

**Rochester Conservation Commission
May 16, 2017**

Present: Michael Conway, Chairman
John Teal, Vice Chairman
Daniel Gagne
Laurene Gerrior
Rosemary Smith
Maggie Payne, Associate Member

Absent: Christine Post

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

The meeting was held at the Rochester Town Hall Meeting Room. Chairman Conway called the meeting to order at 7:02 p.m. and announced that the meeting was being televised.

Public Meeting

***(continued from May 2, 2017)* A Request for Determination of Applicability filed by Clifford J. Hedges IV, 55 Pierce Street, Rochester, MA 02770 for property located on Neck Road, Rochester, MA 02770, designated as Lot 36F on Assessor's Map 44. The applicant proposes to construct a new single-family house with private well and subsurface sewage disposal system, access driveway to Neck Road over existing woods road, and clearing of approximately 40,500 s.f. of existing pine grove. Erosion control measures will be implemented.**

Documents submitted: Letter from Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife dated May 12, 2017

Rick Charon of Charon Associates, Inc. and Clifford J. Hedges IV were present at the public meeting.

Mr. Charon stated that at the last public meeting there were two issues that needed to be resolved. The Commission was waiting for a response from the Natural Heritage & Endangered Species Program (NHESP), which has since been received and indicates that the proposed project will not result in a "take" of state-listed rare species. The second issue was that DEP red flagged the site as being on the wetland change map. Mr. Charon stated that the GIS map does not show a second bog, but the 2001 Google Earth map has two bogs. He stated that Mr. Hedges' father worked on the second bog, but the unrestored bog is showing up as a disturbance on the GIS map; it was a bog in 2001. Mr. Hedges stated that his father had revived an old bog and that the bogs have been in the area since 1893.

Agent Farinon stated she did a search of all Conservation Commission files related to the subject property, and found an old file referencing work done in 1986. She said that a borrow pit was excavated and a Certificate of Compliance was issued; said work was not in the direct vicinity of the mapped wetland change.

In response to Member Gerrior's inquiry, Agent Farinon reported that she informed the New Bedford Water Department about the RDA filing and has received no feedback from that office.

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Agent Farinon summarized that the Request for Determination of Applicability for the proposed single-family dwelling is within the 100 foot Buffer Zone to a Bordering Vegetated Wetland (BVW), but assuming proper installation of siltation barriers, the project can be done without adverse impacts to the BVW. She recommended the issuance of a Negative Determination of Applicability.

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

A Request for Determination of Applicability filed by Andrew & Susan Revell for property located on 59 Bradford Lane, Rochester, MA 02770, designated as Lot 3M on Assessor's Map 39. The applicant proposes to cut three pine trees and construct a six foot wide stone dust wheelchair accessible path within the 100 foot Buffer Zone of a bordering vegetated wetland. Siltation control measures will be implemented.

Documents submitted: Mark-up of "Plan to Accompany Notice of Intent 59 Bradford Lane, Andrew & Susan Revell, Rochester, MA" by Prime Engineering and photographs of the property taken on May 16, 2017 by Agent Farinon

Andrew Revell was present at the public meeting, and stated that he proposes to cut three pine trees and construct a six-foot wide stone dust wheelchair accessible path within the 100 foot Buffer Zone of a Bordering Vegetated Wetland. The path will be constructed so that Mr. Revell can better access and utilize his property with his children as they explore nature on their property. Mr. Revell stated that the pine trees are being cut because they are in the way of the wheelchair accessible path.

Agent Farinon stated that this was the fourth filing on the subject property over the years, and that three pines will be removed in order to construct the path. Agent Farinon distributed photographs of the property and recommended the issuance of a Negative Determination of Applicability.

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

A Request for Determination of Applicability filed by Willow Creek Builders, LLC, 3 Belcher Street, Plainville, MA 02762 for property located on 153 Forbes Road, Rochester, MA 02770, designated as Lot 41 on Assessor's Map 19A. The applicant proposes to construct a new private well within the 100-foot Buffer Zone of an isolated vegetated wetland which straddles the property line. Erosion control measures will be implemented. The applicant's representative is Timothy D. Higgins, Edgewood Development Company, LLC, 3 Belcher Street, Plainville, MA 02762. The property owner of record is Connet Woods, LLC, 3 Belcher Street, Plainville, MA 02762.

Documents submitted: Exhibit A – Connet Woods Plotting Plan, Sheet 2 of 62; Exhibit B – Definitive Plan Sheet 46 of 62; Exhibit C – Lot 41 Sewage Disposal Plan Showing Well Setback; and photographs of the 153 Forbes Road Well Location taken on May 16, 2017 by Agent Farinon

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Timothy Higgins of Edgewood Development Company, LLC was present at the public meeting, and explained that the well was mistakenly installed within the 100 Foot Buffer Zone without a filing with the Conservation Commission. He said that there were no impacts to the resource area.

Agent Farinon reported that when she visited the property, she discovered the well was already installed and water was coming out of the top of the well and flowing towards the adjacent isolated vegetated wetland area. She distributed the photographs to the Commission and noted that there is a washout area up-gradient of the wetland that needs to be corrected. Agent Farinon recommended that the public meeting be continued so that siltation barriers can be installed, and the washout area stabilized.

A motion to continue the public meeting until June 6, 2017 was made by Member Smith and seconded by Vice Chairman Teal. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

Public Hearing

DEP SE 272-0534 (Continued from May 2, 2017)

An Abbreviated Notice of Resource Area Delineation was filed by Steve Long of Borrego Solar Systems, Inc., 55 Technology Drive, Lowell, MA 01851, for property located on 453 Rounseville Road, Rochester, MA 02770, designated as Lots 7 & 1H on Assessor's Maps 31 & 34. The purpose of the filing is to confirm 2,295 linear feet of bordering vegetated wetland boundary.

Documents submitted: (1) Revised wetlands location plan entitled "Plan of Land in Rochester, MA, Plymouth Registry, Prepared for Borrego Solar" dated May 10, 2017 by Northeast Survey Consultants, (2) Wetland Delineation Report from Meredith Borenstein, Professional Wetland Scientist from SWCA Environmental Consultants

Steve Long of Borrego Solar was present at the public hearing and reported that the wetland scientist adjusted the wetland delineation as per her site visit with Agent Farinon, and the revised flagging was subsequently located using conventional field survey methods. Significant changes were made to the delineation adjacent to Rounseville Road, and the requested wetland report and Bordering Vegetated Wetland (BVW) delineation forms were submitted.

Agent Farinon reported that the revised wetland delineation has been field located and is shown on the revised plan which has been stamped by a professional land surveyor (P.L.S.). She said that she field checked the revised flagging that she and wetland scientist Meredith Borenstein agreed upon. Agent Farinon stated that she is comfortable with the wetland delineation as presented, and recommended the acceptance of the revised Wetlands Plan dated May 10, 2017.

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

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DEP SE 272-0538

A Notice of Intent filed by Marc D. & Nancy E. Ferreira for property located at Vaughan Hill Road, Rochester, MA 02770, designated as Lot 20 on Assessor's Map 32. The applicant requests approval to construct a single family dwelling, install a septic system, well, to fill and grade. A wetlands crossing is proposed with replication. Erosion control measures will be implemented. The property owner of record is Marc D. & Nancy E. Ferreira, 100 Keene Road, Acushnet, MA 02743. The applicant's representative is Alan Ewing, P.E., Alan Ewing Engineering, Inc., 261 New Boston Road, Fairhaven, MA 02719.

Documents submitted: Plan Sheets (2) entitled: "Site Plan/Sewage Disposal Plan of Land in Rochester, MA, Prepared for Marc D. & Nancy E. Ferreira" dated February 23, 2017 and revised on April 26, 2017

Alan Ewing of Alan Ewing Engineering, Inc. and Marc & Nancy Ferreira were present at the public hearing.

Mr. Ewing stated that this was a 6.8 acre site located on Vaughan Hill Road, and that the wetland delineation was approved by the Commission in December 2016. The applicants are proposing to construct a single-family dwelling, install a septic system, well, and a new driveway and wetlands crossing. He said that there will be filling of bordering vegetated wetlands and construction of a wetlands replication area.

Member Gagne asked about an erosion control barrier plan and Mr. Ewing replied that they plan to use silt fencing and hay bale barriers. Member Gagne then asked about the operating slope and Mr. Ewing replied that it would be a 5 to 1 slope. Member Gagne said that he would like to see the proposed driveway limits field staked by surveyors prior to any construction activity.

Member Gerrior asked about the wetland replication area and Mr. Ewing stated that the area will be used to walk in and the access area will be the driveway.

Chairman Conway stated that he would like to see an amendment to the Wetland Replication Plan to show that it is for two years.

Associate Member Payne asked if there is any proposed clearing of trees and Mr. Ewing replied that there would be just enough cutting for the dwelling.

Agent Farinon stated that the Commission comments will warrant a continuance and a revised plan. She recommended that the applicant submit a detailed construction schedule and show a semi-permanent barrier (post & rail fence, arborvitaes, boulders) along the 25 foot No Touch Zone on the plan. Members of the Conservation Commission agreed with Agent Farinon.

Agent Farinon recommended that a condition be put in the Order of Conditions that a wetland scientist monitors construction of the wetland replication area.

Mr. Ewing requested a continuance until June 6, 2017.

A motion to continue the public hearing until June 6, 2017 was made by Member Gagne and seconded by Member Gerrior. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

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Appointment for Discussion, Attorney George Boerger regarding Wellspring Farm Site Improvements

Documents submitted: Plan Sheets 1-4 entitled: "Site Plan of Land in Rochester, Massachusetts Prepared for Wellspring Farm, LLC", prepared by Webby Engineering Associates, Inc., dated March 21, 2017 and revised on May 10, 2017

Attorney George Boerger, Joe Webby of Webby Engineering, and James & Holly Vogel were present at the meeting. Attorney Boerger summarized that the Vogel's are in the process of Site Plan Review with the Rochester Planning Board. He said that the gravel road was used a number of years ago and Rick Charon, engineer for Charon Associates, inspected the roadway and made suggestions for improvement. Mr. Charon told them that they will need to file a Notice of Intent with the Conservation Commission, so they are appearing for this discussion looking for suggestions from the Commission.

Mr. Webby stated that they are completely within the 25 foot No Disturb Zone and that an Order of Conditions originally created this gravel road. He said that they are proposing to remove 2 inches of material to stabilize the base. They proposed to add gravel and construct a 40 foot asphalt apron. He said that Sheet 4 of the plan proposes a grass swale, check dams, erosion control barriers, and silt fencing.

Chairman Conway suggested that Mr. Webby review the Town wetlands bylaw.

Agent Farinon stated that Rick Charon of Charon Associates had worked on the project in 1985 and that a Certificate of Compliance was issued in 1990 for a 12-foot wide gravel driveway. She said that there was a 450 foot wetlands crossing at the time. Member Smith commented that this was before the Rochester Wetlands Bylaw.

Member Gagne stated that additional details on grading are needed. Agent Farinon stated that they will need to demonstrate compliance with the stormwater requirements of the Wetlands Protection Act. Member Gagne asked if the road could be narrower if the Planning Board allowed it and Agent Farinon commented that it may conflict with what the Planning Board requirements.

Mr. Webby stated that they will proceed with a Notice of Intent filing. Agent Farinon suggested that they take a close look at maintaining as much of the 25 foot No Disturb Zone as possible.

Commission Business

For Signature

Minutes

A motion to approve the minutes of May 2, 2017 was made by Member Smith and seconded by Member Gerrior. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

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Voucher(s)

There were no vouchers approved for payment. The following voucher was signed by Chairman Conway on May 5, 2017 pursuant to the Municipal Modernization Act: Pitney Bowes / Postage & Quarterly Fee in the amount of \$155.85.

New Business

Appointment Maggie Payne as a Permanent Member

The Board of Selectman will vote on the recommendation by the Commission to appoint Maggie Payne as a permanent member on May 22, 2017.

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 and site visits on Tuesday, June 6, 2017.

Correspondence

Eversource sent a letter dated May 8, 2017 regarding the Vegetation Management Plan detailing the application of herbicides along power line rights-of-way in Rochester.

Board of Health Regulation Reduction

Karen Walega, Health Director for the Rochester Board of Health, notified Agent Farinon that the local setback requirement from the subsurface sewage disposal system leaching area to edge of wetlands has been reduced from 150 feet to the Title V minimum of 50 feet. Agent Farinon will attend the next Board of Health meeting to inquire about the rationale for such a drastic reduction; most surrounding communities require a minimum 100 foot setback.

Adjournment

The meeting adjourned at 8:34 p.m. on a motion made by Member Smith and seconded by Member Gagne. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

Margaret Gonneville, Board Administrator

Michael Conway, Chairman