

**Rochester Conservation Commission
June 19, 2018**

Present: Michael Conway, Chairman
Christopher Gerrior
Laurene Gerrior
Maggie Payne
Chris Post

Absent: Daniel Gagne, Vice Chairman

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

The meeting was held in the Town Hall conference 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 Clyde Andrade, 23 Benjamin Drive, Rochester, MA 02770 for property on 23 Benjamin Drive, Rochester, MA 02770. The applicant proposes to remove two large pine trees adjacent to the dwelling within the 100-foot Buffer Zone of a bordering vegetated wetland. The property owner of record is Clyde & Linda Andrade, 23 Benjamin Drive, Rochester, MA 02770. The project location is 23 Benjamin Drive, which is designated as Lot 19C-123 on Rochester Assessors' Map 4.

Documents submitted: *Portion of Site Plan and GIS Map of 23 Benjamin Drive*

Mr. & Mrs. Andrade were present at the public hearing, and Mrs. Andrade explained that they would like to take two pine trees down for safety reasons. During the winter storms, a large branch from one of the trees knocked the aluminum siding off the house.

Agent Farinon reported that Mr. Andrade contacted her about taking down the two trees within the 100-foot Buffer Zone. She visited the site and took photographs of the property which she displayed on the presentation screen. She confirmed that the trees are quite close to the dwelling and could cause damage.

Mr. Andrade reported that he has contacted Barnes Tree Service and they will use a crane to do the work from the upland area.

Agent Farinon recommended the issuance of a Negative Determination of Applicability with the stipulation that the Commission be contacted prior to the trees being cut.

A motion to accept Agent Farinon's recommendation was made by Member Laurene Gerrior 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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Public Hearing

***(Continued from May 15, 2018)* DEP File # SE 272-0556 An Abbreviated Notice of Resource Area Delineation filed by Pedro Rodriguez, Solar MA Project Management, LLC, Series XXXVI, 143 West Street, Suite C201, New Milford, CT 06776, for property located on 0 Walnut Plain Road, Rochester, MA 02770, designated as Lots 16, 21, 23 & 31 on Assessor's Map 23. The purpose of the filing is to confirm 9,950+/- linear feet of Bordering Vegetated Wetland boundary. The property owner of record is Diana Murphy, Trustee, Midchester Realty Trust, 24 Old Powderhouse Road, Lakeville, MA 02347. The applicant's representative is Scott Goddard, Goddard Consulting, LLC, 291 Main Street, Suite 8, Northborough, MA 01532.**

Chairman Conway reported that the Commission received an e-mail request for a continuance from the applicant Pedro Rodriguez of Solar MA on June 13, 2018.

A motion to continue the public hearing until July 3, 2018 was made by Member Christopher Gerrior and seconded by Member Laurene Gerrior. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

DEP File # SE 272-0558 A Notice of Intent filed by Paul Dawson, Town of Marion, 2 Spring Street, Marion, MA 02738 for property located Off Mary's Pond Road, Rochester, MA 02770, designated as Lot 30 on Assessor's Map 30. The applicant proposes to replace the existing hydrant south of the existing pump station and chain link fence, and install a permanent access path to Well MP-2. The permanent access path will consist of a 12 inch deep layer of compacted processed gravel layer and subgrade, and will result in the alteration of approximately 150 square feet of bordering vegetated wetland. The property owner of record is the Town of Marion, 2 Spring Street, Marion, MA 02738. The applicant's representative is Jon Gregory, Tata & Howard Inc., 67 Forest Street, Marlborough, MA 01752.

Documents submitted: *Plan entitled "Mary's Pond Wellfield Site Plan" Town of Marion Massachusetts, Mary's Pond Wellfield Rehabilitation Phase II dated June 2018*

Jon Gregory and Megan Davis of Tata & Howard Inc. were present representing the applicant.

Ms. Davis presented the plan and explained that the submitted Notice of Intent is for Phase II of the water main site work. She reported that the invasive species mediation cut and drip method was not feasible because herbicide use in Zone I of a Public Ground Water Source is prohibited. An alternative method for Phragmites control is excavation and physical removal of the vegetation. Ms. Davis submitted copies of the remediation plan to Commission members for review.

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Ms. Davis explained that the plan includes excavation of Phragmites and underlying soils which will be taken off site; the excavated area will be back-filled with clean fill. Any Phragmites not removed by excavation will be hand pulled and dug out. Indigenous wetland species will be reestablished for two growing seasons. The remediation will be performed by the Marion Department of Public Works (DPW). A discussion of Phragmites control then ensued. Ms. Davis stated that after initial excavation of the Phragmites, any new Phragmites growth will be dug by hand. There is a good success rate of permanent removal after three years.

Chairman Conway stated that the treatment of fuel spills should be indicated on the plan. Ms. Davis agreed that they will be put in the contract and plan.

Mr. Gregory confirmed that the erosion controls used in Phase I of the previous Notice of Intent could be used with prior inspection by the Conservation Commission.

Agent Farinon summarized that this is the second Notice of Intent request for this property because the access road needed to be relocated for proper maintenance of Well 2, and Phragmites removal will serve as mitigation for the disturbed bordering vegetated wetland. Agent Farinon recommended the issuance of a positive Order of Conditions with the stipulation that: 1) a preconstruction meeting be held to inspect proper installation of the hay bale barriers and silt fencing; and 2) Spill Prevention equipment shall be kept on site for use in the event of a fuel release. In the event of a fuel spill, the Commission shall be contacted immediately and remediation shall be handled in accordance with the MA Contingency Plan.

A motion to accept Agent Farinon's recommendation was 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).**

DEP File # SE 272-055X A Notice of Intent filed by Chance Avery & Taylor Jesse, 422 High Street, Rochester, MA 02770 for property located at 422 High Street, Rochester, MA 02770, designated as Lot 7 on Assessor's Map 16. This is an after-the-fact filing for the unauthorized demolition of an 8' x 10' shed, earthwork and clearing of vegetation within the 25-foot No Disturb Zone protected under the Rochester Wetlands Protection Bylaw and within the 100-foot Buffer Zone under the Massachusetts Wetlands Protection Act. The applicant proposes restoration of the disturbed area; erosion control measures will be implemented. The property owners of record are Chance Avery & Taylor Jesse, 422 High Street, Rochester, MA 02770. The applicant's representative is Brooke Monroe, Pinebrook Consulting, 310 Sandwich Street, Plymouth, MA 02360.

Documents submitted: *Buffer Zone Restoration/Planting Plan for 422 High Street Rochester, Massachusetts, Prepared for: Chance Avery and Taylor Jesse, Prepared by: Pinebrook Consulting dated May 29, 2018*

Taylor Jesse and Brooke Monroe of Pinebrook Consulting were present at the public hearing.

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Ms. Monroe presented the after-the-fact Notice of Intent filing for the removal of an 8' x 10' shed, earthwork and cutting/clearing of vegetation within the 25-foot No Disturb Zone and 100-foot Buffer Zone to a bordering vegetated wetland. The Restoration Plan proposes removal of the shed foundation and restoration of the area with shrub species and seed mix. Ms. Monroe suggested that removing the foundation maybe too much of a disturbance. Member Christopher Gerrior stated that removing the foundation sounds like a lot of work and that more effort should be put to getting rid of the bittersweet. Member Laurene Gerrior said that the applicants should fill in the foundation and put in plantings. Chairman Conway recommended that the applicant seek written permission to perform work on the abutter's property. Member Laurene Gerrior suggested modifying the plan for edible plantings such as raspberries, blueberries, etc.

Agent Farinon summarized that the after-the-fact Notice of Intent was made subject to a Notice of Violation and then an Enforcement Order issued in April. She recommended that the meeting be continued because the Commission has not received the DEP file number or a response from the Natural Heritage and Endangered Species Program (NHESP).

Ms. Monroe requested a continuance of the public hearing until July 3, 2018 to allow time for the DEP file number and NHESP letter to be received.

A motion to continue the public hearing until July 3, 2018 was made by Member Christopher Gerrior and seconded by Member Payne. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Review minor changes to 2 Old Mill Way Site Plan to determine if an Amended Permit is required, Rochester Assessors' Map 37, Lot 27A, DEP SE 272-536.

Documents submitted: *Plan entitled "Subsurface Sewage Disposal System in Rochester, MA", prepared for: Southeast Realty Development "Hartley Mills" Lot 1A Old Mill Way Map 37 Parcel 27A, prepared by: Bracken Engineering, Inc., dated March 27, 2017 and revised May 21, 2018*

Robert Dewar of Bracken Engineering, Inc. was present representing Gary Mills of Southeast Realty Development.

Mr. Dewar presented both the plan of record and revised plan to the Commission and summarized the edits. He explained that Mr. Mills would like to rotate the house and the septic system will remain the same. The new driveway will come in on the side instead of the front of the house. The subsurface for roof drainage moved to the side and rear corner. Mr. Dewar said that there will be no change to the limit of work or clearing. He summarized that the footprint is roughly the same and does not believe that a new filing is necessary.

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Agent Farinon explained that the revised plan was brought to her attention when reviewing the Building Department interdepartmental form. She recommended that the applicant seek an opinion from the Commission on whether the change was significant enough to warrant an Amended Order of Conditions. She stated that in her opinion it is not a significant enough change to warrant an Amended Order.

Chairman Conway inquired about the logistics of issuance of a Certificate of Compliance given the plan change. Agent Farinon responded that a paper trail of the letter request, revised plan and minutes will be in the file for review when a Certificate is requested.

Member Laurene Gerrior stated that in her opinion the proposed change is not significant.

Agent Farinon recommended that the Conservation Commission deem the changes minor in nature and that an Amended Order of Conditions not be required.

A motion to accept Agent Farinon's recommendation was made by Member Payne and seconded by Member Laurene Gerrior. **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 June 5, 2018 was made by Chairman Conway and seconded by Member Laurene Gerrior. Member Post abstained. **The motion passed by a vote of 4 in favor, 0 opposed, 1 abstained (4-0-1).**

Voucher(s)

There were no vouchers to be approved.

Mullin Rule Affidavit(s)

The following Mullin Rule Affidavits were signed: DEP SE 272-0556 Abbreviated Notice of Resource Area Delineation filed by Solar MA for property located on Walnut Plain Road by Chairman Michael Conway and DEP SE 272-055X Notice of Intent filed by Repurpose Properties for property located on Rounseville Road by Member Christine Post.

New Business

Discuss Commission Meeting Packets and Information Distributed to Members in Advance of Meetings

With the exception of Member Christopher Gerrior, all members present still want their meeting packets mailed to their homes as well as the emailed meeting packets. Member Christopher Gerrior prefers the meeting packet by email only.

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Confirm member availability for future site visits and meetings

Members present confirmed that they will be available for the next meeting and site visit on July 3, 2018. Member Payne will not be available for the July 3, 2018 meeting or site visit.

Interdepartmental Planning Meeting on June 20, 2018

Agent Farinon informed the Commission that the quarterly Interdepartmental Planning meeting will be held on Wednesday, June 20, 2018 at 7:00 p.m. at the Town Hall meeting room. Commission members are welcome to attend. Topics of discussion include the Green Communities Initiative and the new flood maps.

Annual Re-organization

Chairman Conway suggested that the annual re-organization of officers be done at the next Conservation Commission meeting.

Photographs Submitted by Ben Bailey

Members of the Commission commented how much they enjoyed the emailed photographs submitted by Ben Bailey of the loons on Snipatuit Pond.

Adjournment

The meeting adjourned at 8:15 p.m. on a motion made by Member Laurene Gerrior and seconded by Member Post. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Margaret Gonneville, Board Administrator

Michael Conway, Chairman