

**Rochester Conservation Commission
October 2, 2018**

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

Absent: *(None)*

Laurel 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 Hearing

***(Continued from September 18, 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 JC Engineering sent a letter on September 27, 2018 requesting to continue the public hearing until Wednesday, November 7, 2018.

Chairman Conway reported that this is the fifth request for continuance without a summary of why the continuance is being requested. Chairman Conway recommended adding a motion to ask for someone to physically appear at the next meeting and state a reason for the continuance.

Agent Farinon reported Attorney Paull contacted her and stated that the delay is due to the applicant addressing the illicit discharge and outstanding Order of Conditions on the subject property. The applicant and owner of the Plumb Corner Mall are negotiating a solution. Attorney Bailey has recommended that rectification of the illicit discharge and issuance of a Certificate of Compliance (COC) on the outstanding Order be completed prior to issuing a permit on the new Notice of Intent filing.

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Agent Farinon stated that she acknowledged and shared Chairman Conway's concerns about the amount of time that has passed since the public hearing was opened. She recommended that the Commission have the applicant re-advertise the public hearing, and re-notify abutters when the hearing re-opens.

A motion to continue the public hearing until November 7, 2018 and request the applicant to appear before the Commission was made by Vice Chairman Gagne and seconded by Member Laurene Gerrior. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

***(Continued from September 18, 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.)

Agent Farinon reported that she has completed the review of the delineation and completed a letter report summarizing her concerns with the delineation and application. Borrego Solar Systems, Inc. and its consultants are presently reviewing said report.

Chairman Conway announced that Steve Long of Borrego Solar Systems sent a letter dated September 27, 2018 requesting a continuance until October 16, 2018. A motion to continue the public hearing until October 16, 2018 was made by Member Laurene Gerrior and seconded by Member Payne. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

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

***(Continued from September 5, 2018)* 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.**

Chairman Conway stated that a letter requesting a continuance was sent on September 27, 2018 by the applicant.

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Agent Farinon reported that a narrative and alternatives analysis was requested from the applicant, and has not been submitted as of yet. She stated it is her understanding that the applicant has hired a wetland scientist to complete this work.

A motion to continue the public hearing until October 16, 2018 was made by Vice Chairman Gagne and seconded by Member Christopher Gerrior. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Future Continuation Requests

Members of the Commission agreed that future continuation requests shall be in letter form, state the reason for the delay and shall reference the DEP file number.

Public Meeting

A Request for Determination of Applicability filed by Nicholas Araujo, 130 Arlington Street, New Bedford, MA 02745 for work on property located on Old Schoolhouse Road, Rochester, MA 02770. The applicant proposes the pruning of hanging tree limbs and minor excavation of the driveway surface to remove overgrown vegetation in order to restore the driveway as it was constructed in 2005. A siltation fence will be installed on both sides of the driveway prior to the start of work. All excavated material will be stockpiled in the upland area outside of the 100-foot Buffer Zone and burned during burning season. The property owner of record is Nicholas Araujo, 130 Arlington Street, New Bedford, MA 02745. The project location is Old Schoolhouse Road, which is designated as Lot 19 on Assessors' Map 21.

Documents submitted: *Plan entitled "C.O.C. As-built & Wetland Monumentation Plan at Old Schoolhouse Road Rochester, MA Assessor's Map 21, Lot 19" prepared for High Street Realty Trust and prepared by Land Management Systems, Inc. dated February 18, 2005*

Applicant Nicholas Araujo was present at the public meeting and explained that a driveway on the property was constructed in 2005. Mr. Araujo proposes to take out overgrown vegetation in the driveway with a small-tooth bucket, trim the branches off hanging tree limbs and burn the stockpiled material in an upland area during burning season. He intends to bring back the gravel driveway to the way it was back in 2005.

Vice Chairman Gagne asked Mr. Araujo how he was going to manage the work. Mr. Araujo replied that he is not widening the driveway and will be excavating by scratching the surface back to the gravel. Vice Chairman Gagne asked Mr. Araujo about erosion control measures and Mr. Araujo replied that he has installed silt fencing on both sides of the driveway.

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Agent Farinon showed photographs of the property to the Commission on the Samsung board, and explained that this is the former Striar property which received Commission approval to fill and replicated 2,400 square feet of bordering vegetated wetland. The Commission issued a Certificate of Compliance in 2015. She said that the driveway was constructed several years ago and now has become overgrown with vegetation. Agent Farinon informed the Commission that the silt fencing Mr. Araujo installed will need some adjustments and that she will re-inspect the site to confirm that it is properly installed prior to any construction activity. Agent Farinon stated that there is a shallow layer of organic material over the solid packed underlying gravel driveway.

Agent Farinon recommended the issuance of a Negative Determination of Applicability with the stipulation that the erosion control barriers be corrected in the field for inspection prior to any construction activity.

Member Christopher Gerrior asked about the installation of utilities and Agent Farinon replied that Mr. Araujo would have to file again with the Commission if he planned to install utilities.

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 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A Request for Determination of Applicability filed by A. Hammerman & M. Kirby, 80 Snow's Pond Road, Rochester, MA 02770 for work on property located at 80 Snow's Pond Road, Rochester, MA 02770. The applicant proposes to cut down a total of three dead trees adjacent to the dock, dwelling and path, which are all within the 100-foot Buffer Zone of the bank of Snow's Pond. Barnes Tree Service will perform the work and remove the trees. The property owner of record is Kirby Point, LLC c/o Sheri Kirby, 325 Cushman Road, Rochester, MA 02770. The project location is 80 Snow's Pond Road, which is designated as Lot 27 on Rochester Assessors' Map 39.

Documents submitted: *Plan entitled "Plan of Site & Upgrade of Subsurface Sewage Disposal Prepared for A. Hammerman & M. Kirby (Buyers) Carol Perry (Owner) 80 Snows Pond Road, Rochester, Mass." prepared by Charon Associates, Inc. dated October 27, 2016 and revised through November 15, 2016*

Andrew Hammerman and Michelle Kirby were present at the public meeting.

Mr. Hammerman explained that there is a dying tree on the property that has not fallen yet that needs to be taken down. That tree will be difficult to take down because of the potential of it falling on the dock and pond. The tree will be cut with the stump remaining. There are two other oak trees also in the same zone that are also dying. The one next to the cottage could fall and has the potential of hitting the cottage. Mr. Hammerman said that Barnes Tree Service will be taking down the trees and pile them in the driveway to use for firewood. He said that Barnes plans to take the one by the dock with a bucket.

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Vice Chairman Gagne stated that he would like to see that the logs are moved outside of the 25-foot No Touch Zone.

Agent Farinon recommended a Negative Determination of Applicability to remove 3 dead trees with the stipulation that the trees are moved to the 25-foot No Touch Zone.

Vice Chairman Gagne motioned to approve removal of the three dead trees; the motion was seconded by Member Laurene Gerrior. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Commission Business

Minutes

A motion to approve the minutes of September 18, 2018 was made by Chairman Conway and all were in favor. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Voucher(s)

There were no vouchers to be approved.

Mullin Rule Affidavit

Member Laurene Gerrior signed a Mullin Rule Affidavit for a public hearing missed on September 5, 2018 for a Notice of Intent for DEP SE # 272-0560 CorGo LLC / Mendell Road.

New Business

Discussion with Snow's Pond Association Regarding Pond Weed Management

Michelle Kirby introduced herself as president of the Snow's Pond Association and explained that she was born and raised in Rochester, and is a member of the Hartley Family Trust which owns property on Snow's Pond. She and her family recently bought property at 80 Snow's Pond Road, and that Snow's Pond is a 58-acre kettle pond that is located within the Mattapoissett River Valley Watershed. The Town adopted general bylaws that restricted the use of motor boats on the pond in the 1960's. At that time, the average depth of the pond was 15 feet and the pond was clear of pond weeds. In the last two decades, there has been an increase in invasive weeds on the pond. She said that in 1998 a scientist evaluated the pond and identified three invasive pond species and recommended mechanical harvesting and herbicide application. No subsequent action was taken. Six years ago an abutter brought in a biologist to evaluate the pond, and the biologist found six invasive species and recommended a management plan. No subsequent action was taken.

Ms. Kirby reported that this past summer the weed problem was as bad as it's ever been. She contacted all the abutters on the pond to meet and address the weed problem. The group met and formed the Snow's Pond Association, which has established officers, bylaws and a bank account. They have contacted a consulting company and obtained an estimate to study the pond and do weed mapping which will cost approximately \$2,500.

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Ms. Kirby explained that the pond has 15 landowners and 5 year-round homeowners and approximately 1,000 people that enjoy Snow's Pond in the summer. She said that the association is hoping to do the mapping next summer in order to get a diagnosis. The association came before the Conservation Commission to introduce themselves and to share resources.

Chairman Conway asked if they knew what the cause of the growth was. Ms. Kirby said that it was suggested that it is nitrogen loading from the homes around the pond and fertilization.

Ms. Kirby stated that Snow's Pond is an important natural resource and does not want it to get worse. She said that it is a private pond with no public launch or beach besides the land from the Land Trust.

Agent Farinon complimented Michele on an excellent presentation, and commented that this will be the Commission's first pond weed management filing.

Member Laurene Gerrior recommended that Michelle utilize contact the New England Wildflower Society as a resource.

DCR Forest Cutting Practices

Agent Farinon stated that she will be reaching out to DCR for clarification on their recent letter notifying of changes to the Forest Cutting Practices Act.

Capital Planning

Agent Farinon mentioned the email that she sent to the Commission regarding a new Capital Planning Committee for Town Meeting. Agent Farinon will inquire with Town Counsel Bailey about whether the purchase of land qualifies as a capital item.

Confirm member availability for future site visits and meetings

Members present confirmed that they will be available for the next meeting on Tuesday, October 16, 2018 except for Vice Chairman Gagne who will not be available. At the last meeting on September 18, 2018, the Commission agreed to reschedule the meeting of November 6, 2018 to Wednesday, November 7, 2018; Chairman Conway and Member Post will not be available.

Shawmut Associates / Zero Waste Facility

Agent Farinon reported that the site work is progressing very well. The overlay and final drainage improvements will be completed soon.

Borrego Solar / 61 Mendell Road Solar Project

Agent Farinon informed the Commission that Borrego Solar is presently clearing trees on the property.

Edgewood Development Bituminous Concrete Facility

Agent Farinon informed the Commission that she has been notified that Edgewood Development will be clearing trees on the property.

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Adjournment

The meeting adjourned at 8:10 p.m. on a motion made by Member Christopher Gerrior and seconded by Vice Chairman Gagne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Margaret Gonneville, Board Administrator

Michael Conway, Chairman