

**Rochester Conservation Commission
July 17, 2018**

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

Absent: Chris Post

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 William David Watling, 360 Cushman Road, Rochester, MA 02770 for work on property located at 360 Cushman Road, Rochester, MA 02770. The applicant proposes to construct a 30'x40' accessory building with 10' overhang on the east end 165' from the Mattapoissett River within the 200' outer riparian zone. The applicant also proposes to remove a 14" diameter oak tree and a fallen 12" diameter red maple within the 100' Buffer Zone and Rivers Protection Area. The property owners of record are William D. & Christine C. Watling, 360 Cushman Road, Rochester, MA 02770. The project location is 360 Cushman Road, which is designated as Lot 4 on Rochester Assessors' Map 35.

Documents submitted: *Plan Sketch of Trees to be Removed*

The applicant proposes to remove fallen six fallen pine trees south of the dwelling and one pine tree northwest of the dwelling within the 100 foot Buffer Zone of a bordering vegetated wetlands. Disturbed open holes from the fallen trees will be backfilled and stabilized.

Member Laurene Gerrior asked why the building was not being built further forward and Mr. Watling replied that it would require an application with the Zoning Board of Appeals because it would not meet setback requirements.

Vice Chairman Gagne asked if a driveway will be constructed to access the building and Mr. Watling replied that there will be one constructed directly west towards Cushman Road.

Agent Farinon reported that the Commission conducted a site visit before tonight's meeting. In addition to the 30'X40' outbuilding, there is a large dead oak tree and a fallen maple tree to be removed in the outer riparian zone. The project can be done without adverse impacts to the 100 foot Buffer Zone and the Rivers Protection 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 removed.

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

DEP SE 272-0515 A Request for Certificate of Compliance was submitted by Decas Cranberry Co., Inc. for property located at 109 Neck Road, designated as Lot 3 on Assessor's Map 40. An Amended Order of Conditions was issued to Decas Cranberry Co., Inc. on April 7, 2017 under DEP SE 272-0515 allowing for the construction of a tailwater recovery pond/reservoir. The following deviations of the approved plan were noted by the engineer: the proposed pump house slab and equipment is in place but the structure has not been constructed at this time; the pump house location is approximately 200 feet to the west of the proposed location; a concrete block retaining wall was built in front of the pump house; and a short portion of the 8" pipe was installed through the canal instead of within the dike road.

Documents submitted: *Plan entitled "Proposed Building Site Plan" Prepared for: William & Christine Watling, 360 Cushman Road, Rochester, MA 02770 Prepared by: Foresight Engineering, Inc. dated June 4, 2018*

Brian Grady of G.A.F. Engineering and Scott Hannula of Decas Cranberry Company were present at the public meeting.

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

Public Hearing

(Continued from July 3, 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 Pedro Rodriguez of Solar MA Project Management, LLC, Series XXXVI on July 5, 2018.

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A motion to continue the public hearing until August 7, 2018 was made by Vice Chairman Gagne and seconded by Chairman Conway. Member Laurene Gerrior and Member Christopher Gerrior have recused themselves from the public hearing. **The motion passed by a vote of 3 in favor, 0 opposed, 0 abstained (3-0-0).**

(Continued from July 3, 2018) **DEP File # SE 272-0559 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.**

The applicant's representative Brooke Monroe was present at the public hearing.

A motion to _____ was made by Vice Chairman Gagne and seconded by Member Post. **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 July 3, 2018 was made by Member Christopher Gerrior and seconded by Member Post. Vice Chairman Gagne abstained. **The motion passed by a vote of 4 in favor, 0 opposed, 1 abstained (4-0-1).**

Voucher(s)

The following voucher was approved for payment:

New Business

Chapter 61A, Notice of Intent – Conversion of Use, 453 Rounseville Road, Map 31 Lot 7, Gibbs V. Bray

Attorney Peter Paull, representing property owner Gibbs V. Bray, explained that he filed a Chapter 61A Notice of Intent – Conversion of Use notification of conversion of the property from agricultural to commercial use. The property is subject to a long term lease with Borrego Solar Systems Inc. for a large-scale photovoltaic development. He explained that the Town of Rochester has the right to request an appraisal of the property. Attorney Paull appeared before

the Rochester Planning Board on June 26, 2018 and the Planning Board voted to recommend that the Board of Selectmen decline to exercise their right to request an appraisal.

Member Laurene Gerrior asked if there was a zoning change to the property and Attorney Paull replied that there was no zoning change. The project received approval under the Solar Bylaw.

Vice Chairman Gagne asked if the property had any open space value. Agent Farinon replied that the leased property is a combination of open field and upland woods. Proposed work is outside of the 100 foot Buffer Zone. The subject area is not located within an area mapped by the Natural Heritage & Endangered Species Program, nor is it contiguous with other permanently protected open space.

A motion to recommend that the Board of Selectmen not exercise its right to request an appraisal of the property was made by Vice Chairman Gagne and seconded by Member Christopher Gerrior. Member Laurene Gerrior opposed. **The motion passed by a vote of 4 in favor, 1 opposed, 0 abstained. (4-1-0)**

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Annual Re-organization

The Commission discussed doing an annual re-organization of officers. A motion was made for the annual re-organization to be done at the beginning of April after this year. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion that Michael Conway remains as Chairman until next April was made by Member Laurene Gerrior and seconded by Vice Chairman Gagne. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion that Dan Gagne remains as Vice Chairman until next April 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).**

A motion to appoint Christopher Gerrior as Treasurer was made by Chairman Conway and seconded by Member Laurene Gerrior. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).** As Treasurer, Member Christopher Gerrior will report on the finances of the Conservation Commission quarterly.

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

Meeting packets were discussed again since Vice Chairman Gagne was not present at the last meeting. With the exception of Member Christopher Gerrior, all members want their meeting packets mailed to their homes as well as emailed. Member Christopher Gerrior prefers the meeting packet by email only and will receive a hard copy at the meeting.

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 17, 2018 with the exception of Member Post who will not be available for the July 17, 2018 meeting or site visit.

Forest Cutting Plans

Members discussed the forest cutting plans for Decas Cranberry Co. Inc. Agent Farinon will research whether Mass. General Law requires that Foresting Cutting Plans be signed by the Service Forester and forwarded to the Commission in a set period of time.

Adjournment

The meeting adjourned at 7:36 p.m. on a motion made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Margaret Gonneville, Board Administrator

Michael Conway, Chairman