

**Rochester Conservation Commission
June 5, 2018**

Present: Michael Conway, Chairman
Daniel Gagne, Vice Chairman
Christopher Gerrior
Laurene Gerrior
Maggie Payne
Rosemary Smith

Absent: Chris Post

Laurell Farinon, Conservation Agent
Margaret Gonneville, Board Administrator

The meeting was held at the 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

Appointment for Discussion with Rosemary Loer, Old Rochester Regional High School student, regarding possible Aerial Survey Community Service Project

Old Rochester Regional High School student Rosemary Loer of Mattapoisett appeared before the Conservation Commission to present her proposed aerial survey community service project to be done on select Rochester Land Trust and Rochester Conservation Commission properties. Ms. Loer explained that the aerial surveys will be done using a drone and that the drone can survey 52 acres in just 15 minutes. Ms. Loer is doing this community service project as an opportunity to learn about technology. Ms. Loer said that she devoting the summer for this project and would like to this for the towns of Marion, Mattapoisett and Rochester.

Agent Farinon commented that this project will be perfect for land-locked and/or remote properties. Ms. Loer showed an example of the drone picture quality to Commission members on her laptop computer.

Member Christopher Gerrior asked if it had grid quadrants and Ms. Loer replied that the surveys can be done with grid quadrants, preset flights or free flights.

Agent Farinon will work with the Rochester Land Trust to find the best properties for this project. Ms. Loer informed the Commission that the surveys will show plant health and elevations in forested areas.

Member Laurene Gerrior asked if Ms. Loer owned her own drone. Ms. Loer replied that the drone is owned by her father through the company that he works for and she will be covered under her father's FAA license and insurance. Ms. Loer is working on obtaining her own drone and license in the future.

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Vice Chairman Gagne inquired about the format used to send the Commission the surveys: Ms. Loer replied that there many options including PDFs, reports, HD video, etc. Ms. Loer stated that she is willing do this for privately owned property for no cost for the community as part of her community service project.

A motion to approve Ms. Loer's community service project was made by Member Gerrior and seconded by Member Smith. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A Request for Determination of Applicability filed by Carl H. MacDermott, 259 Cherry Street, Bridgewater, MA 02434 for property on 0 Dexter Lane, Rochester, MA 02770. The applicant proposes to construct a single-family dwelling, septic system and associated site work, including removal of existing paved driveway located and well installation within the Buffer Zone of the cranberry bog. Siltation control measures will be implemented. The property owner of record is Bruce Maksy, Jr., P.O. Box 293, Rochester, MA 02770. The project location is 0 Dexter Lane, which is designated as Lot 11E on Rochester Assessors' Map 6. The applicant's representative is Richard Charon, P.E, Charon Associates, Inc., 323 Neck Road, Rochester, MA 02770.

Documents submitted: *Plan entitled "Plan of Site, Proposed House & Subsurface Sewage Disposal" prepared for Carl MacDermott, Lot 11E, Dexter Lane, Rochester, Mass. prepared by Charon Associates, Inc. dated June 11, 2014 and revised May 16, 2018*

Rick Charon of Charon Associates was present representing the applicant, and explained that the applicant will be removing the asphalt driveway which lies with the FEMA Zone A. A silt fence will be installed along the wetland for protection while the asphalt is being removed and the area loamed and seeded. The 4-bedroom dwelling will fit within the setbacks and along with the septic system will be outside of the 100-foot Buffer Zone except for a slight intrusion of the house deck.

Agent Farinon recommended a Negative Determination of Applicability with the stipulation that the Conservation Commission be contacted for the inspection of erosion control barriers installed.

A motion to accept Agent Farinon's recommendation was made by Member Smith and seconded by Vice Chairman Gagne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

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Public Hearing

DEP File # SE 272-0557 A Notice of Intent filed by Repurpose Properties, LLC, 55 Main Street, Buzzards Bay, MA 02532 for property located at Rounseville Road, Rochester, MA 02770, designated as Lots 24, 25B, and 25C on Assessor's Map 30. The applicant proposes construction of an age-related community with 22 duplex units and a common building with a pool area. A roadway with underground utilities, drainage facilities, and a shared septic system for all buildings will be installed. All proposed work within the development is outside of the 25-foot No Disturb Zone, but 14 duplex units, 3 point-source discharges, and 16,100 square feet of roadway will be constructed within the 100-foot Buffer Zone to a resource area. Erosion control measures will be implemented. The property owner of record is Gibbs V. Bray & Patricia M. Bray, Trustees, P.O. Box 989, Marion, MA 02738. The applicant's representative is John Churchill, Jr., J.C. Engineering, Inc., 2854 Cranberry Highway, East Wareham, MA 02538.

Documents submitted: *Plan entitled "The Village at Plumb Corner Special Permit Application in Rochester, Massachusetts (Plymouth County)" Sheets 1-16 prepared for Repurpose Properties, 55 Main Street, Buzzards Bay, MA 02532 prepared by JC Engineering, Inc., dated March 20, 2018 and revised April 30, 2018*

John Churchill, Jr. and Brian Wallace of JC Engineering along with Steve Sooy of Repurpose Properties were present at the Public Hearing. Attorney Peter Paul was present at the public hearing representing the property owners Gibbs V. and Patricia M. Bray.

Mr. Churchill presented that the applicants propose to construct 22 duplex structures for a total of 44 units and 3 retention basins, the majority of which is within the 100-foot Buffer Zone of bordering vegetated wetlands. There is no work proposed within the 25-foot no disturb zone. He said that they will be meeting with the Planning Board next Tuesday.

Vice Chairman Gagne asked if the wetland resource area delineation had been confirmed and if the subject property included riverfront. Mr. Wallace replied that delineation has not been accepted and that Sherman Brook is located in the northwest portion of the property. Mr. Churchill stated that there is no proposed activity in the 200-foot riverfront area.

Discussion ensued about the Ground Water Protection District, and it was established that the proposed project is partially within the district. Mr. Churchill explained that the subsurface sewage disposal system is located out of the groundwater protection area, and when asked said they could put an emergency generator in to ensure continued functioning during power outages.

Vice Chairman Gagne commented that the wetland lines need to be confirmed. Agent Farinon stated that she had recommended that the applicant file an ANRAD prior to submitting a fully designed project, but the applicant chose not to.

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Attorney Peter Paul, 32 William Street in New Bedford, representing owners Gibbs V. and Patricia M. Bray stated that the owners need to apply for a Certificate of Compliance (COC) for the open Order of Conditions DEP SE#272-149 going back to 1980. He stated that he has been in touch the Conservation Commission office in order to prepare for the COC filing, but is concerned about the \$1,800 filing fee.

Agent Farinon confirmed that there is an outstanding Order of Conditions on the property filed by Gibbs Bray in 1990. She said that the fee is because it has been outstanding for so many years: the property owners were notified in 2004 as a courtesy of their need to obtain a COC. Agent Farinon reported that an unpermitted illicit discharge (concrete pipe) discharges stormwater from the Plumb Corner Mall untreated into a bordering vegetated wetland, as well as a play yard that was constructed in the 100-foot Buffer Zone. There are no recorded permits for the above referenced work.

Attorney Paul stated that the fill from Mendell Road was taken to the present shopping center at Plumb Corner. Agent Farinon reported that the Planning Board approved the design for the Plumb Corner Mall project in 1988 which called for stormwater to be directed to a retention basin northwest of the mall: said basin was never built.

Mr. Churchill confirmed that the gravel was moved to the mall site. Discussion about the mall septic system and play yard ensued. Mr. Churchill responded that there will be an easement provided for the play yard belonging to the day care center at Plumb Corner.

Agent Farinon stated that there is stormwater going into it and that the Commission would not have approved this pipe. Chairman Conway stated that a filing will be needed to remove the pipe.

Agent Farinon informed the Commission that their packet includes a cost estimate in the amount of \$7,000 from Nover-Armstrong, Inc. for peer review services to review the wetland delineation and submitted filing. A motion was made by Member Smith and seconded by Vice Chairman Gagne to request \$7,000 from the applicant and approve the contract with Nover-Armstrong, Inc. for peer review services. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Agent Farinon stated that it will take about 4 to 6 weeks for Nover-Armstrong to complete their peer review services. Mr. Churchill asked if the COC hearing can be opened and run in conjunction with the Notice of Intent filing. Attorney Paul stated that the present owners of Plumb Corner have been notified. Vice Chairman Gagne would like them to treat the stormwater and to slow down mitigation. Agent Farinon said that it is best to resolve the COC first prior to acting on the new application.

A motion to continue the public hearing until August 7, 2018 was made by Member Laurene Gerrior and seconded by Member Smith. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

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Commission Business

Minutes

A motion to approve the minutes of May 15, 2018 was made by Member Payne and seconded by Member Laurene Gerrior. Chairman Conway abstained. **The motion passed by a vote of 5 in favor, 0 opposed, 1 abstained (5-0-1).**

Voucher(s)

The following vouchers were approved for payment: Rochester Land Trust / Walnut Plain Cedar Swamp Land Acquisition: \$35,000; Lorraine Thompson / Setup COA for May 15, 2018 Meeting: \$36.27; Forestry Suppliers, Inc./ Repellant / Chaps: \$150.39; and U.S. Postal Service / Stamped Envelopes: \$308.50.

Old Business

Chapter 61A, Notice of Sale and Right of First Refusal: Dexter Lane, Map 6 Lot 11E, Bruce Maksy Jr.

Agent Farinon reported a copy of the updated Purchase and Sales (P&S) agreement has been provided and indicates the closing date has been moved to June 16, 2018. Agent Farinon recommended that the Commission send a letter to the Board of Selectmen advising them not exercise the Town's Right of First Refusal on this property. A motion to accept Agent Farinon's recommendation was made by Vice Chairman Gagne and seconded by Member Smith. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

New Business

**Discuss Appeal of Extension Permit Issued to Edgewood Development Company, LLC
DEP 272-483**

Agent Farinon referred to the appeal letter from Attorney George Hailer of Lawson & Weitzen, LLP to James Mahala, Wetlands Section Chief of the Massachusetts Department of Environmental Protection Southeast Regional Office (DEP SERO). She explained that she spoke with Mr. Mahala and confirmed that an Extension Permit cannot be appealed. DEP SERO will be notifying Attorney Hailer of same within the next few weeks.

**Discuss possible property line encroachment onto Rochester Conservation Commission
property located off Burgess Avenue, Rochester Assessors Map 27, Lot 8**

Agent Farinon reported that the work will be done by this fall.

Confirm member availability for future site visits and meetings

Member Smith will no longer be available for site visits and meetings. Members present confirmed that they will be available for the next meeting and site visit on June 19, 2018. Member Payne will not be available for the July 3, 2018 meeting.

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Correspondence

Agent Farinon notified the members the information on certified vernal pools came in and the resignation letter of Recording Secretary, Jessica Brodeur, was handed to her after the Conservation Commission meeting on May 15, 2018.

Last Meeting of Member and Former Chairperson Rosemary Smith

Agent Farinon announced that tonight was Rosemary Smith's last Conservation Commission meeting. Member Smith served on the Conservation Commission for 17 years and will be sorely missed. Member Smith was an absolute pleasure to work with and will be hard to replace.

Adjournment

The meeting adjourned at 8:09 p.m. on a motion made by Vice Chairman Gagne and seconded by Member Smith. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)**

Margaret Gonneville, Board Administrator

Michael Conway, Chairman