

**CONSERVATION
COMMISSION**

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Thomas Nicholson
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Stephen Choquette
Matthew Habershaw
Matt Kershaw
Scott Pennoyer, Assoc. Mbr.
Sara Huber, Assoc. Mbr.
Daniel Roach, Agent

19 APR -3 AM 9:14
CLERK
REHOBOTH, MA

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – February 26, 2019

Present: Robert Materne, Chairman, Thomas Nicholson, Krisna Prachanronarong, Stephen Choquette, Matt Kershaw, Associate Member Sara Huber, Daniel Roach Conservation Agent

Absent: Dave Evans, Vice Chairman, Matt Habershaw, Associate Member Scott Pennoyer, Office Administrator Stacy L. Vilao.

CALL TO ORDER

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

BY-LAW WORKSHOP

1. By-law Addition and Amendment Discussion

Ms. Huber started the meeting by outlining the policies that would be discussed to become potential by-laws, changes to the implementation of fines, ANRAD policies, and additional requirements when removing perennial stream designation.

Mr. Materne stated that Foxboro's conservation by-laws are excellent, should look to their bylaws as outlines.

Ms. Huber agreed that they are very good but had concerns about changing to such a large document.

Mr. Materne stated that Seekonk's bylaws are excessively harsh.

Ms. Huber explained that other towns have bylaws similar to the Wetland Protection Act plus additional requirements.

Mr. Materne said that the best should be taken from Seekonk's and Foxboro's bylaws and then more added. Reiterated that Foxboro's bylaws were well done.

Ms. Huber brought up the concern of trying to add too much and not having enough time to complete the changes before the deadlines.

Mr. Choquette had a concern that Seekonk's bylaws were too forward and the fines too steep. Also mentioning that there was a significant amount of enforcement.

Mr. Materne stated that he also did not like Seekonk's fines and enforcement.

Ms. Huber explained that many towns have similar wording in that there is a maximum dollar amount on a violation.

Mr. Materne explained that Foxboro has a violation procedure in which they attempt to work with citizens before the town fines them.

Ms. Huber agrees that there should be a procedure with specific steps.

Mr. Materne stated that OOC needs to be submitted to the registry.

Mr. Prachanronarong explained that a stamped receipt from the registry of deeds is needed.

Mr. Materne said that it needs to be a bylaw so it can be enforceable.

Mr. Prachanronarong explained that it is stated in the OOC letter.

Mr. Materne stated that it needs to be more, people should have to come into the office and read the OOC. Then explained that applicants need to get a COC for the commission to not be able to go on their property.

Ms. Huber explained that having the ability to go on properties is in many other bylaws.

Mr. Prachanronarong questioned the legality of that.

Mr. Nicholson had issue with the definitive wording of some of the proposed enforcement changes and restating the Wetland Protection Act.

Ms. Huber agreed, stating the bylaws already say that it supports the Wetlands Protection Act. Also explained that enforcement orders and actions and the ANRAD policy, including the length at which it will go out to a consultant, should change from policies to bylaws.

Mr. Materne stated single family and multi family properties should be differentiated.

Ms. Huber explained that citizens look to the bylaws and don't know that there are policies. Citizens don't know when they need to hire an outside consultant.

Mr. Materne agreed and stated that it should be in the bylaws. Also stated that there needs to be discretion in the bylaws and the specifically when there can be discretion.

Ms. Huber asked if the qualifications to remove perennial stream designation should be changed.

Mr. Materne responded that it should be bookmarked for later, more information needs to be gathered.

Ms. Huber explained that the ANRAD policies would be pulled together including more than 1 consecutive form A lots need to be filed as multi family. Also, the enforcement and fines would be specified.

Mr. Materne explained that there should be an informal meeting with the violator, followed by an administrative meeting, and then fines.

Mr. Nicholson stated that this should be a policy.

Mr. Materne stated that there should be a policy for fineable violations.

Ms. Huber stated having a procedure will be required for fairness. The bylaw should be general and then the policy will specify.

Ms. Huber asked what fines should be.

Mr. Materne responded saying they should be comparable to surrounding towns.

Ms. Huber said that it should be clear where the fine amounts are coming from and they should be kept simple, potentially with a maximum.

Mr. Choquette had a concern that the fine amounts will keep residence of the town from voting in favor of the by-law.

Mr. Materne offered to get up at town meeting and explain the bylaw and how it would be implemented.

Mr. Choquette stated that continuing to place a new fine each day on the same violation should be removed.

Ms. Huber agreed also stating a situation where it might be appropriate would be lack of siltation control.

Mr. Nicholson stated that if it is going in place the wording needs to be soft and specified in the policies.

Mr. Materne continued that if a violator shows no attempt to contact the commission or resolve the issue, fines can be continuing. Also explained that currently the commission has two place holders for the warrant.

Ms. Huber said that the number of warrant articles needed needs to be found.

Mr. Materne asked Ms. Huber to find out the number of warrant articles needed. Also stated that more protection should be looked into for down the line.

Mr. Prachanronarong stated that there needs to be definitions in the bylaws.

Mr. Materne referenced Foxboro's enforcement bylaws and their effectiveness and clarity. Also explained that fines should go into the wetlands fee funds

ADJOURNMENT

Mr. Prachanronarong made a motion to adjourn the meeting.

Mr. Kershaw seconded the motion. Motion passes.

Meeting adjourned at 8:05 pm.

For the Conservation Commission



Robert Materne, Chairman

David Evans, Vice-Chairman