

**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

19 MAY 22 AM 9:35
TOWN CLERK
REHOBOTH, MA

REHOBOTH CONSERVATION COMMISSION
Meeting Minutes – April 16, 2019

Present: Robert Materne, Chairman, Dave Evans, Vice Chairman, Krisna Prachanronarong, Matt Habershaw, Stephen Choquette, Matthew Kershaw, Associate Member Sara Huber, Office Administrator Stacy L. Vilao, Daniel Roach Conservation Agent

Absent: Thomas Nicholson, Associate Member Scott Pennoyer.

CALL TO ORDER

Mr. Materne called the meeting to order at 7:00 PM with the pledge of allegiance.

PUBLIC HEARINGS

1. 79 Wheeler Street – ANRAD – Christian – SE60-1118

Ms. Rachel Smith from Otis Dyer's office was present on behalf of the applicant.

Ms. Smith presented revised plans based on a site visit, re-flagging was done in the field.

Mr. Materne gave an update to the commission on the site walk.

Mr. Materne asked Mr. Habershaw if he felt that the flags where the culvert is flagged should be removed?

Mr. Habershaw stated that the flags should be removed.

Mr. Kershaw stated that he agreed the flags should be removed.

Ms. Smith stated she would make the changes on the plan and submit revised plans to the commission.

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

Mr. Prachanronarong seconded the motion. Motion passes.

Mr. Evans made a motion to issue an ANRAD as modified.

Mr. Prachanronarong seconded the motion. Motion passes

2. 584 Winthrop Street – RDA – Amaral

Mr. Russell Amaral of 75 Ivy Street, East Providence, RI was present on behalf of himself.

Mr. Amaral presented plans.

Mr. Choquette stated that the commission had visited the site. On the left, back side of the property straw waddles need to be placed near the pond, before the fence can be installed. The straw waddles are there but were not installed due to the neighbor cutting trees down on their property. The straw waddles are now in place. There is a stonewall being installed in the front of the property on the left-hand side, there should be a Notice of Intent filed.

Mr. Habershaw stated that he felt a Notice of Intent should be filed for the stonewall being constructed, it is right against the wetlands.

Mr. Materne stated that a Notice of Intent has never needed to be filed in the past for clearing of the wetlands.

Mr. Choquette stated that there are trees in the wetlands that are proposed to come out.

Mr. Materne asked the commission, what if the applicant didn't build the wall.

Mr. Habershaw stated that there should be a NOI filed.

Mr. Materne asked the applicant about the grass proposed on the plans.

Mr. Amaral replied that they want to seed the areas that have been cleared.

Mr. Materne asked what will be on top of the grass?

Mr. Amaral stated that nothing would be on top of the grass, he only does construction work.

Mr. Choquette stated that the grass will slow down the flow of water.

Mr. Materne stated if the applicant is going to work on the wall then a NOI would need to be filed.

Mr. Amaral the wall would be used to create a barrier to the wetlands.

Mr. Materne stated that the commission needs to make sure that there is no impact to the wetlands.

Explained the process to file a NOI.

Mr. Evans stated to the applicant, if you are not going to be doing any work then you do not need to file a NOI. If you are going to do work then file the NOI.

Mr. Amaral asked if they would be able to install a gravel driveway.

Mr. Materne stated that if the work is within the 50' of the BVW then you will need to file.

Ms. Vilao stated that one of the reasons the applicant did not file a NOI was because of the cost, they are considered "other", and the application fee was high.

Mr. Materne stated that the commission would need to check with town counsel to see if they can waive part of the fees.

Mr. Evans stated that the applicant should get everything down on the plan, if you don't and need to do further work you can file an amendment to the original OOC.

Mr. Choquette stated that the straw waddles need to be extended across the entire length of the back part of the property because the site is bare and the commission does not want silt running into the BVW.

Mr. Evans made a motion to issue a Positive 1 determination.

Mr. Habershaw seconded the motion. Motion passes.

GENERAL BUISNESS

1. 297 Winthrop Street – Cypress Creek – Extension of OOC

Ms. Maria Firstenberg from TRC Engineering and Mr. Dan Band from Cypress Creek were present.

Mr. Band gave the commission an update as to where the project stands.

Ms. Firstenberg stated that they are looking for an extension on the OOC.

Mr. Habershaw made a motion to grant a 3-year extension on the OOC.

Mr. Choquette seconded the motion. Motion passes.

2. Regulations – Review/Discussion

Mr. Materne stated that the regulations had all been voted on at the commission's last meeting, they are all set.

3. Bristol County Mosquito Control -Proposed Project – Discussion

Mr. Roach stated that the project is on a property on s stream on Winthrop Street.

Mr. Materne stated he knew where the property is located. There is a culvert and a ditch on this piece of property where the project will take place.

4. Anawan Street – Bertozzi Conservation Restriction – Discussion

Mr. Evans stated that this is from Mr. Edward Bertozzi of the Planning Board.

Mr. Roach stated that the Bertozzi's want to add 5 more acres to a conservation restriction that is already in place.

Mr. Evans stated that he recommends the board sign off on the restriction.

Mr. Evans made a motion to ratify the municipal certification.

Mr. Habershaw seconded the motion. Motion passes.

5. Bliss Street – Manitook Estates – Lift Enforcement Order

Mr. Materne updated the commission conducted on Wednesday April 17, 2019. There was an enforcement order signed by the former Conservation Agent, Leeann Bradley. This EO may or may not have been ratified by the commission.

Ms. Huber asked what the EO was in place for?

Mr. Materne stated that it was for a roadway that was constructed, that was not supposed to be built.

Mr. Materne recommended that the commission lift the EO.

Mr. Choquette made a motion to lift the Enforcement Order.

Mr. Evans seconded the motion. Motion passes.

6. Cancellation of Proposed By-Law - Discussion

Mr. Materne stated that the proposed by-law was not endorsed by the Board of Selectmen, and will not be on the warrant for Town Meeting read an email from the chairman of the BOS. The BOS would like our liaison David Perry to be involved in the process going forward.

Mr. Materne recommended that all final agendas be forwarded to the Board of Selectmen from now on. Also, request that a response that it was received.

CONCERNS & COMPLAINTS

1. 2 Williamsfield Lane – Geislinger – Cease & Desist Order

Mr. Materne stated that the commission had been out on sitewalks and everything that was asked of the property owner has been completed. Recommended that the commission lift the EO.

Mr. Habershaw made a motion to lift the Enforcement Order.

Mr. Choquette seconded the motion. Motion passes.

2. 21 New Street – Wetland/Riverfront Violation

Mr. Materne stated that the commission went to the property during sitewalks, the property is still very wet, can not make a decision until the rain stops and the property has had some time to dry out.

Mr. Habershaw stated that the commission should try to go out in June.

Mr. Choquette stated that the seconded sitewalk in June is the 16th.

3. 367 Anawan Street – Violation

Mr. Materne stated that everything that has been asked of the property owner has been done. The site looks great.

Mr. Habershaw made a motion to lift the Enforcement Order.

Mr. Choquette seconded the motion. Motion passes.

4. 471 Tremont Street – Debris in Wetland

Ms. Vilao informed the commission that the property owner had called for more Riparian Zone signs and let the owner know that they did not need more signs, they needed to move the ones that were in the wrong place. The owner stated they would be moving them this coming week.

5. Bay State Road – Concern

Mr. Materne stated that everything in the buffer zone has been moved and the area had been graded.

6. 364 Winthrop Street – Mendonca – Riverfront Alteration – EO Issued

Ms. Vilao stated that a representative of the property owner had come into the office to find out if they could go ahead with the tree planting and laying of the mulch.

The commission agreed to go out on the sitewalk on May 12, 2019.

7. 181 Winthrop Street – A Class Glass – Debris in Wetlands

Mr. Materne stated that no work has been done on the property that he can see. Asked Ms. Vilao to send a letter asking the property owner for an update and if the commission should come out on their next sitewalks.

8. 53 Water Street – Concern

The commission agreed to go out to the property on their next sitewalks.

MINUTES

Minutes were tabled until the next meeting on May 7, 2019.

ADJOURNMENT

Mr. Choquette made a motion to adjourn.

Mr. Evans seconded the motion. Motion passes.

Meeting adjourned at 8:02 pm.

For the Conservation Commission



Robert Materne, Chairman

David Evans, Vice-Chairman