

**Rochester Conservation Commission
January 17, 2017**

Present: Michael Conway, Chairman
John Teal, Vice Chairman
Kevin Cassidy
Laurene Gerrior
Christine Post
Daniel Gagne
Maggie Payne, Associate Member

Absent: Rosemary Smith

Margaret Gonneville, Board Administrator
Laurell J. Farinon, Conservation Agent

Chairman Conway called the meeting to order at 7:00 p.m. at the Town Hall Meeting Room and announced that the meeting was being televised.

Before the start of the meeting, Chairman Conway requested a moment of silence in honor of Jack Faustino who passed away on January 9, 2017. Mr. Faustino served as a member of the Rochester Conservation Commission from the 1970's to the 1990's and was a founding member of the Commission. Mr. Faustino was also a very active member of the Rochester community.

Public Hearing

DEP SE 272-0531 (Continued from December 20, 2016)

An Abbreviated Notice of Resource Area Delineation filed by Marc D. & Nancy Ferreira, 100 Keene Road, Acushnet, MA 02743, for property located on Vaughan Hill Road, Rochester, MA 02770, designated as Lot 20 on Assessor's Map 32. The purpose of the filing is to confirm 1,249 linear feet of bordering vegetated wetland boundary. The property owners of record are Marc D. & Nancy Ferreira, 100 Keene Road, Acushnet, MA 02743. The applicant's representative is Alan Ewing of Alan Ewing Engineering, Inc., 261 New Boston Road, Fairhaven, MA 02719.

Alan Ewing of Alan Ewing Engineering, Inc. was present at the public hearing representing the applicant. Mr. Ewing explained that wetlands scientist Stephen Chmiel delineated the wetlands on the Ferreira property and did not extend the delineation to the property line. He explained that the revised plan shows the location of the added flags.

Agent Farinon reported that she met with Stephen Chmiel on December 30, 2016 along with Associate Member Maggie Payne, who is a Soil Scientist. Agent Farinon, Mr. Chmiel, and Ms. Payne reviewed the wetland line and used soil augers to examine the underlying soils. Two small shovel pits were dug by Ms. Payne to confirm the Plymouth County NRCS soil survey delineation. The wetland line was adjusted and extended when hydric soils were encountered. Agent Farinon reported that she is in agreement with the revised wetland line, and recommended that the Commission accept the wetland delineation shown on the revised plan dated January 10, 2017.

A motion to accept Agent Farinon's recommendation was made by Member Cassidy and seconded by Member Gerrior. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

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DEP SE 272-0528 (*Continued from December 20, 2016*)

A Notice of Intent was filed by Mike Spieldenner for property located at 1 Happy Tails Lane, Rochester, MA 02770, designated as Lot 8C on Assessor's Map 29. The applicant proposes to pave 650 linear feet of existing roadway and construct a drainage swale to collect roadway runoff within the 100 foot Buffer Zone of a bordering vegetated wetland. The property owners of record are James M. & Charlotte M. Spieldenner, 1 Happy Tails Lane, Rochester, MA 02770. The applicant's representative is Kevin Forgue, G.A.F. Engineering, Inc., 266 Main Street, Wareham, MA 02571.

Bob Rogers of G.A.F Engineering, Inc. was present at the public hearing representing the applicants. Mr. Rogers stated that at the last public hearing the Commission expressed concern about the depth of the swale and it potentially intercepting groundwater. The revised plan dated December 28, 2016 details a stone-filled trench two feet in depth which matches the depth of the underground electric. Mr. Rogers explained that if groundwater is encountered and dewatering is needed, he provided a note (#16) which directs the contractor to dewater to a ring of hay bales or to a dirt bag.

Agent Farinon summarized that this was a continued public hearing for a Notice of Intent filing to install an electrical conduit, pave the existing gravel road, and the install a drainage swale to intercept storm water. She reported that the project meets the satisfaction of the Planning Board engineer. Agent Farinon recommended the issuance of a positive Order of Conditions with the stipulation that the Conservation Commission be contacted for inspection of erosion control barriers prior to any construction activity.

A motion to accept Agent Farinon's recommendation was made by Member Cassidy and seconded by Member Gerrior. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

DEP SE 272-0530 (*Continued from December 20, 2016*)

A Notice of Intent filed by Clean Energy Collective, LLC, 146 West Boylston Drive, Worcester, MA 01606 for property located at 268 Mattapoissett Road, Rochester, MA 02770, designated as Lots 1 & 1A on Assessor's Map 4. The applicant proposes cutting of trees up to the 25-foot No Disturb Zone for a majority of the project site. Earthwork, grading and installation of ground-mounted solar photovoltaic solar panels are proposed within the 100-foot Buffer Zone of a bordering vegetated wetland. The property owners of record are Michael & Johann Forand, 268 Mattapoissett Road, Rochester, MA 02770. The applicant's representative is Dan Wells of Goddard Consulting, LLC, 291 Main Street, Northborough, MA 01532.

Greg Carey of Clean Energy Collective, LLC, Evan Watson of Prime Engineering, and Dan Wells of Goddard Consulting were present at the public hearing.

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Mr. Watson stated that the hearing for the proposed solar array was originally opened in October 2016, and that the Commission previously approved the site wetland delineation in an Order of Resource Area Delineation (ORAD). The drainage calculations have been revised to the Planning Board engineer, Ken Motta's, satisfaction. Mr. Watson said that there have been changes in the plans and the Devil's Footprint ledge outcrop will remain: panels were moved so that the outcrop can remain. He said that the Planning Board was concerned about providing screening for the abutter so the fence height was increased. The Fire Chief wanted crushed stone on the drivable surface instead of grass. Soil test pits were dug at the location of the sediment sumps, and test pit data has been added to the plans.

Member Cassidy asked about the spillway and Mr. Watson replied that the spillway elevation is just flat rocks on the ground. Member Cassidy then asked if the dimensions of the spillways will go to the 25 foot No Touch Zone and Mr. Watson replied that it would not. Mr. Watson stated that they would like permission to place excavated large rocks in rows outside of the 25 foot No Touch Zone.

Member Gagne commented that there was no erosion control barrier for the tree cutting, and Mr. Watson explained that they are cutting, but not stumping the outer areas. Member Gagne would like to have the limit of tree cutting staked at the field and Mr. Watson replied that flagging of the limit of clearing is included in the construction sequence. Member Gagne asked if they are proposing work within 100 feet of a potential vernal pool.

Agent Farinon asked the applicant to provide an explanation for additional clearing beyond perimeter areas, and particularly adjacent to the vernal pool. Mr. Watson responded that on the east side they wanted room from the bows of the trees and on the south side impact from shade. They are making sure not to impact the owner's maple trees. He said that they will need room for the swale which will be a four foot drop. Mr. Watson stated they will start 25 feet away from the wetlands and that some changes were a result of a back and forth with Ken Motta.

Agent Farinon stated that the test pits feel design is not compromised displacing water.

Mr. Watson stated that they would keep test pit stumps, remove accumulated sediment. This can be included as part of the conditions for the Order of Conditions. He said that they will have to file with the EPA. Member Cassidy stated that a copy of the notice should be sent to the Conservation Commission.

Agent Farinon summarized that since the last meeting, the elevation of the road increased, the perimeter road surface has been changed to crush stone, four additional test pits in the locations of the proposed sediment sumps, two sediment sumps were added on the northerly side, and the construction sequence has been updated to include construction of the sediment sumps. Agent Farinon recommend the issuance of an Order of Conditions with the stipulation that a pre-construction meeting be held to inspect erosion control measures prior to any construction activity, the Operation & Maintenance Plan and the NPDES Stormwater Pollution Prevention Plan (SWPPP) to the Rochester Conservation Commission for review, and that the 25 Foot No-Disturb Zone be staked in the field.

A motion to accept Agent Farinon's recommendation was made by Vice Chairman Teal and seconded by Member Gerrior. Member Gagne opposed the recommendation. **The motion passed by a vote of 5 in favor, 1 opposed, 0 abstained. (5-1-0)**

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DEP SE 272-0532

A Notice of Intent filed by Gary M. Mills of 74 Snipatuit Road, Rochester, MA 02770 for property located at Old Mill Way & Hartley Road, Rochester, MA 02770, designated as Parcels 27, 27A, 27B & 28 on Assessor's Map 37. The applicant proposes to complete construction of a subdivision road which was originally reviewed and approved in 2008 per Order of Conditions DEP SE 272-457. Construction started in 2009, but was never completed and the above referenced Order of Conditions has since expired. The applicant proposes installation of drainage outfalls, completion of roadway construction, final grading, landscaping, and completion of driveway with added drainage systems within the 100 foot Buffer Zone of Hartley Mills Pond and the associated bordering vegetated wetlands. Siltation controls measures will be implemented.

Don Bracken of Bracken Engineering, Inc. was present at the public hearing representing the applicant.

Mr. Bracken stated that this was a Flexible Development approved in 2008, when construction started and then sat dormant for many years. The development first consisted of four lots with one lot as unbuildable. The owners decided to combine the northerly lots and reduced to three lots with one unbuildable for a total of two buildable lots. The as-built plan shows an underground drainage system installed. The bordering vegetated wetland and small isolated vegetated wetland has been reflagged in the field. The original plan called for paving of a common driveway, but now the lot at the end of cul-de-sac eliminated the need for a common driveway. The remaining work is to pave and finish the storm water collection system and landscaping: the calculations show runoff reduction.

Member Gagne recommended that the Commission table the NOI until the Certificates of Compliance are considered.

Mr. Bracken stated they are awaiting a final review from the Planning Board engineer, Ken Motta. He said that they have also filed with Natural Heritage.

Agent Farinon stated that the Order of Conditions for this project has expired and erosion control barriers need to be repaired: she recommended that the Conservation Commission set a deadline of Friday, February 3, 2017 for repair of barriers.

(Chairman Conway suggested that the Commission continue with this public hearing and with the public meeting for the Certificates of Compliance after they held the public meeting for the other applicant that was waiting in the audience. The remaining part of minutes is a continuation of the public hearing for the NOI and the four Certificates of Compliance regarding this subdivision.)

Member Cassidy stated he is concerned with wood chips on the revised plans Page 3 of 4 and would like to see a Conservation mix instead. Member Cassidy suggested where the paved roadway ends, that they resurface with a new layer of gravel.

A motion to continue the public hearing and the four Certificates of Compliance until February 7, 2017 was made by Member Cassidy and seconded by Member Gagne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

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Public Meeting

A Request for Determination of Applicability filed by Kenneth Josephson for property located at 65 Gifford Lane, Rochester, MA 02770, designated as Lot 6A on Assessor's Map 39. The applicant proposes to construct an 8' 7" x 7' 10" addition within the 100 foot Buffer Zone of Snow's Pond. The property owners of record are Kenneth N. & Jeannine M. Josephson, 65 Gifford Lane, Rochester, MA 02770.

Kenneth Josephson was present at the public meeting.

Mr. Josephson explained that he wants to construct a kitchen addition in the space between two buildings. Agent Farinon summarized that the addition can be done without adverse impacts and recommended the issuance of a Negative Determination of Applicability. A motion to accept Agent Farinon's recommendation was made by Member Gagne and seconded by Member Cassidy. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

A Request for Certificate of Compliance was submitted by Gary M. Mills for property located at Hartley Road, designated as Lots 27 & 28 on Assessor's Map 37. An Order of Conditions was issued to Southeast Realty Development, LLC on July 3, 2008 under DEP SE 272-0457 allowing for the construction of a three-lot subdivision within the Buffer Zone to Hartley Mill Pond and the associated Bordering Vegetated Wetland. The following portions of the work regulated by the referenced Order of Conditions have been completed: the clearing and grubbing for roadway and drainage; the rough grading and installation of gravel for the road; and the installation of drainage systems (90% complete). A new Notice of Intent to complete the project is being filed with this request.

A motion to continue the public hearing and the four Certificates of Compliance until February 7, 2017 was made by Member Cassidy and seconded by Member Gagne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

A Request for Certificate of Compliance was submitted by Gary M. Mills for property located at Old Mill Way – Lot 1, designated as Lots 27 & 28 (portion) on Assessor's Map 37. An Order of Conditions was issued to Southeast Realty Development, LLC on December 19, 2008 under DEP SE 272-0464 allowing for the construction of a single family dwelling with paved driveway, septic system, private well, roof drains, and utilities with associated grading and revegetation within the 100 foot Buffer Zone to a Bordering Vegetated Wetland. The following portions of the work regulated by the referenced Order of Conditions have been completed: land clearing and grubbing per the attached Subsurface Disposal System Plan, "Hartley Mills" Lot 1, dated October 6, 2008, revised December 19, 2016.

A motion to continue the public hearing and the four Certificates of Compliance until February 7, 2017 was made by Member Cassidy and seconded by Member Gagne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

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A Request for Certificate of Compliance was submitted by Gary M. Mills for property located at Old Mill Way – Lot 2, designated as Lots 27 & 28 (portion) on Assessor’s Map 37. An Order of Conditions was issued to Southeast Realty Development, LLC on December 5, 2008 under DEP SE 272-0465 allowing for the construction of a single family dwelling with paved driveway, septic system, private well, roof drains, and utilities with associated grading and revegetation within the 100 foot Buffer Zone to a Bordering Vegetated Wetland. The following portions of the work regulated by the referenced Order of Conditions have been completed: land clearing and grubbing per the attached Subsurface Disposal System Plan, “Hartley Mills” Lot 2, dated October 6, 2008, revised December 19, 2016.

A motion to continue the public hearing and the four Certificates of Compliance until February 7, 2017 was made by Member Cassidy and seconded by Member Gagne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

A Request for Certificate of Compliance was submitted by Gary M. Mills for property located at Old Mill Way – Lot 3, designated as Lots 27 & 28 (portion) on Assessor’s Map 37. An Order of Conditions was issued to Southeast Realty Development, LLC on December 5, 2008 under DEP SE 272-0466 allowing for the construction of a single family dwelling with paved driveway, septic system, private well, roof drains, and utilities with associated grading and revegetation within the 100 foot Buffer Zone to a Bordering Vegetated Wetland. The following portions of the work regulated by the referenced Order of Conditions have been completed: land clearing and grubbing per the attached Subsurface Disposal System Plan, “Hartley Mills” Lot 3, dated October 6, 2008, revised December 19, 2016.

A motion to continue the public hearing and the four Certificates of Compliance until February 7, 2017 was made by Member Cassidy and seconded by Member Gagne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

Commission Business

For Signature

Minutes

A motion to approve the minutes of December 20, 2016 was made by Member Gagne and seconded by Member Gerrior. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

Voucher(s)

The following vouchers were approved for payment: W.B. Mason / Nameplate for Maggie Payne: \$6.80; W.B. Mason / Office Supplies: \$48.82; and Pitney Bowes / Postage Meter Fees (Signed on 1/10/17 by Chairman Conway): \$53.19.

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New Business

Future Meetings and Site Visits

Commission members discussed their availability for upcoming meetings and site visits. All members present are available for site visits on Saturday, February 4, 2017 except for Member Post and Member Smith. All members present will be available for the next meeting on Tuesday, February 7, 2017 except for Member Smith.

Members agreed that hard copies of site visit information can be left in a folder at the Town Hall to be picked up prior to site visits, as well as emailed in advance.

Conservation Peer Review

Agent Farinon reminded the Commission members that it is within their purview to request fees for peer review when they deem it necessary.

MACC Conference

Agent Farinon informed the Commission members that the MACC Conference will be on March 4, 2017. Members who are interested in attending will bring in their registration at the next meeting on February 7, 2017.

Adjournment

The meeting adjourned at 8:25 p.m. on a motion made by Member Gagne and seconded by Member Cassidy. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

Margaret Gonneville, Board Administrator

Michael Conway, Chairman