

**Rochester Conservation Commission
September 5, 2018**

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

Absent: Laurene Gerrior

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 7:02 p.m. and announced that the meeting was being televised.

Public Hearing

***(Continued from August 7, 2018)* 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.**

Chairman Conway announced that Brian Wallace of JC Engineering sent an email on August 30, 2018 requesting to continue the public hearing until September 18, 2018.

Agent Farinon reported that Nover-Armstrong is in the process of completing the peer review report. She also stated that the parties involved are working on a settlement agreement to address the illicit discharge from the Plumb Corner Mall property.

A motion to continue the public hearing until September 18, 2018 was made by Member Christopher Gerrior and seconded by Vice Chairman Gagne. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

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(Continued from August 7, 2018) DEP File # SE 272-0561 An Abbreviated Notice of Resource Area Delineation filed by Steve Long, Borrego Solar Systems, Inc., 55 Technology Drive, Suite 102, Lowell, MA 01851, for property located on 75 Vaughan Hill Road, Rochester, MA 02770, designated as Lot 23 on Assessor's Map 32. The purpose of the filing is to confirm 6,662 linear feet of Bordering Vegetated Wetland boundary. The property owner of record is Kiriakos A. Rentumis, 75 Vaughan Hill Road, Rochester, MA 02770.

(Vice Chairman Gagne recused himself from the public hearing.)

Chairman Conway announced that Steve Long of Borrego Solar Systems sent a letter dated August 28, 2018 requesting a continuance until September 18, 2018. A motion to continue the public hearing until September 18, 2018 was made by Member Payne and seconded by Member Post. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

(Vice Chairman Gagne resumed his role in the meeting.)

DEP File # SE 272-0560 A Notice of Intent filed by Joseph Longo, CorGo, LLC 91 Sarah Sherman Road, Rochester, MA 02770 for property located at Mendell Road, Rochester, MA 02770, designated as Lot 2 on Assessor's Map 30. The applicant proposes construction of a single family dwelling, with associated driveway, septic system, and drinking water well within the 100-foot Buffer Zone of a bordering vegetated wetland. A portion of said work is within the 200-foot Outer Riparian Zone of Sherman Brook. Erosion control measures will be implemented. The property owner of record is Joseph Longo, CorGo, LLC, 91 Sarah Sherman Road, Rochester, MA 02770. The applicant's representative is Joseph Longo, JL3 Consulting, Inc., 414A Phinneys Lane, Centerville, MA 02632.

Documents submitted: *Plan entitled "Subsurface Sewage Disposal System New Construction Lot -2 Mendell Road, Rochester, Massachusetts" prepared for CorGo, LLC, 91 Sarah Sherman Road, Rochester, MA 02770 prepared by Zenith Consulting Engineers, LLC dated July 16, 2018*

Joseph Longo and Ryan Correia of CorGo, LLC were present at the public hearing.

Mr. Longo summarized that part of Lot 2 is located on Sherman Brook, the wetlands were delineated in February 2018, and that the lot has passed a percolation test. A portion of the 4-bedroom 2,500 square foot proposed dwelling will be located within the 200-foot riverfront area. Approximately 3,700 square feet of alteration is proposed within the Outer Riparian Zone. Mr. Longo stated that the septic is outside of all the Buffer Zones, and the foundation has been kept out of the Buffer Zone as much as possible.

Vice Chairman Gagne asked if they prepared any other site layouts that kept the house out of the riverfront area. Mr. Longo replied that this layout gave them a 2,500 square foot home with a reasonable sized lot. Vice Chairman Gagne stated that the Riverfront Area is not a Buffer Zone.

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Member Christopher Gerrior asked what they were using for fill in the pit on the property and Mr. Longo replied that they are not proposing to fill the pit and are leaving it as it is.

Vice Chairman Gagne commented that he would like to see other alternatives to the house layout and is concerned about work within the resource area.

Agent Farinon asked about the detail shown on the plan for dewatering, and Mr. Longo responded that they do not anticipate dewatering.

Agent Farinon reported that the property is located in the Groundwater Protection District and that the applicant will need to submit a plan to the Mattapoissett River Valley Water Supply Protection Advisory Committee. Agent Farinon then passed out a packet of guidance from MACC on work in a riverfront area. She stated that the regulations require submittal of an alternatives analysis and narrative from a wetland scientist detailing conformance with the performance standards of the Massachusetts Wetlands Protection Act and local bylaw.

Mr. Longo requested a continuance of the public hearing until October 2, 2018.

A motion to continue the public hearing until October 2, 2018 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).**

Commission Business

Minutes

A motion to approve the minutes of August 7, 2018 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).**

Voucher(s)

The following vouchers were approved: W.B. Mason / Office Supplies: \$16.50 and BayNet Web Services / Monthly Hosting Fee (Oct, Nov, & Dec 2018): \$60.00.

Old Business

Special Condition on Plan Changes

Agent Farinon stated that the Commission had previously discussed the need to have an affidavit or mechanism to ensure that applicants notify the Commission of any plan changes. She said that she consulted with Town Counsel Bailey, and he expressed concern about emphasizing one special condition over another, as they all need to be followed. As a remedy, Attorney Bailey suggested revising Special Condition #22 as follows:

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*Any change intended to be made in the plans shall require the applicant to file a new Notice of Intent or to inquire of the Conservation Commission in writing whether the change is substantial enough to require a new filing. Any inquiry to the Conservation Commission shall be made prior to any change. **NOTE: Any failure to notify the Conservation Commission prior to any change in approved plans may result in the denial of a Certificate of Compliance and/or additional fees and costs associated with a review of any revised plans.***

Member Post expressed concern about people not seeing it since it is Condition #22. Agent Farinon acknowledged her concern and stated that people are required to read the Order of Conditions, and review the Order of Conditions in pre-construction meetings. Discussion ensued about the way the Order of Conditions permit is given to applicants, and it was agreed that the drafted statement will also be added to the standard cover letter of the Order of Conditions.

New Business

Notice of Intention to Sell, Right of First Refusal: Chapter 61B, Notice of Sale: 0 Mary's Pond Road, Map 12 Lot 1B, Carr Family Bogs LLC, Deborah Clark

Deborah Clark of Carr Family Bogs, LLC was present and explained that it has been about two years since she approached the Conservation Commission and local land trusts, and no one was interested in the property, so it was put on the market for sale.

Agent Farinon explained that this is the old Boy Scout camp property on Leonard's Pond and that Mrs. Clark notified the Commission in November of 2016 that her family needed to sell the property. She wanted to give the Town, Rochester Land Trust, Trustees of Reservations, and Wildlands Trust the first chance to purchase it for a price of \$1,000,000. Agent Farinon organized a site visit with representatives of the Commission, Rochester Land Trust and Trustees of Reservations to walk the property. At the time, all agreed the site has substantial conservation and recreational value, however did not think they could raise the necessary funds. Agent Farinon explained that there are two nearby parcels owned by the Rochester Conservation Commission and Rochester Land Trust that provide public access to Leonard's Pond.

Mrs. Clark informed the Commission that her family has to sell the property and has a buyer who is interested in dividing the property and building homes for himself and his family. She has a signed purchase and sale agreement to sell the property for \$965,000.

Chairman Conway made a motion to recommend that the Board of Selectmen not exercise its right of first refusal on the Carr Family Bogs, LLC property. The motion was not seconded. Discussion ensued, and Vice Chairman Gagne recommended that the Commission notify the Board of Selectmen and recommend that they exercise the Right of First Refusal.

A motion to recommend that the Board of Selectmen exercise the Town's Right of First Refusal was made by Vice Chairman Gagne and seconded by Member Christopher Gerrior. Chairman Conway and Member Payne opposed. **The motion passed by a vote of 3 in favor, 2 opposed, 0 abstained (3-2-0).**

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Update on Rochester Bituminous Products, et al. vs Rochester Conservation Commission, Plymouth Sup. Ct. C.A. No. 1883 CV 00683

Agent Farinon reported that there is a DEP appeal. Edgewood Development submitted a motion to dismiss, and DEP filed an appeal to support the motion. The judge is in the process of reviewing the motions.

Update on Drone Survey of Rochester Conservation Commission Property

Agent Farinon reported to the Commission that she has been working with ORR student Rosemary Loer and provided Ms. Loer three Conservation Commission owned properties for survey.

Green Communities Initiative

Agent Farinon reported that the in-house Green Communities committee has been working with Seth Pickering in exploring becoming a Green Community. A public forum is scheduled on Thursday, September 27, 2018 at the Rochester Council on Aging at 3:00 p.m. and 7:00 p.m. It is expected that warrant articles related to becoming a Green Community will be submitted for Town Meeting on November 19, 2018.

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 Tuesday, September 18, 2018.

Correspondence

A copy of a letter from the DEP to Bruce Maksy, Jr. dated August 13, 2018 regarding a site visit to the Dexter Lane property on August 28, 2018 was sent as a courtesy to the Conservation Commission.

New Members

Agent Farinon stated that she will re-advertise the need for a new member on the Conservation Commission.

Adjournment

The meeting adjourned at 8:15 p.m. on a motion 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).**

Margaret Gonneville, Board Administrator

Michael Conway, Chairman