

**Rochester Conservation Commission  
March 20, 2018**

Present: Michael Conway, Chairman  
Daniel Gagne, Vice Chairman  
Christopher Gerrior  
Maggie Payne (*arrived at 7:09 p.m.*)  
Chris Post

Absent: Laurene Gerrior  
Rosemary Smith

Jessica Brodeur, Recording Secretary  
Laurell Farinon, Conservation Agent

The meeting was held in the Rochester Town Hall Meeting Room. Chairman Michael Conway called the meeting to order at 7:03 p.m. and announced that the meeting was being televised.

**Notice of Site Plan Revision – Mary’s Pond Wellfield Rehabilitation, DEP SE 272-545**

**Documents Submitted:** *Correspondence from Tata & Howard (dated 3/15/18); Site Plan CIA; Photographs*

Meghan Davis of Tata & Howard was present on behalf of the Marion Water Department to identify the plan changes as specified in a letter to the Conservation Commission dated March 15, 2018. Ms. Davis gave an overview of the project to the Commission, stating that they received prior approval to install three (3) gravel packed wells at the existing Mary’s Pond Wellfield Site to replace the existing wellfield, associated water main and appurtenances, and upgrades to the existing pump station.

Ms. Davis explained that Mary’s Pond Well No. 1 was installed four (4) feet west of the original design location due to issues with maneuvering the drill rig within the limited access space to the originally proposed location. Ms. Davis further explained that this created an issue because the new location of Mary’s Pond Well No. 1 does not allow equipment to access Mary’s Pond Well No. 2, which is behind Mary’s Pond Well No. 1. Ms. Davis noted that the equipment to complete the installation requires a ten (10) foot wide access area. To remedy this, Ms. Davis proposed to extend the access path approximately four (4) feet into the tree line, as shown on the drawings. Ms. Davis assured the Commission that the revised access pass would be used for equipment only and that no construction would be conducted in that area. Ms. Davis informed the Commission that the revised access path would require a small amount of tree clearing. Ms. Davis clarified that the tree clearing will consist of small to mid-size trees, scrub brush and ground vegetation. Ms. Davis stated that while the trees will be removed, the scrub brush and vegetation would remain for ground stability.

According to Ms. Davis, the Town of Marion will complete the tree clearing. Upon completion of the clearing, additional hay bales and silt fence will be installed along the revised tree line to help with mitigation. Ms. Davis stated that all other avoidance, minimization and mitigation measures will continue to be implemented as defined in the original Notice of Intent and Order of Conditions. Ms. Davis stated that they did not anticipate any permanent impact to the resource areas with the tree clearing. Chairman Conway then opened up the dialogue to Commission members to ask any questions.

**Rochester Conservation Commission**

**March 20, 2018**

Member Post asked Ms. Davis if relocation of the first well had been approved by the Commission prior to installation. Ms. Davis showed the Commission the original location of the well and pointed out that it was installed four (4) feet further from the wetlands. Member Post asked, again, if they had moved the well without authorization and Agent Farinon confirmed that they did not have prior authorization to move Well Pump No. 1.

Vice Chairman Gagne referred to the photos that were provided and asked if the hay bales were under water. Ms. Davis stated that the entire site floods occasionally. Vice Chairman Gagne asked if they were planning on driving construction vehicles through the water and Ms. Davis stated that they will wait for the weather to improve.

Agent Farinon drew the Commission's attention to the submitted photographs, specifically the photo at the bottom of the second page and pointed out that it gave a bird's eye view to the northwest to the line of the existing wellfield and the proposed wellfield. The two-gravel packed well locations are directly in line with each other, thus leaving no room to get to the rear well without impacting wetlands. Agent Farinon reiterated that the Commission should have been contacted regarding the move of Well Pump No. 1. Agent Farinon stated that the surrounding area is all bordering vegetated wetlands and flood plain, with the exception of where the wells are installed. Chairman Conway read aloud the policy on decision-making regarding amendments.

Chairman Conway confirmed with Ms. Davis that they moved the well four (4) feet closer to the wetlands. When Ms. Davis confirmed this, Chairman Conway stated that the potential to adverse impact to the wetlands has increased and he believed that a new Notice of Intent needs to be filed.

Agent Farinon informed the Commission and the audience that a new Notice of Intent and a request for an amendment require many of the same steps: notifying the abutters, advertisements of the meetings and a public hearing needs to be conducted.

Vice Chairman Gagne voiced his opinion that the scale of change warrants a request for an Amended Order and not a new Notice of Intent filing. Agent Farinon stated that more detail will need to be provided as to where the exact rerouted roadway will be including dimensions and proposed trees to be removed.

Vice Chairman Gagne asked if there was a potential to use swamp mats to get the vehicle over the well casings and Ms. Davis replied that the drill rig was too large to do such a thing.

Vice Chairman Gagne made a motion that the applicant submits more detail specifying how they will reduce the impact on the adjacent wetlands, which was seconded by Member Christopher Gerrior. **The motion passed by a vote of 5, 0 opposed, 0 abstained. (5-0-0)**

**Rochester Conservation Commission**  
**March 20, 2018**

**Appointment for Discussion with Rochester Land Trust representatives to discuss Walnut Plain Cedar Swamp Land Preservation Project Conservation Restriction**

Mr. Bob Lawrence of 15 Lawrence Way, Rochester was present to answer any questions the Commission had for the Rochester Land Trust regarding the Walnut Plain Cedar Swamp Land Preservation Project Conservation Restriction.

Agent Farinon reminded the Commission that hard copies of the Estabrook Property Conservation Restriction were previously distributed and e-mailed in digital format. She stated that the proposal is to protect 78.6 acres of land off Walnut Plain Road. Agent Farinon presented an aerial map of the property and explained that the property is mostly wooded, abuts a reservoir, and includes a dike road that runs out and through the cedar swamp.

Agent Farinon stated that the Rochester Land Trust worked collaboratively with the Buzzards Bay Coalition to apply for state Conservation Partnership grant. She continued that the Conservation Commission applied for and received a Buzzards Bay Mini Grant for \$35,000, and the project was awarded an \$80,000 NAWCA grant.

Agent Farinon explained the process of the Conservation Restriction Program which sets forth procedures for review and approval by the Board of Assessors, Conservation Commission, Town Counsel and the Board of Selectmen. The Board of Selectmen is the final signing authority.

Agent Farinon explained that this is a perpetual easement and that Rochester Land Trust will own the property. The Conservation Restriction is a secondary means of protection as it will take a two and two-thirds majority to remove this property from permanent protection.

Agent Farinon reminded the Commission that the most important thing to look at is the Reserved Rights section, which is where the document stipulates what can be done on the property in the future. She drew attention to #7 which spells out the trails, paths, pedestrian bridges, and a parking area. The parking area specifically stated that they would like to allow for the construction, maintenance, marking, and use of one unpaved parking area designated to accommodate 6 vehicles. Agent Farinon then referenced the section including reservation management which noted enhancing and maintaining the premises for the recreational and education use, archaeological investigation, the erection of signs and the use of motorized vehicles as needed in support of the aforementioned rights.

Mr. Lawrence referenced other land trust properties in Rochester and stated that land management will be similar on this property. He stated that the parking area will be adjacent to the Estabrook driveway and everything else will evolve over time. Agent Farinon stated that the Rochester Land Trust has been hard at work with the stewardship and management of their properties and the Shoolman Preserve is a great example of their property management.

Agent Farinon made the Commission aware that it is the responsibility of the Conservation Restriction holder to monitor the property on an annual basis.

**Rochester Conservation Commission  
March 20, 2018**

Vice Chairman Gagne asked whether or not the Rochester Land Trust will have to come before the Commission to construct the parking lot. Agent Farinon responded that they may need to file with the Commission if the proposed parking lot is within 100 feet of the bordering vegetated wetland.

Member Payne asked if the Conservation Restriction language allowed for the building of bridges and walkways. Both Mr. Lawrence and Agent Farinon confirmed that it does allow for bridges and walkways, and Agent Farinon referred back to Item Number 7: Reserved Rights.

Vice Chairman Gagne questioned if they would include benches and picnic tables and Agent Farinon responded that she would check with Allen Decker of the Buzzards Bay Coalition. Member Post suggested garbage cans as well. Vice Chairman Gagne then asked if there was a water body near the parking lot and Mr. Lawrence responded that there was not. Agent Farinon suggested scheduling a site visit to take a look at the property.

Member Payne asked if there were any limitations to research done on the property, as many people would like to do research and monitoring of unaltered cedar swamps. Agent Farinon referenced Item Number 3 which discussed activities associated with environmental education and research including studies, survey, monitoring, and research of natural resources (including but not limited to water quality monitoring, and monitoring of aquatic ecology, etc.).

Agent Farinon stated that if everyone was okay with what was before them, Allen would come talk to the Commission at the next meeting. Member Conway asked if there were any proposed changes from the Assessors. Agent Farinon said she could forward the changes to everyone and mentioned that the State was reviewing it as well. She informed the Commission that this project would most likely close by the end of June.

Vice Chairman Gagne made a motion to put the Conservation Restriction for the Walnut Plain Cedar Swamp Preservation project on the agenda for the next meeting, which was seconded by Member Christopher Gerrior. **The motion passed by a vote of 5, 0 opposed, 0 abstained. (5-0-0)**

**Commission Business**

**Minutes**

A motion to approve the minutes of March 6, 2018 was made by Member Payne and seconded by Member Christopher Gerrior. Chairman Conway abstained. **The motion passed by a vote of 4 in favor, 0 opposed, 1 abstained (4-0-1).**

**Voucher(s)**

The following vouchers were approved for payment: W.B. Mason / Office Supplies: \$59.99 and Massachusetts Municipal Association / Recording Secretary Ad (1/2 of \$70 / Planning Board to Pay 1/2): \$35.00.

**Rochester Conservation Commission**  
**March 20, 2018**

**Old Business**

None

**New Business**

**Bristol Engineering Advisors - Request for Final Report on Decas Neck Road property**

Agent Farinon explained that this was put on the agenda because at a prior meeting that the Commission exhausted the peer review consulting account for this project, but there are still a few outstanding items to be addressed. Agent Farinon continued that Bristol Engineering Advisors has a transducer installed in one of the well points on the Decas property that needs to be removed. Agent Farinon has been in communication with Decas Cranberry and they don't want to remove any equipment until the Commission is satisfied that they had met the requirements of the condition. Agent Farinon stated that Special Condition #41 of the Order of Conditions states "*After the shut off of the pumps, the Commission's consultant shall continue to measure ground water elevations in the monitoring wells on a mutually agreeable schedule for a period of one year and provide periodic reports of the data collected to the Commission and Decas. The final report will include the consultant's assessment of the impact of dewatering activities on Snows Pond*".

Agent Farinon explained that the Mattapoissett River Valley Water Supply Protection Advisory Committee (MRVWSPAC) has a number of monitoring points along the Mattapoissett River, and wants to add a Snow's Pond point to study the regional aquifer. The original Decas monitoring point on Snow's was vandalized a number of months ago. She stated that after the vandalism, they started to look for an alternate location and Peter Newton provided consultant services to review the viability of three alternate locations. Mr. Bob Lawrence allowed the Commission to put a well point on his elevated dock area so it was within the confines of an already constructed area.

Agent Farinon stated that the closure of this project will include a final report with any data up until this point in time. Mr. Newton gave her a quote of \$1,250 to complete the report. Agent Farinon brought this to the attention of the Commission to see if they would vote to approve the use of the Notice of Intent fund to complete this report and close the project out.

Vice Chairman Gagne stated his opinion that it was important to get all of the data, but that he was not sure the Commission should pay for it. Member Payne stated it would be difficult to ask for more money from Decas Cranberry and Chairman Conway stated that when we had originally asked for the first amount, we didn't know exactly what it would cost. Member Payne reminded the Commission that it was not Decas Cranberry's fault someone vandalized the well. Agent Farinon stated that the Bristol Engineering Advisors were under the Commission's purview and it was under her direction that they looked for an alternate location. Agent Farinon then stated that the Mattapoissett River Valley Water Supply Protection Advisory Committee paid for the installation of that well and they will pay to have it continued to be monitored into the future. Once Decas Cranberry receives their Certificate of Compliance, they won't have a need to monitor those well points anymore.

**Rochester Conservation Commission  
March 20, 2018**

Member Christopher Gerrior stated that if it says in the issued Conditions that the final report needs to be done, he believes that Decas Cranberry needs to pay for it to complete their project. Member Payne stated that the Commission needs to be prepared to answer the question of why this extra expense was not included previously. Agent Farinon stated she would reach out to both Decas Cranberry and Bristol Engineering Advisors.

**Future Meetings and Site Visits**

Commission members discussed their availability for upcoming meetings and site visits. All attending members, with the exception of Chairman Conway, will be available for the March 31<sup>st</sup>, 2018 site visit. All attending members stated they were able to attend the April 3<sup>rd</sup>, 2018 meeting.

**Correspondence**

No new correspondence.

**Adjournment**

The meeting adjourned at 8:03 p.m. on a motion made by Vice Chairman Gagne and seconded by Member Payne. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

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Jessica Brodeur, Recording Secretary

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Michael Conway, Chairman