

**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 CONSERVATION COMMISSION**  
**Meeting Minutes – September 15, 2020**

**Present:** Robert Materne, Chairman, Dave Evans, Thomas Nicholson, Matt Habershaw, Daniel Roach Conservation Agent.

**Absent:** Krisna Prachanronarong, Stephen Choquette, Matt Kershaw, Associate Member Sara Huber, Associate Member Scott Pennoyer.

**CALL TO ORDER**

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

**Public Hearing and Meetings**

1. Lambe – 63 Homestead Ave. – NOI – SE60-1198

The above public hearing was continued until October 6, 2020 at the request of the applicant.

2. Lillie Mae – 367 Anawan Street - RDA

The above public hearing was continued until October 20, 2020 at the request of the applicant.

4. Mello – 246 Perryville Rd – NOI – SE60-1199

The above public hearing was continued until October 6, 2020 at the request of the applicant.

5. Mills – 284 Fairview Ave – NOI – SE60-1201

Mr. Materne opened the public hearing.

Mr. Habershaw made a motion to continue the public hearing until October 6, 2020.

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

6. Mills – 280 Fairview Ave – RDA

Mr. Materne opened the public meeting.

Mr. Evans made a motion to continue the public hearing until October 6, 2020.

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

7. DuVally – 7 September Way – NOI – SE60-1200

Mr. Rob Davis of InSite Engineering was present.

Mr. Davis presented plans.

Mr. Materne asked if this meets the requirements for Isolated Land Subject to Flooding?

Mr. Davis stated he didn't review it for ILSF. We're protecting this as BVW. If it was an ILSF it would have a buffer zone.

Mr. Evans asked if the limit of work is the erosion controls?

Mr. Davis stated correct. The limit of work currently is going to be where the straw wattle that's currently contained.

Mr. Materne stated that the wetland lines for all of Autumn Estates has an extension until 2022. The commission did not have to verify the lines.

Mr. Roach brought to the commissions attention that abutter notifications had not gone out in the proper time frame.

Mr. Materne stated that the public hearings cannot be closed.

Mr. Evans stated that the public hearing should not have been opened.

Mr. Materne agreed with Mr. Evans. The commission is not obeying open meeting law by opening these hearings. Since this public hearing was opened, we will continue it. The other public hearing will be held on October 6, 2020.

Mr. Davis stated that the notification was placed in the newspaper. Individual notifications are not required for an RDA. Can we hold the hearing for the RDA tonight?

Mr. Materne stated we can do the RDA tonight.

Mr. Roach stated that anyone that is here or listing the hearings for 7 September Way & 23 September Way will be held on October 6, 2020. The commission will be discussing 11 September Way tonight.

Mr. Davis requested a continuance until October 6, 2020.

Mr. Evans made a motion to grant a continuance until October 6, 2020.

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

#### 8. DuVally – 23 September Way – NOI – SE60-1201

Due to abutters not being notified in the time frame required this public hearing was not opened and was re-scheduled for October 6, 2020.

#### 9. DuVally – 11 September Way – RDA

Mr. Rob Davis of InSite Engineering was present.

Mr. Davis presented plans.

Mr. Materne stated that rather than having an arch on the 50' mark, make a straight line and cut off the corner.

Mr. Davis asked where the erosion control and limit of work are?

Mr. Materne replied yes.

Mr. Davis stated he had no problem with that.

Mr. Roach stated that someone from the zoom audience had asked what an RDA was.

Mr. Roach explained what an RDA is.

Mr. Vincent Seccareccia of 48 Bliss Street was present.

Mr. Seccareccia asked where on the property this parcel was exactly.

Mr. Davis stated that this is the second lot on the left. There is an original Order of Conditions issued by DEP for the project. That has been extended through June of 2022. This is exclusively for the construction of the home.

Mr. Seccareccia stated that he just wanted to know where his property was in relation to the property. There have been a lot of wetland concerns with this property over the years.

Mr. Materne stated this property has been going on since 1999. There are new owners now and things are being done differently.

Mr. Seccareccia stated we are concerned with the wetlands being encroached upon.

Mr. Materne stated if you find that wetland has been damaged you have an obligation to call us and let us know. Then explained how voting works for an RDA. Recommended a Negative 3 Determination.

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

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

### **General Business**

1. Baasch – 62 Blanding Road – Request for COC – SE60-265

2. Baasch – 62 Blanding Road – Request for COC – SE60-266

Mr. Materne stated that the COC's could be on the property with the violations. He did not think that the commission should be issue Certificates of Compliance until the commission gets the violations straightened out.

The commission agreed.

Mr. Materne stated that a letter should be written stating until the violations are resolved the commission can not issue Certificates of Compliance.

### **Concerns & Complaints**

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

Mr. Roach stated that he spoke to Mr. Geiser's son. He explained and spoke in regards to everything that we had sent in our letter to him. They will start doing work as required within the next week or so. Mr. Geisser is not going to pull out the stump's that are there at the moment. It may be better to leave them there. If we are going to pull them out, they are going to wait until winter. Right now, is not the time to do it.

Mr. Materne stated as long as they finish the project, he is fine with that.

Mr. Habershaw stated he would like to look at this again. We are in a dry period.

Mr. Materne stated that this would be the best time to pull the stumps out.

Mr. Habershaw agreed.

Mr. Materne stated he can pull them out now. He will do the least amount of damage to the wetlands.

2. 72 Martin Street – Concern

Mr. Materne asked if there was an update on this property?

Mr. Roach stated he had not heard anything from them. A week ago, the commission heard from the owner. His engineer is starting the process.

3. 97 Salisbury Street - Concern

Mr. Materne asked if the property owner had received the letter that was sent?

Mr. Roach stated they have received the letter. He had not heard back from them yet.

4. 29 County Street – Concern

Mr. Materne asked if there was an update on this property?

Mr. Roach stated he had driven by the property several times this week. He had not seen any activity. We had some issues getting in contact with the current owners. In that time, he had made sure that no work has continued on the property.

Mr. Materne stated that they need to put the flags up and erosion control needs to go in as soon as possible.

5. 23 Bay State Road – Concern

Mr. Materne stated that we went out to the site and there are some things going on there.

Mr. Nicholson stated there is one section that the wetlands were filled in.

Mr. Materne stated the questions is did he do it or was it done before him?

Mr. Nicholson stated the violation goes with the property. The property owner is responsible.

Mr. Materne stated we need to find out where the wetlands was. This is a case where if he filled it, it was filled with 4 feet of fill. The issue is finding out where the original line was.

Mr. Habershaw stated this is a tough situation. When was it filled? It could have been years ago. We don't know. How do we rectify a violation if you don't know where it is?

Mr. Materne stated that this is not clear cut. We don't want a lawsuit. We should let him know that we exist and let this one go. He said he's going to be doing other things and filing.

The commission agreed.

Mr. Materne stated we have to let him know he has to keep in touch with the commission if he plans on doing anymore work on his property.

#### 6. 579 Winthrop Street – Baasch – Concerns

Mr. Materne stated there are a lot of issues going on. On the Accessor's map it's 583 Winthrop Street, the NOI says 579 Winthrop Street. We don't know who owns it. The NOI was filed by Gene Baasch. The Accessor's show it bought by Sean Baasch in 2019.

The commission discussed who the owner is, if the property in question is part of the estate of Gene Baasch, and if this property is tied up in probate court.

Mr. Materne stated the NOI was filed on parcel 43E. The violations in the riparian zone are on 43C. The accessor's map shows that the same person owns both parcels.

Mr. Roach stated there was a Form A that was done and the Accessor's map as it appears on the screen is what is correct. There is no more 43E. It has been combined into the other piece, in February 2019.

Mr. Materne asked when was the NOI filed?

Mr. Roach stated in 2018.

Mr. Materne stated the Order of Conditions was filed before it became one parcel. So, Gene J. Baasch is the owner of records then? Who is going to be financially responsible for hiring the surveyor, the botanist, and making sure the work is done? We need to have somebody that's going to ensure us that this work will be done. Asked Mr. Roach to let Paul Baasch know what needs to be done. First, we want to be in contact with the owner not just Paul Baasch. This property has to be surveyed again. All the flags have to be put up, even the Mean Annual High-Water flags that were put in using the ANRAD and by a surveyor not a botanist. Second, a botanist or an engineer has to determine what remediation plan has to be. Then the commission will review it to see if we agree with it. We need a time frame of when this is going to happen.

The commission agreed.

Mr. Materne stated we also need to know whether or not this property is in probate or if it is owned outright and not involved at all with the estate.

#### **Meeting Minutes**

1. January 7, 2020

2. May 19, 2020

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

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

3. August 11, 2020

The above-named meeting minutes were tabled until October 7, 2020.

#### **ADJOURNMENT**

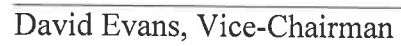
Mr. Evans made a motion to adjourn the meeting.

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

Meeting adjourned at 7:52 pm.

A handwritten signature in dark ink, appearing to read 'R. T. B. M.', 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