

**Rochester Conservation Commission
August 1, 2017**

Present: Michael Conway, Chairman
John Teal, Vice Chairman
Daniel Gagne
Laurene Gerrior
Christine Post
Rosemary Smith

Absent: Maggie Payne

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 7:04 p.m. and announced that the meeting was being televised.

Public Meeting

A Request for Extension Permit that was filed by Timothy D. Higgins of Edgewood Development, LLC, 3 Belcher Street, Plainville, MA 02762 for property located on High Street and Ryder Road, Assessor's Map 19, Lot 42 and Map 21, Lots 23 & 18, requesting a three (3) year extension to the previously issued Order of Conditions under DEP SE #272-0450 which will expire on August 13, 2017. The project is only partially completed.

Agent Farinon explained that Edgewood Development has requested a three year Extension Permit on the Order of Conditions for the 115-lot Connet Woods residential subdivision with accompanying roadways, stormwater collection system, wetland crossing and associated earthwork and grading. Agent Farinon had discussed a strategy with Mr. Higgins to thoroughly review the project status over the next month by meeting on site and consulting with the Planning Board, Town Planner, Highway Surveyor and Town Engineer. Agent Farinon commented that she has reviewed the Order of Conditions and there are some items that need attention. Since the Commission cannot stipulate additional conditions on an Extension Permit, Agent Farinon recommended that the Commission continue the public meeting until September 5, 2017.

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 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

A Request for Determination of Applicability filed by Joshua D. Hunt for property located on Featherbed Lane, Rochester, MA 02770, designated as a portion of Lot 18C on Assessor's Map 46. The applicant proposes to construct a single family dwelling on a 2.50 acre site and to install a well, driveway down the existing woods road to the building site, install a septic system, fill and grade within the 100 foot Buffer Zone of a bordering vegetated wetland. Siltation control measures will be implemented.

Documents submitted: Site plan entitled "Site Plan/Sewage Disposal Plan of Land at Featherbed Lane in Rochester, MA Prepared for Joshua D. Hunt" 237 dated June 1, 2017 and Photographs of the Site take by Conservation Agent on July 10, 2017

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Al Ewing of Alan Ewing Engineering and Joshua Hunt were present at the public meeting.

Mr. Ewing stated the Mr. Hunt's son previously owned the property and that an Approval Not Required was granted by the Rochester Planning Board and a new lot created. Mr. Hunt proposes to build a three-bedroom single family dwelling outside the 100-foot Buffer Zone. The dwelling will be 350 feet away from the wetlands and a retaining wall will be built. Mr. Hunt will be using the woods road to access the property.

Agent Farinon reported that she reviewed the wetland delineation and is in agreement with the line, and all work is proposed outside the 100-foot Buffer Zone. She distributed photographs of the site, and recommended that the Commission issue 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 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

Public Hearing

DEP SE 272-0541 (Continued from June 20, 2017)

A Notice of Intent filed by Hartley Beach Trust c/o Patricia Corwin, Norene W. Hartley & Keith M. Cannon, Trustees for property located at 90 Snows Pond Road, Rochester, MA 02770, designated as Lot 3C on Assessor's Map 39. A Notice of Violation was issued on April 13, 2017 for illegal brush cutting and alteration of Bordering Vegetated Wetland on Snows Pond. The applicant proposes vegetative restoration within Bordering Vegetated Wetland, Freshwater Wetland, and Bank of Snows Pond. The property owner of record is Hartley Beach Trust c/o Patricia Corwin, Norene W. Hartley & Keith M. Cannon, Trustees, 215 Cushman Road, Rochester, MA 02330. The applicant's representative is Brian Madden, LEC Environmental Consultants, Inc., 12 Resnik Road, Suite 1, Plymouth, MA 02360.

Documents submitted: Letter dated June 30, 2017 from the Natural Heritage & Endangered Species Program

Hartley Family Trust representative Norene Hartley was present at the public hearing along with family members of the Trust.

Agent Farinon stated that the public hearing from June 20, 2017 was continued because the Commission had not received a letter from the Natural Heritage & Endangered Species Program (NHESP). Said letter has since been received and NHESP has determined that the proposed project will not adversely affect rare wildlife species habitat.

Agent Farinon recommended the issuance of a Positive Order of Conditions approving the restoration plan with the stipulation that 4 x 4 posts with signage be installed at strategic locations along the wetland line to demarcate the boundary. Post installation and proposed restoration shall be completed in the fall of 2017. Agent Farinon will meet a family representative at the property to determine the location of the 4 x 4 posts.

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

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DEP SE 272-0540 (Continued from June 20, 2017)

A Notice of Intent filed by Decas Cranberry Company for property located off Walnut Plain Road, Rochester, MA 02770, designated as Lots 2D, 2E & 2F on Assessor's Map 27. The applicant proposes an after-the-fact Notice of Intent (NOI) for the unauthorized cutting of vegetation within the 25-foot No Disturb Zone and the 100-foot Buffer Zone to a Bordering Vegetated Wetland. The NOI is submitted in response to the Notice of Violation issued on April 13, 2017. The property owner of record is Decas Cranberry Company, 4 Old Forge Drive, Carver, MA 02330. The applicant's representative is Brooke Monroe, Pinebrook Consulting, 59 Court Street, Plymouth, MA 02360.

Documents submitted: Buffer Zone Restoration Plan for Walnut Plain Road (Map 27, Lots 2D, 2E and 2F) Rochester, Massachusetts, Prepared for Decas Cranberry Company, Inc., Prepared by: Pinebrook Consulting, John L. Libby Consulting, Inc., dated July 10, 2017

Brooke Monroe of Pinebrook Consulting and William Chamberlain of Decas Cranberry Company were present at the public hearing.

Ms. Monroe stated that the public hearing was continued from June 20, 2017 to allow time for preparation and submittal of the requested restoration plan. Ms. Munroe explained that the plan calls for planting the 25-foot buffer zone to the Bordering Vegetated Wetland with indigenous shrub and herbaceous plant species. The plant species were selected for their wildlife habitat value, and will be monitored for two growing seasons.

Agent Farinon recommended a Positive Order of Conditions approving the Buffer Zone Restoration Plan with the stipulation that all work be completed by the fall of 2017, be monitored by a wetland scientist, and that any plantings that die off be replanted within two years.

A motion to accept Agent Farinon's recommendation and stipulated that the work be completed by October 15, 2017 was made by Member Smith and seconded by Member Gagne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

DEP SE 272-0542 (Continued from June 20, 2017)

A Notice of Intent filed by William Chamberlain of Decas Cranberry Company for property located at 223 Burgess Avenue, Rochester, MA 02770, designated as Lot 16 on Assessor's Map 27. The applicant proposes an after-the-fact Notice of Intent (NOI) for the unauthorized cutting of vegetation within the 25 No Disturb Zone, 100-foot Buffer Zone, and the 200-foot riverfront area of a mapped perennial stream. The NOI is submitted in response to a Notice of Violation issued on April 27, 2017. The property owner of record is Decas Cranberry Company, 4 Old Forge Drive, Carver, MA 02330. The applicant's representative is Brooke Monroe, Pinebrook Consulting, 59 Court Street, Plymouth, MA 02360.

Documents submitted: Riverfront/Buffer Zone Restoration Plan for Burgess Avenue (Map 27, Lot 16) Rochester, Massachusetts, Prepared for Decas Cranberry Company, Inc., Prepared by: Pinebrook Consulting, John L. Libby Consulting, Inc. dated July 17, 2017

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Brooke Monroe of Pinebrook Consulting and William Chamberlain of Decas Cranberry Company were present at the public hearing.

Ms. Monroe stated that the submitted restoration plan is for alterations to the 100-foot Buffer Zone and 200-foot Riverfront Area. Ms. Munroe commented that she does not believe the stream as shown on the USGS map is perennial; however, Decas Cranberry is not rebutting said designation at this time.

Ms. Monroe explained that the submitted restoration plan includes plantings in the flatter part of the site because it is a more suitable area to plant. She proposes erosion control near the steep bank closer to the wetland.

Member Smith recommended approval of the Buffer Zone Restoration Plan with the stipulation that all work be completed by the fall of 2017, be monitored by a wetland scientist, and that any plantings that die off be replanted within two years. Member Gagne recommended that the slope also be monitored in that two-year period.

Member Gerrior motioned approval of the above recommendations and was seconded by Member Smith. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

DEP SE 272-0543

A Notice of Intent (NOI) filed by William Chamberlain of Decas Cranberry Company for property located at Old Middleboro Road, Rochester, MA 02770, designated as Lot 7 on Assessor's Map 23. The NOI is submitted in response to a Notice of Violation issued on April 27, 2017 for the unauthorized cutting of vegetation within the 25-foot No Disturb Zone, 100-foot Buffer Zone, and within the Buffer Zone to an Isolated Vegetated Wetland. The applicant proposes a restoration plan which includes planting of shrubs and a seed mix to be sown within the restoration area. The property owner of record is Decas Cranberry Company, 4 Old Forge Drive, Carver, MA 02330. The applicant's representative is Brooke Monroe, Pinebrook Consulting, 59 Court Street, Plymouth, MA 02360.

Documents submitted: "Plan to Accompany a Notice of Intent Old Middleboro Road Assessors Map 23 Lot 7, Rochester Massachusetts (Plymouth County)" dated June 18, 2017 and Wetland/Buffer Zone Restoration Plan for Old Middleboro Road (Map 23, Lot 7) Rochester, Massachusetts, Prepared for Decas Cranberry Company, Inc., Prepared by: Pinebrook Consulting, John L. Libby Consulting, Inc. dated June 30, 2017

Brooke Monroe of Pinebrook Consulting and William Chamberlain of Decas Cranberry Company were present at the public hearing.

Ms. Monroe stated that this was an after-the-fact filing for cutting of vegetation within the 25-foot No Disturb Zone and 100-foot buffer to a Bordering Vegetated Wetland and within the buffer zones to an Isolated Vegetated Wetland. Ms. Monroe explained that her restoration plan focused on supplemental plantings to increase wildlife habitat adjacent to the isolated vegetated wetland.

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Agent Farinon commented that tree cutting on the westerly side beyond the property line was covered by an approved forest cutting plan; only two trees were cut in the 25-foot Buffer Zone. Agent Farinon recommended approval of the restoration plan with the stipulation that all plantings be done by October 15, 2017, monitor and replace plants in a two-year period, and oversight by a wetland scientist.

A motion to accept Agent Farinon's recommendation and accept the replication as per the prior permits 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)**

DEP SE 272-0544

A Notice of Intent filed by Progressive Grower, Inc., P.O. Box 278, West Wareham, MA 02576 for property located at Kings Highway, Rochester, MA 02770, designated as Lots 29, 29A, 30, 31A, 55 & 56 on Assessor's Map 17. The applicant proposes the construction of six 60' x 120' buildings for the storage and distribution of fertilizer and agricultural supplies. Work proposed within the 100-foot Buffer Zone of bordering vegetated wetlands and isolated vegetated wetlands includes construction of a portion of Building 1, the access drive from Cranberry Highway (Route 28), a portion of the southerly access/loading area, the detention basin, retaining wall, on-site well, aboveground propane tank, underground utilities and associated clearing and grading. The property owner of record is Tremont Enterprise Corp., P.O. Box 129, West Wareham, MA 02576. The applicant's representative is William F. Madden, G.A.F Engineering, Inc., 266 Main Street, Wareham, MA 02571.

Documents submitted: "Progressive Grower, Inc., Site Development Plan, Kings Highway & Route 28, Rochester, Massachusetts" Sheets 1-9, dated July 13, 2017

Brian Grady of G.A.F. Engineering and Craig Canning of Progressive Grower, Inc. were present at the public hearing.

Mr. Grady stated that the limit of work and proposed erosion control barriers have been flagged on the property. He explained that the applicant proposes to construct six 60' x 120' buildings to be used for the storage and distribution of fertilizer and agricultural supplies. The work within the 100-foot Buffer Zone to bordering and isolated vegetated wetlands includes a portion of Building 1, the access drive from Route 28, a portion of the southerly access loading area, the detention basin, portions of the perimeter chain link fence, retaining wall, on-site well, above ground propane tank, underground utilities and associated clearing and grading. The infiltration basin is outside of the Buffer Zone.

Mr. Grady said that he had received the comments from Member Gagne, but had not received the review letter from Peer Review engineer Ken Motta. A response letter and updated plans will be prepared after Mr. Motta's report is received.

Brandon Empey of 35 Kings Highway voiced his concerns about water coming onto his property as an abutter to the proposed project.

Mr. Grady informed Mr. Empey that the infiltration basin will hold up to a 100-year storm and the proprietary catch basin will provide supplemental treatment as well. A SWPPP will be prepared for the project.

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Agent Farinon stated that the project will need to meet the stormwater requirements of the Wetlands Protection Act.

Mr. Canning explained soils and peat moss will be stored in Building 6, and that fertilizers in the buildings will be for distribution only. There are floor drains in a few of the buildings.

Mr. Grady requested a continuation of the public hearing until September 5, 2017.

A motion to continue the public hearing until September 5, 2017 was made by Member Smith 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 June 20, 2017 with a correction on Page 914 was made by Member Smith and seconded by Member Gerrior. Member Gagne and Vice Chairman Teal abstained. **The motion passed by a vote of 4 in favor, 0 opposed, 2 abstained. (4-0-2)**

Voucher(s)

The following vouchers were approved for payment: BayNet Web Services / Domain Name Renewal / 2-year Term: \$35.00 and Staples / Computer Bag: \$24.99.

The following vouchers were approved by Chairman Conway under the Municipal Modernization Act: Staples / Office Supplies: \$136.94; MACC / Annual Dues for FY2018: \$559.00; Laurell J. Farinon / Mileage Reimbursement: \$260.40; and MSMCP / Membership Renewal: \$20.00.

Mullin Rule Affidavits

Mullin Rule Affidavits were signed by Vice Chairman Teal and Member Gagne for the following public hearings missed on June 20, 2017:

1. DEP SE 272-0540 - Decas Cranberry Company for property located off Walnut Plain Road, designated as Lots 2D, 2E & 2F on Assessor's Map 27
2. DEP SE 272-541 - Hartley Beach Trust c/o Patricia Corwin, Norene W. Hartley & Keith M. Cannon, Trustees for property located at 90 Snows Pond Road designated as Lot 3C on Assessor's Map 39
3. DEP SE 272-0542 - William Chamberlain of Decas Cranberry Company for property located at 223 Burgess Avenue designated as Lot 16 on Assessor's Map 27.

Old Business

Update on Lower River Bend and Branch Brook Land Preservation Projects

Agent Farinon stated that the projects closed by the end of the fiscal year and she submitted reimbursement requests to the state.

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Update on 70 Ryder Road Enforcement Order

Agent Farinon reported that the wood chips have been removed and the property stabilized as per the Commission's request.

Update on High Street Enforcement Order

Agent Farinon reported that the Conservation Commission has not received a Notice of Intent by the mandated deadline. She spoke to Town Counsel Blair Bailey and he will send a letter from his office. The next step will be going to court with an injunction.

**Discuss and Ratify Emergency Certification Form Issued for Clean Up after June 22, 2017
Accident at Leonard's Pond Mill Dam**

Agent Farinon stated that an Emergency Certification Form was issued on behalf of the Commission and that gravel that went into the Leonard's Pond Mill Dam was removed successfully.

New Business

Preparation for Meetings

Discussion ensued about the information that is e-mailed and mailed in advance of Commission meetings. Agent Farinon explained that due to the increased number of filings and workload she is looking to streamline as much as possible, and suggested the Commission consider posting information on the website for Commission members and the general public. Chairman Conway would like to see approved minutes on-line. Agent Farinon said that she will research potential costs with BayNet Web Services and report back to the Commission. Member Gagne suggested looking into a bylaw fee for the increase in services from BayNet.

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, August 15, 2017 except for Member Gagne and Member Payne.

Adjournment

The meeting adjourned at 8:30 p.m. on a motion made by Member Gagne and seconded by Member Smith. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

Margaret Gonneville, Board Administrator

Michael Conway, Chairman