Roach stated that Mr. Materne had some questions about Natural Heritage putting Conservation Restrictions on properties. They are between Natural Heritage and the land developer.

Mr. Materne stated that his question was does it matter if the land owner doesn't sign the Conservation Restriction? He'll be speaking to Rebeca Zimmer via Zoom tomorrow, she is in charge of this. He's also going to be talking to her about wetland management plans for some of our properties.

Mr. Roach stated that the town is not involved with Conservation Restrictions that are placed on land by Natural Heritage and a developer.

- Open Space Plan Sub-Committee

Mr. Materne asked Mr. Roach to send copies of the new Open Space plan to the members of the committee, Sara Huber, June House, and Bill Costa. Let them know he would like them to review it and get back to him with any suggestions of changes.

- Retention Ponds

Mr. Materne asked if there was anything happening with the retention ponds?

Mr. Roach stated that he had called Michael Costello, Highway Superintendent, but has not heard back from him yet. Mr. Roach will go to the Highway Department and speak to Mr. Costello.

Mr. Materne asked don't we have a Stormwater Officer? Dave Perry, he is supposed to tell Mr. Costello what needs to be done.

This was discussed further.

Mr. Choquette asked if we could use our funds to hire an outside contractor to get this done?

Mr. Roach stated he would speak to Town Counsel.

Mr. Materne stated the problem would be that the funds we have available to us, they have very specific rules of spending.

Mr. Choquette stated the other thing we need to check is if that will cause an issue with the unions.

- 221 Winthrop Street

Mr. Materne asked Mr. Roach the next time he drives by this address to make sure they did the work requested and didn't encroach into the wetlands.

- Meeting Schedule 2022

Mr. Materne stated we need to vote on changes to the 2022 meeting schedule. In January we're not going to be able to do any site walks. The first site walk is scheduled New Year's Day weekend, and the second site walk in January is scheduled on the Martin Luther King Day weekend. We need to decide if we want to do a site walk on the Sunday between these two weeks.

4. Agent Update

There were no updates.

Concerns & Complaints

1. 582 Winthrop St. – Working Past Scope of RDA

Mr. Roach stated we're going back out to this site on the 15th and that should be all set. He's going to meet the owner on site next week to make sure he knows what to do.

2. 72 Martin St. – Concern

Mr. Materne asked if there was an update?

Mr. Roach stated he spoke with the owner and the wetland scientist. The people he hired, a law firm, were taking longer than the owner wanted. So, he hired a new one.

3. 97 Salisbury St. – Concern

Mr. Materne stated this is the property he spoke about for issuing fines. There were only 3 signs that needed to be put up and they are still not done.

Mr. Roach stated he drove by and didn't see them either. He put the signs in the yard as requested by the owner.

Mr. Materne stated to send the owner a letter. Tell them he has received the signs. We are waiting to see them be put up.

Mr. Choquette stated he would give the owner help putting them in.

4. 29 County St. – Concern

Mr. Materne asked if there was an update?

Mr. Roach stated there was no update. He has been out to the stie and the plants are slowing coming back.

5. 117 County Street – Driveway Concern

Mr. Materne stated he was mistaken. At the last meeting he had thought that the driveway had been completed. It was not put in.

6. 23 Winthrop St. – Concern

Mr. Materne asked if there was an update?

Mr. Roach stated that Karl Drown, Heath Agent, spoke to someone that was on site. Mr. Drown told them that they needed to contact us right away. Mr. Roach drove out to the stie but by the time he arrived no one was there.

Mr. Materne asked if Town Counsel had done anything?

Mr. Roach stated aside from what we are doing, there's not much more we can do. We can't put a lien on the property.

Mr. Morgan asked if we have proof that they have been contacted?

Mr. Roach replied yes.

7. 172 Summer St. – Concern

Mr. Materne stated that he has spoke with Ms. Arruda, Interim Town Administrator, to see where this stands with the Board of Selectmen. Mr. Perry, our liaison, is going to give this to each of the selectmen for them to review. He didn't know how long that would take.

8. 35 Starr Ln. – Concern

Mr. Materne asked the commission if they were satisfied with this property?

Mr. Morgan stated they didn't fix the siltation control. To the downhill side of it they had so much traffic along the road, that it has torn up the erosion control. It's going to rain and silt is going to go right into the street, and into the pond.

Mr. Materne asked do you feel we need to issue an Enforcement Order?

Mr. Roach stated that the home owners have no idea what is going on.
Mr. Choquette stated that the contractor has driven over the erosion control and destroyed it.
Mr. Morgan stated a 10' section of it.
Mr. Materne asked what the commission felt the solution to the situation was?
Mr. Morgan stated that the owners need to contact the contractor and have them put the erosion control back in the location, properly installed.
Mr. Choquette stated they still have not installed the sit fence properly.
Mr. Materne stated the owner needs to be called and tell them that their landscaper is not doing their job. We're going to give them 1 day to get a hold of the landscaper and get this fixed. If it's not fixed, we will issue a Cease & Desist on the property.
Mr. Choquette stated we have to have it fixed sooner. A lot of rain is coming.
Mr. Nicholson stated by noon tomorrow.
Mr. Roach stated he will go to the property and speak with the owner.
Mr. Morgan stated the contractor is on that street every day.

9. 27 Starr Ln. – Concern

Mr. Morgan stated that this property has erosion control missing. Also. There's a section where they have taken equipment and gone into the backyard, that abutted the wetlands, to the right of the house. Where the grass was, is now all dirt and there's no erosion control. He can see this from his yard.
Mr. Materne asked do we have a COC on this property?
Mr. Choquette stated it was issued at the last meeting.
Mr. Materne stated if there was no COC then the erosion controls would still need to be functioning.
Mr. Choquette stated if someone goes in and destroys the grass and you have just exposed soil, on a severe slope, it has to be fixed.
Mr. Materne stated that if it's impacting the wetlands, it's in our control.
Mr. Roach stated he will figure out who this needs to be addressed by.
Mr. Chouquette stated it's the same contour line. Tell them to put one full set of wattle in and have them drape the ends going up towards the backyard, to form a trap.

Meeting Minutes

1. March 16, 2021

Mr. Materne stated he had small edits, gave them to Mr. Roach so the edits could be made.
Mr. Nicholson made a motion to approve the above-named meeting minutes with edits.
Mr. Choquette seconded the motion. Motion passes.

General Business

5. Cutting on the Pond – Starr Ln.


Mr. Choquette stated that Mr. Materne wanted to discuss the limits of cutting to the wetland line due to the pond area.
Mr. Materne stated that Rob Johnson, Tree Warden, had sent him a letter, allowing them to cut where they did. Everything else was in the water.
Mr. Choquette asked we are allowed to cut up to the wetland flags?
Mr. Materne stated yes. The safest things to do is stay on the edge of the wetland flags.

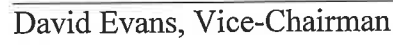
ADJOURNMENT

Mr. Choquette made a motion to adjourn the meeting.
Mr. Nicholson seconded the motion. Motion passes.

Meeting adjourned at 8:09 pm.

For the Conservation Commission


Robert Materne, Chairman


David Evans, Vice-Chairman