

**Rochester Conservation Commission  
January 16, 2018**

**Present:** Michael Conway, Chairman  
Daniel Gagne  
Christopher Gerrior  
Maggie Payne  
Christine Post

**Absent:** Laurene Gerrior  
Rosemary Smith

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

The meeting was held in 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 Ronald Oliveira, 5 Archers Way, Acushnet, MA 02743 for property on 14 Mattapoissett Road, Rochester, MA 02770. Due to an existing non-compliant subsurface sewage disposal system, the applicant proposes installation of a new 1,500 gallon septic tank, 1,000 gallon lift station and leaching area within the 200 Foot Riverfront Area. Siltation control measures will be implemented. The property owner of record is Ronald Oliveira, 5 Archers Way, Acushnet, MA 02743. The project location is 14 Mattapoissett Road, which is designated as Lot 7 on Rochester Assessors' Map 5. The applicant's representative is S & K Engineering, LLC, P.O. Box 1338, Westport, MA 02790.**

**Documents submitted:** *Plan entitled "Septic System Repair Plan, Ronald Oliveira, 14 Mattapoissett Road, Map 5, Lot 7, Rochester, MA" prepared by S & K Engineering, LLC dated December 18, 2017*

Wetland consultant Chris Capone was at the public meeting representing the applicant, and stated that flags A1 through A14 delineate the bordering vegetated wetland along the perennial stream. The project falls under the Rivers Protection Act. The site plan indicates both the 100-foot inner riparian zone and 200-foot outer riparian zones. The majority of proposed work is outside of the 100-foot Buffer Zone of the bordering vegetated wetland. Mr. Capone explained that all the activity is within the existing yard area and the proposed installation has been situated as far away as possible.

Member Gagne noted that within the submitted RDA application, more than one box was checked requesting the Commission's determination: Mr. Capone replied that the wrong box was checked off by the engineer Kevin Silva.

Member Christopher Gerrior asked when the old system was built and Mr. Capone replied that he did not know, but the regulations have changed since then. Member Christopher Gerrior then asked about the lifespan of the new system and Mr. Capone replied 20 to 25 years if it remains a two-bedroom system.

Member Gagne asked if an emergency generator has been proposed for the system and Mr. Capone replied that he did not know, but it can be put it as a condition for the permit.

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Agent Farinon distributed photographs of the site and stated that there are two partially fallen trees across the stream that that are hung up. The scope of the RDA can be expanded for the removal of the trees. Agent Farinon reported that she reviewed the wetland delineation and agrees with it. She recommended the approval of a Negative Determination of Applicability allowing the cutting of the partially fallen trees in addition to the requested site work, with the stipulation that the septic system be connected to an emergency backup generator. Mr. Capone confirmed that they are willing to accept that condition.

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

**Public Hearing**

**DEP SE 272-0554 A Notice of Intent filed by Sonia Amaral for property located at 28 Snows Pond Road, Rochester, MA 02770, designated as Lot 22 on Assessor's Map 39. The applicant proposes to upgrade a failed septic system with associated grading within the 100-foot Buffer Zone of abutting cranberry bogs. Erosion control measures will be implemented. The property owner of record is Sonia Amaral, 28 Snows Pond Road, Rochester, MA 02770. The applicant's representative is Darren Michaelis, Foresight Engineering, Inc., 518 County Road, West Wareham, MA 02576.**

**Documents submitted:** *Plan entitled "Sewage Disposal System Upgrade Design Prepared for: Sonia Amaral, 28 Snows Pond Road, Rochester, MA 02770, Located at: 28 Snows Pond Road, Rochester, Massachusetts", prepared by Foresight Engineering dated December 18, 2017*

Darren Michaelis of Foresight Engineering, Inc. was present at the public hearing, and explained that the Notice of Intent filing is for an upgrade to the failed septic system. A new septic tank will be installed at the location of the old septic tank. The limit of work is approximately 80 feet from the adjacent cranberry bog. A letter from the Natural Heritage & Endangered Species Program (NHESP) dated January 15, 2018 was received stating that the proposed project will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species.

Chairman Conway asked if the affidavit regarding notifying abutters was sent on or before December 29, 2017. Mr. Michaelis replied it was signed before December 29, 2017.

Agent Farinon summarized that the Notice of Intent filing is for a septic system upgrade within the 100-foot Buffer Zone of a cranberry bog. She distributed photographs of the project site to Commission members, and explained that the proposed work is on the westerly portion of the site in front of the dwelling. She reported that her site inspection revealed that the owners got ahead of themselves and cut some trees and shrubs within the Commission's jurisdiction: she informed the owner of the property that she must come before the Conservation Commission for any work done in the future. Agent Farinon recommended the issuance of a Positive Order of Conditions.

A motion was made by Member Gagne for the issuance of a Positive Order of Conditions and seconded by Member Post. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

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**Commission Business**

**Minutes**

A motion to approve the minutes of December 19, 2017 was made by Member Gagne and seconded by Member Post. Member Gerrior and Member Payne abstained. **The motion passed by a vote of 3 in favor, 0 opposed, 2 abstained. (3-0-2)**

**Voucher(s)**

The following vouchers were approved for payment: Bristol Engineering Advisors, Inc. / Decas Cranberry 109 Neck Road Escrow Account in the amount of \$1,629.96; Laurell J. Farinon / Mileage Reimbursement / Bus Ticket in the amount of \$127.34; Staples / Office Supplies in the amount of \$53.97; SEMPBA/Workshop Registration in the amount of \$15.00; W.B. Mason / Office Supplies Nameplate for Christopher Gerrior in the amount of \$6.80; Commonwealth of MA / Conservation Agent / Pesticide Application License Renewal in the amount of \$100.00; and Bristol Engineering Advisors, Inc. / Decas Cranberry 109 Neck Road Escrow Account (Approved by Chairman Conway on 1/8/2018 through the Modernization Act) in the amount of \$2,950.00.

**Old Business**

**Decas / Snow's Pond Road Project**

Agent Farinon reported that latest invoice from Bristol Engineering Advisors, Inc. was received and that the escrow account is almost extinguished

**Discuss Status of Adopting Local Wetland Bylaw Fees**

Agent Farinon informed the Commission that she and Chairman Conway will be meeting with the Finance Committee that night after the meeting. If all goes well, they will gain approval from the Finance Committee for formal adoption.

**New Business**

**Appointment of Vice Chairman of the Conservation Commission**

Member Gagne nominated Member Smith for Vice Chairman. Agent Farinon informed Member Gagne that Member Smith has reported to the Commission that she may need to step down in the near future. Member Gagne rescinded his nomination.

Member Post motioned to nominate Member Gagne as Vice Chairman of the Conservation Commission and Member Payne seconded. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained. (4-0-0)** Member Gagne accepted the nomination and appointment of Vice Chairman of the Conservation Commission.

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**Abutter Notification**

Agent Farinon commented that there were two rare incidents in two consecutive meetings related to abutter notification. She explained that documentation of abutter notification is taken seriously by the Conservation Commission and its staff. Chairman Conway provided a summary of abutter notification for the Commission packet, and Agent Farinon supplemented his information with the Wetlands Protection Act Regulations pertaining to abutter notification. Certified mailing forms stamped by the U.S. Post Office are the actual certified mail receipts designated in the regulations. An applicant or representative can also go door-to-door and obtain a signature of receipt which is also accepted. The regulations say the Commission must receive the certified mail receipts before the public hearing and the Affidavit of Service with the filing application. She said that the Rochester Wetlands Bylaw requires acknowledgement via certified mail. The Commission will make a point at future meetings to request and accept the certified mail receipts in hand prior to the public hearing.

**Conflict of Interest Law for Municipal Employees and Social Media Policy**

Members of the Commission signed acknowledgements stating that they had received the information regarding the Conflict of Interest Law for Municipal Employees and the Social Media Policy.

**MACC Annual Conference to be held on March 3, 2018**

Agent Farinon informed everyone that the MACC Annual Conference will be held on Saturday, March 3, 2018 at the College of the Holy Cross in Worcester. Workshop descriptions and registration information will be distributed soon.

**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, February 6, 2018.

**Adjournment**

The meeting adjourned at 7:42 p.m. on a motion made by Member Gagne and seconded by Member Post. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

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Margaret Gonneville, Board Administrator

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Daniel Gagne, Vice Chairman