

**Rochester Conservation Commission  
September 5, 2017**

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

**Absent:** *(None)*

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 Extension Permit was filed by John Draper for property located at 356 Snow's Pond Road, Assessor's Map 40, Lot 5, requesting a three (3) year extension to the previously issued Amended Order of Conditions under DEP SE #272-0507 which is set to expire on October 24, 2017. The applicant requests this extension to finalize construction.**

**Documents submitted:** Letter from GAF

John Draper was present at the public meeting.

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 7 in favor, 0 opposed, 0 abstained. (7-0-0)**

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**Public Hearing**

**DEP SE 272-0544 (Continued from August 1, 2017) 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:** "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

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 7 in favor, 0 opposed, 0 abstained. (7-0-0)**

**DEP SE 272-0546 A Notice of Intent filed by Michael Santos for property located at 8 Thistle Lane, Rochester, MA 02770, designated as Lot 19G on Assessor's Map 21. The applicant proposes construction of an addition onto the existing single family home and tree clearing within the 100-foot Buffer Zone to a Bordering Vegetated Wetland (BVW). A silt fence will be installed between the construction and the BVW to prevent runoff from impacting the resource area. The property owners of record are Michael & Sharon Santos, 8 Thistle Lane, Rochester, MA 02770. The applicant's representative is Outback Engineering, Inc., 165 East Grove Street, Middleboro, MA 02346.**

**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

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)**

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**DEP SE 272-054** A Notice of Intent filed by John P. & Linda L. Gurney for property located at 2 New Bedford Road (aka 84 Long Plain Road, Mattapoisett), Rochester, MA 02770, designated as Lot 1 on Assessor's Map 1. The applicant proposes improvements to the existing driveway to satisfy requirements for use as a common driveway providing access to Lot 2 as shown on "Form A Plan of Land" dated December 16, 2008. The proposed work includes widening the gravel driveway to 16-feet with 2-foot wide stone swales on each side of the driveway, filling approximately 1,500 s.f. of bordering wetland and the replication of 1,900 s.f. The property owners of record are John P. & Linda L. Gurney Trustees, Gurney Family Revocable Trust, 84 Long Plain Road, Mattapoisett, MA 02739. The applicant's representative is Richard Charon, P.E., Charon Associates, Inc., 323 Neck Road, Rochester, MA 02770.

**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

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 15, 2017 was made by Member Smith and seconded by Member Post. Member Gagne and Member Payne abstained. **The motion passed by a vote of 5 in favor, 0 opposed, 2 abstained. (5-0-2)**

#### **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.

### Old Business

#### **East Over Preservation Project**

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

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**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 Phil 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 7 in favor, 0 opposed, 0 abstained. (7-0-0)**

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Margaret Gonneville, Board Administrator

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Michael Conway, Chairman