

**Rochester Conservation Commission
February 21, 2017**

Present: Michael Conway, Chairman
John Teal, Vice Chairman
Kevin Cassidy
Laurene Gerrior
Daniel Gagne
Christine Post
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.

Public Meeting

A Request for Determination of Applicability filed by Charles Adams for property located at 5 Bennett Road, Rochester, MA 02770, designated as Lot 19 on Assessor's Map 44A. The applicant proposes to cut invasive Japanese Knotweed up to the edge of the Isolated Vegetated Wetland, and establish lawn up to the 25-foot No Touch Zone. Erosion control measures will be implemented.

Property owner Charles Adams explained that he met with Commission members at the site visit on Saturday, February 18, 2017 to view the area where he plans to establish lawn and eradicate the invasive Japanese Knotweed. Member Cassidy asked how far the Knotweed went and Mr. Adams replied that it goes 35-40 feet beyond the 25-Foot Buffer Zone. Member Cassidy asked if he was removing it by mechanical means and Mr. Adams replied that his contractor suggests that it be dug out, backfilled with loam/top soil, and then seeded. Mr. Adams stated he would like to install silt fence along the 25-Foot No Disturb Zone, and then eradicate the Japanese Knotweed between the silt fence and the wetland line.

Vice Chairman Teal commented that it is a terrible invasive plant and that he supports removal as long as he was careful. Vice Chairman Teal stated that the top of the Knotweed should be cut and then use a brush to apply herbicide on the individual stems. He said that it takes a few applications by brush to kill the Knotweed. Member Gagne stated that he is concerned about the use without a management plan. Member Cassidy suggested that the Conservation Agent view the siltation controls before any activity.

Agent Farinon summarized that Mr. Adams would like to eliminate the Japanese Knotweed that has taken over his back yard, and that the Rochester Wetlands Bylaw has provisions for projects like this in Section 5.4. She said that Mr. Adams proposes to plant native species in the No Disturb Zone once the knotweed dies back. Agent Farinon recommended issuance of a Negative Determination of Applicability with the stipulation that erosion control barriers be installed along the 25-Foot No Disturb Zone line, the Commission be notified for inspection of erosion controls barriers prior to any construction activity, and that a plan for chemical treatment be submitted to the Commission for review and approval prior to the application.

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

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(Continued from February 7, 2017) DEP SE 272-457 (3 Lot Subdivision) 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.

Don Bracken of Bracken Engineering was present at the public meeting and explained that the applicant is requesting a Certificate of Compliance (COC) for partial completion of the three-lot subdivision. Member Gagne stated that the last time this request for a COC appeared before the Commission he had requested an as-built elevation showing invert elevations of drainage structures. Mr. Bracken replied that he feels that the information provided was adequate for issuance of a Certificate of Compliance.

Mr. Bracken stated that the back two lots have been combined into one lot and that this just affects to the subdivision road: the drainage outfall still needs to be completed, but 90% of the storm water collection system is already installed. Member Cassidy stated that there was no detail as to what has been done.

Agent Farinon stated that this is a unique situation; four permits have expired and are in various stages of completion. She said that she had asked for a resubmittal of the four Requests for Certificate of Compliance due to deficiencies. A new Notice of Intent to complete remaining work was also submitted. She said that the Commission was within its rights to request an as-built plan showing invert elevations. Mr. Bracken replied that he has all the invert elevations, and can add them to the plan for submittal to the Commission.

Mr. Bracken requested a continuance for the Request for Certification of Compliance for DEP SE 272-457. A motion to continue the public meeting until March 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)**

(Continued from February 7, 2017) DEP SE 272-464 (Lot 1) 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.

Don Bracken of Bracken Engineering explained Lot 1 is the lot that has had limited clearing.

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Agent Farinon reported that she met with the property owners and found erosion control barriers in disrepair and installed backwards throughout the site. They have since been repaired and installed properly. Agent Farinon recommended the issuance of a Partial Certificate of Compliance for DEP SE 272-464 Lot 1. 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)**

(Continued from February 7, 2017) DEP SE 272-465 (Lot 2) 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.

Don Bracken of Bracken Engineering explained that land clearing and grubbing had been done. He said that the request showed was originally approved and what actually had been done.

Agent Farinon stated that this Request for Certificate of Compliance is that same as the previous request for DEP SE 272-464 with land clearing and grubbing completed. Agent Farinon recommended the issuance of a Partial Certificate of Compliance for DEP SE 272-464 Lot 2. A motion to accept Agent Farinon's recommendation was made by Member Gerrior and seconded by Member Gagne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

(Continued from February 7, 2017) DEP SE 272-466 (Lot 3) 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.

Don Bracken of Bracken Engineering showed a plan highlighting the approved limit of clearing versus the located limit of clearing to Commission members. He said that there was some clearing within the 25-Foot Buffer Zone. Member Gagne asked where the erosion control barriers were and Mr. Bracken replied that the barriers were installed along the edge of the clearing.

Agent Farinon recommended the issuance of a Partial Certificate of Compliance for DEP SE 272-466 Lot 3. A motion to accept Agent Farinon's recommendation was made by Member Cassidy and seconded by Vice Chairman Teal. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

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Public Hearing

DEP SE 272-0532 (Continued from February 7, 2017)

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 was present at the public meeting representing the applicant.

Mr. Bracken stated that the Planning Board closed the public hearing for this property at their last meeting. He said that the plans were revised with the comments made by the Planning Board engineer, Ken Motta. The Planning Board wanted to eliminate any reference to the common driveway or drainage for the common driveway on the plans. He said that there will be underground electric from the street and overhead electric to the lots. The Planning Board requested additional plantings at the drainage area.

Member Gagne requested that work be eliminated within the 25-Foot No Disturb Zone. Mr. Bracken replied that there is riprap stone basin that could probably be pulled back. Mr. Bracken stated that the slope is being vegetated with shrubs and trees as part of the Planning Board conditions. He said that erosion control barriers can be pulled back 10 feet to elevation 50. Member Gagne stated that the 25-Foot No Touch Zone should be added to the plans for the contractors to see.

A motion to continue the public hearing until March 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 February 7, 2017 was made by Vice Chairman Teal and seconded by Member Gerrior. Member Post abstained since she was not present at the meeting and Member Cassidy abstained because he had not seen the minutes. **The motion passed by a vote of 4 in favor, 0 opposed, 2 abstained. (4-0-2)**

Voucher(s)

The following voucher was approved for payment: Stapled / Office Supplies: \$100.98.

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New Business

Review and Approve 2016 Annual Report

A motion to accept the 2016 Annual Report as written was made by Vice Chairman Teal and seconded by Member Gerrior. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

Future Meetings and Site Visits

Commission members discussed their availability for upcoming meetings and site visits. All members present will be available for the next meeting on Tuesday, March 7, 2017 except for Member Smith and Member Gerrior. There will be no site visits on Saturday, March 4, 2017 as some members will be at the MACC Conference. Members Conway, Gagne, and Associate Member Payne are available for site visits on Sunday, March 5, 2017 at 9:30 a.m. Agent Farinon informed the members that the next meeting on Tuesday, March 7, 2017 will be held at the Rochester Council on Aging Meeting Room at 67 Dexter Lane.

Adjournment

The meeting adjourned at 8:13 p.m. on a motion 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)**

Margaret Gonneville, Board Administrator

Michael Conway, Chairman