

**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 – May 7, 2019

Present: Robert Materne, Chairman, Dave Evans, Vice Chairman, Thomas Nicholson Krisna Prachanronarong, Matt Habershaw, Associate Member Sara Huber, Office Administrator Stacy L. Vilao,

Absent: Stephen Choquette, Matthew Kershaw, Associate Member Scott Pennoyer, Daniel Roach
Conservation Agent

CALL TO ORDER

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

PUBLIC HEARINGS

1. 227 Perryville Rd. – RDA – Ramey

Mr. Tim Ramey & Ms. Julie Ramey were present on behalf of themselves.

Mr. Materne stated that the commission has to be mindful of fairness. Explained that the commission does have to ability to enter the property with an RDA filing but only for 3 years, if an NOI was filed the commission has the right to enter until a COC is issued. Mr. Materne stated he is concerned with there being a lot of grading in the 50' buffer zone.

Mr. Evans stated he felt that there is no fill coming onto the property. It has been very wet, due to record rains, and there is no significant erosion. The commission could issue a Negative determination. There is nothing different being proposed to need a NOI filing. Also suggested a gutter system on the home to help alleviate the water on the back of the home.

Mr. Nicholson ask what the limit of disturbance was?

Mr. Materne stated the wetland edge.

Mr. Nicholson stated there is a lot of work proposed is not typical on an RDA application.

Mr. Prachanronarong stated that the Wetland Protection Act requires a NOI to be filed.

Mr. Habershaw stated that he agreed with Mr. Nicholson & Mr. Prachanronarong.

Ms. Huber stated she sees it both ways.

Mr. Materne asked if there was lawn and was presented what would the determination be?

Ms. Huber replied a Positive determination.

Mr. Materne stated that he agreed. He does not want to set a precedent. There is a fair amount of work proposed within the 50' buffer zone.

Ms. Ramey stated that the area was previously grass, they had provided pictures as proof.

Mr. Materne stated that there would be erosion issues in the long run. When the commission was out on sitewalk there was disturbance. The regulations are strict, this is within the 50' buffer.

Mr. Nicholson stated that the RDA application is more for a simple project and you don't need an engineer. A NOI you need engineering, stormwater, and is be monitored.

Ms. Ramey stated that the commission has permission to come out to the property and monitor the project.

Mr. Materne stated that could lead to more confusion.

Mr. Ramey stated he would shoot grades; the commission could come out any time they wanted. The pond on the property is no higher than it was. He would put up another set of haybales at the 50' mark from the buffer zone.

Mr. Materne stated that alteration and siltation can take place. The BVW is the commissions concern not the pond. A NOI gives the commission stricter control over the project. Then explained the filing process.

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

Mr. Habershaw seconded the motion. Motion passes.

Upon further discussion.

Mr. Ramey stated that the house was graded wrong 20 years ago. How was this signed off on by an engineer.

Ms. Ramey stated that all of the driveway and part of the house was built in the 50' buffer zone.

Mr. Materne stated that the commission can not speak to what happened then.

Mr. Ramey stated they would not do any work until July when it was dry.

Mr. Materne stated that the commission understands their frustration, we have to follow state law.

2. Behind 151 Plain St. – NOI – DuVally – SE60-1135

Mr. Prachanronarong recused himself.

Mr. Rob Davis & Ms. Suanne Santos of InSite engineering were present.

Mr. Davis presented revised plans based on a peer review done by the Planning Board's engineer.

Mr. Materne stated that he was only looking for the right of way. How will the commission know where the right of way is in 5 years?

Mr. Davis stated that the right of way will need to stay cleared in order to maintain the bioretention area.

Mr. Materne asked if the right of way fell on private property?

Mr. Davis stated it is partially on lot 4 & lot 3, it will be recorded on the deed.

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

Mr. Nicholson seconded the motion. Motion passes.

Mr. Evans made a motion to issue a Certificate of Compliance. Changed his motion to issue Order of Conditions.

Mr. Nicholson seconded the motion. Motion passes.

3. 90 Pond Street – ANRAD – Gyles – SE60-1137

Mr. Steve Gioiosa of SITEC engineering & Mr. Gyles were present.

Mr. Gioiosa presented plans.

Mr. Materne stated that the ANRAD is over 600', so this will go out to a consultant for review.

Mr. Evans made a motion to send the ANRAD review to Caputo & Wick.

Mr. Nicholson seconded the motion. Motion passes.

Mr. Gioiosa requested a continuance until May 21, 2019.

Mr. Evans made a motion to grant a continuance until May 21, 2019.

Mr. Nicholson seconded the motion. Motion passes.

4. 72 Francis St. – RDA - Rodriques

The applicant had not made the payment for the legal ad to the Gazette. A 21-day waiver was signed. The public hearing was moved to the meeting of May 21, 2019.

5. 159 Peck Street – RDA – Guthrie

The applicant had signed a 21-day waiver. The commission had done a site visit and recommended the applicant hire a botanist.

CONCERNS & COMPLAINTS

1. 364 Winthrop St. – Mendonca – Riverfront alteration – EO Issued

Mr. Mendonca & his contractor were present.

Mr. Habershaw stated that the top soil needs to be spread, 18 trees, in kind, need to be planted, a conservation mix needs to be spread on loam, and fix the silt fence.

Mr. Evans asked for a time table of when these things will be completed.

The contractor replied a couple of weeks.

2. 181 Winthrop St. – A Class Glass – Debris in Wetlands

Mr. Materne stated that it looks like the site has been graded down.

Ms. Huber asked if there had been an update from the property owner.

Ms. Vilao replied that a letter had been mailed but there had been no reply.

3. 471 Tremont St. – Debris in Wetlands

Mr. Habershaw stated that the property owner has moved the signs and they are installed correctly.

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

Mr. Evans seconded the motion. Motion passes.

4. 53 Water St - Concern

Ms. Vilao stated that a letter had been sent. The property owner called on Saturday to the office to let the commission know that they could go on the property. He called again on Monday and wanted to know why the commission had not come out to the site on Sunday. He wants to know when the commission can come out again.

The commission agreed to visit the site on May 19, 2019.

5. 42 Fairfield - Concern

Ms. Vilao stated that the property owner had contacted the Farm Bureau and they were able to help them get a wetland scientist to flag the wetlands for them.

6. 348 Anawan St. – Concern

Mr. Materne stated that the debris had been removed.

Ms. Huber stated that there has been no further dumping.

The commission agreed that there are no further issues with this property.

7. 79 Blanding Rd. - Concern

Mr. Ryan DuVally was present.

Mr. Nicholson recused himself.

Mr. Materne stated that both neighbors have flooding on their property, they feel this is because of the driveway.

Mr. Habershaw stated that he did not think that the driveway is damming the water onto the neighboring properties.

Mr. DuVally stated that he felt it is from the rain over the last 4 months.

Ms. Diane Dumin of 81 Blanding Road was present.

Ms. Dumin stated that she felt that the elevation of the driveway is what is causing the flooding onto the neighboring properties.

Mr. Evans stated that the water flows north to south. If the driveway was acting as a dam there would be more water to the north.

Mr. Habershaw read the elevation from the approved plan. All the water flows to Ms. Dumin's property.

Mr. Evans stated that there is a drain pipe under the driveway.

Mr. Materne stated that there are wetlands on each side of the driveway.

Mr. Evans stated that there was not enough water to cause flooding to the south.

Mr. Materne asked the commission if there was anything they could do.

Mr. Nicholson of 306 Summer St. was present.

Mr. Nicholson stated that he did not feel there was anything the commission could do.

Mr. DuVally had thought about installing a berm to get the water to go to the back of the property, but the wetlands are already acting as a swale.

Mr. Prachanronarong stated that he felt that it is being caused because of the rain, and the ground is just not able to handle that amount that we have gotten.

Ms. Dumin stated that the problem started in the fall. She can't put her animals out because of the amount of water in the paddocks.

Ms. Huber stated that sometimes the clearing of a lot causes more water to go onto other property.

Mr. Materne stated that the commissions job is to protect the wetlands. Every land owner has the right to develop their property. This is no different than any other project in town. This was done according to the plans.

Mr. Habershaw stated that there is a 5" difference between the driveway and Ms. Dumin's properties.

Mr. Materne stated that it is his opinion that it is the weather conditions. You may need to get some professional advice. Mr. DuVally has complied to what was proposed.

Mr. Evans stated there are straw waddles on the property not deployed.

Mr. DuVally stated he had reviewed the property today. It needs some serious re-shoring. Will address the issues.

Mr. Evans stated that the driveway was only approved to be 10 ft wide.

Mr. Materne stated that there are flags down. These things the commission should not have to talk to you about. The driveway needs to be measured, you need to restore Ms. Dumins driveway, and straw waddles need to be replaced.

The commission will go out to the property to inspect on May 19, 2019.

MINUTES

1. March 19, 2019
2. April 2, 2019
3. April 16, 2019

Mr. Evans made a motion to accept the above-mentioned minutes with edits.

Mr. Nicholson seconded the motion. Motion passes.

GENERAL BUISNESS

1. Conservation Agent - Job Description - Approval

This item was tabled until the meeting of May 21, 2019, to give the commission members time to review the language.

ADJOURNMENT

Mr. Evans made a motion to adjourn.

Mr. Nicholson seconded the motion. Motion passes.

Meeting adjourned at 8:15 pm.

For the Conservation Commission

Handwritten signature of Robert Materne in black ink, appearing as 'R. Materne'.

Robert Materne, Chairman

David Evans, Vice-Chairman