

**Rochester Conservation Commission
February 6, 2018**

Present: Daniel Gagne, Vice Chairman
Maggie Payne
Chris Post
Christopher Gerrior
Laurene Gerrior

Absent: Michael Conway, Chairman
Rosemary Smith

Jessica Brodeur, Recording Secretary
Laurell Farinon, Conservation Agent

The meeting was held in the Rochester Town Hall Meeting Room. Vice Chairman Gagne called the meeting to order at 7:00 p.m. and announced that the meeting was being televised.

Public Hearing

DEP SE 272-0330 A Request for an Amended Order of Conditions (DEP File #SE272-0530) made by Clean Energy Collective, LLC, 146 West Boylston Drive, Worcester, MA 01606 for property located at 268 Mattapoissett Road and 248 Mattapoissett Road designated as Assessor's Map 4, Lot 1, 1A and 7. The original Order of Conditions allowed for earthwork, grading and installation of ground-mounted photovoltaic solar panels within the 100-foot Buffer Zone of a bordering vegetated wetland. Clean Energy Collective, LLC requests an Amended Order of Conditions allowing changes to proposed grading and work relative to the perimeter roadway and berm. The property owners of record are Michael & Johann Forand, 268 Mattapoissett Road, Rochester, MA 02770. The applicant's representative is Evan K. Watson, P.E., Prime Engineering Inc., P.O. Box 1088, 350 Bedford Street, Lakeville, MA 02347.

Documents submitted: *Plan entitled "Proposed Community Solar Facility at 248 Mattapoissett Road in Rochester, Massachusetts" Map 4, Lots 1, 1A and 7, prepared by Prime Engineering Inc. dated September 27, 2016 and revised through February 5, 2018*

To prevent the appearance of a potential conflict, Vice Chairman Gagne recused himself. Member Gerrior chaired this public hearing under DEP SE 272-0330.

The applicant's representative, Evan K. Watson, was at the public hearing with Doug Carton from Clean Energy Collective, LLC., Dan Wells of Goddard Consulting, and Attorney Richard Serkey. Mr. Watson explained that they are requesting an Amended Order of Conditions because both the plans and the drainage calculations have changed due to unforeseen site circumstances that prevented Clean Energy Collective from doing the proposed grading shown on the approved plans. Mr. Watson stated that they have gone before the planning board and as of February 5th, they have filed for a major modification to the special permit.

Mr. Watson summarized that on January 22, 2018 they filed a set of plans dated January 19, 2018, but that tonight they are submitting a new set of plans for review and consideration. They would like to review the changes with the Commission and take any input from the public and the commission.

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Mr. Watson referenced a memo dated February 2, 2018 written by Attorney Serkey to the Rochester Planning Board listing the changes to the plan. They updated the revision block, updated the address as they've created a new lot, Sheet 2 indicates that they've done additional surveying. Mr. Watson noted that the limit of clearing plan and the erosion control plan were not changed from what was approved. The site grading had been revised, including a berm that was elevated by 2 feet and elongated the top. Mr. Watson noted that the previously submitted plans include a road with a 2:1 slope, and they have revised it to a 3:1 slope. They have also added a specification to add erosion control blankets to this specific area to ensure there will be no erosion into the 25 Foot No Disturb Zone. Mr. Watson noted that the layout plan includes some additional detail to the height of the panels, elevation, etc. but the actual layout of all the panels is the same as what was originally approved.

Member Laurene Gerrior questioned the height of the berm. Mr. Watson stated that the Planning Board was concerned about the view from the road and adjacent properties.

Agent Farinon explained that she has been working with Town Planner Steve Starrett and consulting engineer Kenneth Motta on a review of the most recently revised plans. She reported that she attended the January 23, 2018 meeting of the Planning Board on this project. Most of the comments Agent Farinon had were incorporated into Kenneth Motta's review letter. Agent Farinon stated that the proposed plan changes are mainly in the critical north-westerly portion of the site adjacent to bordering vegetated wetlands and the potential vernal pool. Agent Farinon requested that the applicant speak to the wildlife habitat value of that area and demonstrate to the Commission how the revised project will meet the Wetland Protection Act Regulations performance standards, and not result in any adverse impact to the wildlife habitat value of that area.

Mr. Wells stated that he has a background in wildlife biology and has a lot of experience with vernal pools. He noted that the common amphibians that breed in vernal pools are wood frogs and spotted salamanders; they only inhabit forested habitats. He noted that the clearing of that forest displaced a lot of those species, but it was done in accordance with the bylaw and the Wetlands Protection Act. Mr. Wells pointed out that the approved limit of work has not changed so there is no additional loss of forested habitat for these species. In Mr. Wells's opinion, there is no change or increase adverse impact to the vernal pool amphibians. He noted that there will be a slight change to migratory patterns, but there is no difference from these modified plans from what was originally approved.

Agent Farinon requested verification that since these species would be moving around in the wooded area, the increase elevation of the berm would not impact their migration pattern. Mr. Wells agreed that it would not impact the migration pattern.

Agent Farinon suggested utilizing a pollinator mix to stabilize disturbed areas to increase the habitat value. She asked if they were willing to use the pollinator seed mix, would they be willing to spread it in non-wetland jurisdiction areas throughout the site. Mr. Watson says yes.

Mr. Watson requested a continuance to the next meeting on March 6, 2018. Member Christopher Gerrior made a motion to continue to March 6th which was seconded by Member Payne. Vice Chair Gagne recused himself and did not participate in the meeting or voting. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

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Public Meeting

A Request for Certificate of Compliance was submitted by Philip and Suzanne Lecuyer for property located at 2 Thistle Lane as Lot 19D on Assessors' Map 21. An Order of Conditions was issued to High Street Realty Trust on June 18, 1999 under DEP SE 272-0284 allowing for the construction of a four (4) bedroom single family dwelling and associated grading within the 100-foot Buffer Zone of Bordering Vegetated Wetland.

Documents submitted: *Plan entitled "Final As-Built" 2 Thistle Lane (Lot-1), Rochester, Massachusetts prepared by Outback Engineering Inc. dated January 26, 2018 and revised February 2, 2018*

Vice Chair Gagne stated that the applicant was not present. Agent Farinon explained that Vice Chair Gagne noted some technical deficiencies on the previous version of the as-built plan. The applicants resubmitted a corrected plan as per Mr. Gagne's comments. Agent Farinon explained that the original Order of Conditions was issued in June 0f 1999 for the proposed single family dwelling. A subsequent filing was made and Determination of Applicability issued in April of 2010 to expand the back yard within the 100 Foot Buffer Zone. Agent Farinon commented that the as-built plan accurately depicts the revised tree line and stated that the property owners have done a good job of maintaining the tree line for work associated with the house. Agent Farinon recommended the Commission issue a certificate of compliance to Philip and Suzanne Lecuyer for property located at 2 Thistle Lane under DEP SE 272-0284. Member Post made a motion to issue a Certificate of Compliance under DEP SE 272-284, Member Gerrior seconded the motion, all in favor. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Commission Business

Minutes

A motion to approve the minutes of January 16, 2018 was made by Member Payne and seconded by Member Post, all in favor with Member Laurene Gerrior abstaining. **The motion passed by a vote of 4 in favor, 0 opposed, 1 abstention (4-0-1).**

Voucher(s)

The following vouchers were approved for payment: Wildlands Trust/Membership Renewal: \$100; Society of Wetland Scientists Membership Renewal: \$100; MACC/2018 Annual Environmental Conference Registration

Old Business

None

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New Business

Chapter 61A, Notice of Sale and Right of First Refusal: Alley Road, Map 28 Lot 6E, Estate of Mary Gayoski

Agent Farinon drew the commissioners' attention to pages 10-14 of the packet including a letter from Thomas Gayoski, Jr. which was followed by the Purchase and Sale Agreement. Vice Chair Gagne questioned if it was correct that it was Lot E and G as that is not contiguous. Vice Chair Gagne remembered that Lot F had come before the commission previously, and Agent Farinon agreed.

Agent Farinon stated that she does not believe that the town would be interested in purchasing these lots, and recommended that the Commission notify the Board of Selectmen and recommend that the town not exercise its Right of First Refusal on these two lots. Vice Chair Gagne also noted that the commission was only presented with the Purchase and Sales agreement for Lot E, and not Lot G.

Vice Chair Gagne suggested that because the Commission did not have the Purchase and Sales Agreement or Purchase Price for Lot 6G, he did not think the Commission should decide on Lot 6G.

Member Laurene Gerrior motioned to allow Lot 6E to be removed from the 61A and recommend to the Selectman not to purchase Lot 6E, Member Christopher Gerrior seconded the motion, all in favor. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

Agent Farinon posed that if the second parcel of the Gayoski land is in the same range of \$160,000, that the Commission would feel comfortable making the same recommendation on that lot as well. Member Christopher Gerrior made a motion that if the Purchase and Sales agreement for Lot 6G was provided and was in the \$160,000 range, the Commission would recommend to the Selectmen not to Purchase Lot 6G. Member Laurene Gerrior seconded the motion. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

MACC Annual Conference

Vice Chair Gagne announced that the MACC Annual Conference will be held on March 3, 2018 and confirmed that Member Christopher Gerrior will be attending.

Future Meetings and Site Visits

Commission members discussed their availability for upcoming meetings and site visits. Member Laurene Gerrior will not be available for the next meeting on Tuesday, February 20, 2018. All other members will be present. Member Payne may not be available for the meeting on Tuesday, March 6, 2018. All other members will be present.

Correspondence

Agent Farinon alerted the commission that correspondence came in on the afternoon of February 6, 2018 that could not be included in this packet but will be included in the next meeting's packet. It is a Forest Management Plan prepared by Benjamin Forestry Services, Inc. that the Commission received grant funding to prepare on two parcels that the Commission owns adjacent to the Schulman preserve off of New Bedford Road.

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Member Payne questioned page 19 of the packet regarding Charles Adams of 5 Bennett Road removing Japanese Knotweed. Agent Farinon explained that in a previously issued Determination of Applicability for invasive species management, the Commission required that Mr. Adams submit a description of what he wanted to do with the Japanese Knotweed. Vice Chair Gagne questioned if the method of cutting and mulching the Japanese Knotweed would spread seeds and spores, thereby further exacerbating the problem. Member Payne also voiced concern about this. Agent Farinon suggested that Mr. Adams should bag the Japanese Knotweed and remove from the site in order to eradicate the problem, and will notify him of same.

Adjournment

The meeting adjourned at 8:00 p.m. on a motion made by Member Christopher Gerrior and seconded by Member Post. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

Jessica Brodeur, Recording Secretary

Daniel Gagne, Vice Chairman