

Rochester Conservation Commission
August 15, 2017

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

Absent: Maggie Payne
Daniel Gagne

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 7:00 p.m. and announced that the meeting was being televised.

Public Meeting

A Request for Determination of Applicability filed by Massachusetts Department of Transportation – Highway Division – District 5, 1000 County Street, Taunton, MA 02780 for property located between 59 Marion Road and 72 Marion Road, Rochester, MA 02770. The applicant proposes to repair bank erosion by placing filter fabric and riprap stone along a small section of Route 105 (Marion Road) in Rochester. The property owner of record is Massachusetts Department of Transportation – Highway Division – District 5 Office, 1000 County Street, Taunton, MA 02780.

Documents submitted: Route 105 – U.S.G.S. Locus Map dated July 18, 2017 and Rochester – Route 105 Erosion Repair Sketch dated July 19, 2017

Andrea Coates of MassDOT - Highway Division - District 5 in Taunton was present at the public meeting, and explained that MassDOT Highway Division proposes to repair minor bank erosion on the southerly side of Route 105 at Doggett Brook; filter fabric and riprap will be placed at the headwall. Composite filter tubes will be installed at the area of construction activity and removed after the project is complete and the area stabilized.

Agent Farinon summarized that this is a maintenance improvement and recommended that the Commission issue a Negative Determination of Applicability with the stipulation that composite filter tubes be installed prior to any construction activity. 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)**

A Request for Certificate of Compliance was submitted by JC Engineering, Inc. for property owned by John L. Churchill, Jr. located at 137 Dr. Braley Road as Lot 7 on Assessors' Map 58. An Order of Conditions was issued to John L. Churchill, Jr. (Dos Amigos Realty, LLC) on December 4, 2015 under DEP SE 272-0520 allowing for the construction of a three (3) bedroom dwelling along with associated porch, deck, bituminous driveway, grading, landscaping, utilities, installation of a drinking water well, and the installation of a Title 5 septic system.

Documents submitted: "As-built" Site Plan Prepared for Dos Amigos Realty, LLC" Prepared by J.C. Engineering, Inc., dated July 17, 2017

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Agent Farinon reported that the project is on the Rochester/Freetown line on a steep slope. The house is constructed and all work is completed with the exception of final vegetation and stabilization of exposed areas. Agent Farinon has notified the owner's engineer J.C. Engineering that a Certificate of Compliance cannot be issued until the area is fully stabilized. J.C. Engineering submitted an e-mail request for a continuance until such time as the area is completed.

A motion to continue the meeting for the request for a Certificate of Compliance indefinitely 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 Certificate of Compliance was submitted by JC Engineering, Inc. for property owned by Daniel L. & Deborah Carr Clark located at 258 Mary's Pond Road as Lot 1A on Assessors' Map 9. An Order of Conditions was issued to Daniel L. & Deborah Carr Clark on December 18, 2015 under DEP SE 272-0521 allowing for the construction of a four (4) bedroom dwelling along with associated porch, deck, bituminous driveway, grading, landscaping, utilities, installation of a drinking water well, and the installation of a Title 5 septic system.

Documents submitted: "As-built Site Plan Prepared for Daniel L. Clark and Deborah Carr Clark Located at 240 Mary's Pond Road, Map 9 (Portion of Parcel 1A), Rochester, MA 02770" Prepared by J.C. Engineering, Inc., dated July 31, 2017

Agent Farinon reported that she inspected the property and work to date was complete and well done, however the proposed retention area was never built. The owners of the property want to build the retention area, and Michael Pimentel of J.C. Engineering will be submitting a revised as-built plan upon completion. Mr. Pimentel requested a continuation of the public meeting. Agent Farinon stated that the deviations from the Order of Conditions are noted in the letter from J.C. Engineering.

A motion to continue the request for a Certificate of Compliance until September 5, 2017 was made by Member Smith and seconded by Member Post. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

Public Hearing

DEP SE 272-0545

A Notice of Intent filed by Robert Zora, Marion Department of Public Works, 50 Benson Brook Road, Marion, MA 02738 for property located Off Mary's Pond Road, Rochester, MA 02770, designated as Lot 30 on Assessor's Map 30. The applicant proposes to rehabilitate the existing Mary's Pond Wellfield groundwater supply source and pump station. The proposed project includes upgrades to the existing pump station, installation of three gravel-packed wells, required observation wells, associated water main and appurtenances to replace the existing tubular wellfield. Proposed work is within bordering vegetated wetlands, bordering lands subject to flooding (FEMA Zone A flood plains), and riverfront area. The property owner of record is the Town of Marion, 2 Spring Street, Marion, MA 02738. The applicant's representative is Jon Gregory, Tata & Howard Inc., 67 Forest Street, Marlborough, MA 01752.

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Documents submitted: “Notice of Intent Submission, Site Plan and Details, Town of Marion, MA, Rehabilitation of Mary’s Pond Wellfield” Prepared by Tata & Howard, dated July 2017 and Letter from the Natural Heritage & Endangered Species Program (NHESP), dated August 15, 2017

Jon Gregory of Tata & Howard, representative for the Marion Water Department, stated that the Town of Marion proposes the rehabilitation of the existing Marion wellfield on Mary’s Pond Road, which was last rehabilitated in 1983. Rehabilitation was tried in 2009, but the municipal water supply was ceased in 2010 due to sediment accumulation and malfunction of the pump station. The DPW proposes to install three 16”x10” gravel-packed tubular wells and three observation wells, replace the existing tubular wellfield, and rehab the existing pump station. Phase I of the project is to develop the wells, determine flow and quality of the water, and submit it to MassDEP for their approval. Three wells can pump up to 200 gallons per minute. Temporary piping and a 48-hour pump test directing water to a sedimentation basin with discharge to a wetland area is being proposed.

Mr. Gregory said that the wetland resource areas have been flagged and are shown on the submitted site plan. Hay bale barriers and silt fencing will be installed in Phase I and Phase II of the projects. He said that it was discovered today that the project is no longer located within the Estimated Habitat of Rare Wildlife or Priority Habitat per the letter from the Natural Heritage & Endangered Species Program (NHESP) dated August 15, 2017.

Member Gerrior asked about the piping size and material. Mr. Gregory replied that the piping would be possibly 6 inches and plastic. He said that it would be off the roadway and not on the paved area. Member Gerrior asked about the size of the discharge basin. Mr. Gregory said that typically it is 10’x 10’, but most likely will be longer and run parallel to Mary’s Pond Road.

Edmund Harrington of 139 Walnut Plain Road asked about how it would affect his well and how much of the wetlands will be disrupted. Mr. Gregory replied that 1,920 square feet of bordering vegetated wetlands will be temporarily disturbed; the new wells and pumping station will remain the same size. The project will take approximately 3 to 4 weeks and the pumping station will take about 2 to 3 months.

Amy Harrington of 139 Walnut Plain Road asked if the machinery used on the project will be on her property and Mr. Gregory replied that it would not.

Mr. Gregory stated that they will be using hay bale wattles and filter fabric during the project. Development of the wells will take three days and the pump test will take 48 hours. MassDEP has approved the project to this stage then has final approval of the data.

Member Smith asked what the plans were for the material being moved out. Mr. Gregory replied that the trench dirt will be used as back fill and the excessive material will be hauled off site. Member Gerrior asked about the invasive species and Mr. Gregory replied that there are no plans for them.

Agent Farinon asked about a projected timeline for the project. Mr. Gregory replied that wells will be installed this fall and pump station rehabilitation will not be until spring of next year.

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Agent Farinon explained that this project is considered a limited project subject to 310 CMR 10.53 (3) (o) Public Water Supply Wellfield Replacement in a FEMA flood zone and riverfront. Agent Farinon recommended that the Commission issue a Positive Order of Conditions approving the project as submitted with the following special conditions:

1. After installation of erosion control measures and prior to any construction activity in both Phase I and Phase II of the project, the conservation agent shall be contacted at 508-763-5421 ext. 206 to inspect proper installation of the hay bale barriers and/or silt fencing and review dewatering mitigation measures.
2. The location and configuration of the proposed sedimentation basin shall be reviewed and approved in the field by the conservation agent prior to any construction activity.
3. In the event of a fuel spill, the applicant shall meet all requirements of the DEP MA Contingency Plan 310 CMR 40.00.
4. Best management practices shall be used to minimize adverse impacts during construction, including prevention of erosion and siltation of adjacent water bodies and wetlands in accordance with standard U.S.D.A. Soil Conservation Service methods.
5. No access road or other structure or activity shall restrict flows so as to cause an increase in flood stage or velocity.
6. Temporary alterations to resource areas shall be substantially restored to preexisting hydrology and topography. At least 75% of the surface of any area of disturbed vegetation shall be reestablished with indigenous wetland plant species within two growing seasons and prior to said vegetative reestablishment any exposed soil in the area of disturbed vegetation shall be temporarily stabilized to prevent erosion in accordance with standard U.S.D.A. Soil Conservation Service methods.

A motion to issue a Positive Order of Conditions including the recommended conditions of Agent Farinon was made by Member Gerrior and seconded by Member Smith. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

Commission Business

For Signature

Minutes

A motion to approve the minutes of August 1, 2017 was made by Member Smith and seconded by Member Post. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

Voucher(s)

The following vouchers were approved for payment: Bristol Engineering Advisors, Inc. / Decas Cranberry 109 Neck Road Escrow Account: \$2,581.25 and Badge America / ID Badge for Conservation Agent: \$16.50.

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Old Business

East Over Preservation Project

Agent Farinon reported that TTOR supervised vegetation management at the East Over Reservation and distributed photographs of the project forwarded by TTOR.

New Business

Forest Management Project on Conservation Commission Property off New Bedford Road Directly Abutting Shoolman Preserve, Assessors' Map 2, Lots 2 and 6

Agent Farinon reported that the Conservation Commission owns 32 acres of property off New Bedford Road abutting the Shoolman Preserve, and the Rochester Land Trust wants to do a collaborative Forest Management project. A Forest Management Plan was prepared by Phi Benjamin in the year 2000, but needs to be updated. Agent Farinon explained that the Town can apply for a Forest Initiative Grant for \$910, and the balance can come from logging revenue. Phil Benjamin is the Forester used by the Rochester Land Trust.

A motion to direct Agent Farinon to apply for the grant for the Forest Management Project and work collaboratively with the Rochester Land Trust was made by Member Gerrior and seconded by Member Smith. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

Submittal of Town Meeting Article to Accept Provisions of MGL Chapter 44 Section 53G

Agent Farinon explained that under MGL Chapter 44 Section 53G there are provisions for the Commission to hire outside consultants and set up an escrow account for payment of their consultants. Section 8 – Wetlands By-law allows the Commission to charge fees on Notices of Intent with stipulations and does not protect the Commission. Section 53G is broader and better protected. Agent Farinon asked Commission members to review the information and it will be placed as an agenda item of a future meeting for possible adoption.

Update on 422 High Street Enforcement Order

Agent Farinon distributed copies of the letter from Town Counsel Blair Bailey sent on August 8, 2017 to owners of the 422 High Street property.

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, September 5, 2017.

Robinson/Gilmore Property on Snow's Pond Road

Agent Farinon stated that she received complaints that an abutter to the Wildlands Trust Robinson Gilmore Preserve on Snow's Pond Road has put a gate making it inaccessible to the public. The attorney to the abutters wrote a letter to RLT that states that the access road is private property. Agent Farinon has discussed this with Eric Boyer of the Wildlands Trust and the Wildlands Trust is having their attorney look at it.

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Adjournment

The meeting adjourned at 8:26 p.m. on a motion made by Member Smith and seconded by Member Post. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

Margaret Gonneville, Board Administrator

Michael Conway, Chairman