

**Rochester Conservation Commission
November 20, 2018**

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

Absent: *(None)*

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.

Before the public hearings began, Member Laurene Gerrior thanked Agent Farinon for her work on the Green Communities Initiative.

Public Hearings

(Continued from October 16, 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.

Chairman Conway announced that Steve Long of Borrego Solar Systems sent a letter dated November 15, 2018 requesting a continuance until December 4, 2018. A motion to continue the public hearing until December 4, 2018 was made by Member Christopher Gerrior and seconded by Member Laurene Gerrior. Vice Chairman Gagne recused himself from the vote. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

(Continued from October 16, 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.

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Documents submitted: *Riverfront Alternative Analysis report from JL3 Consulting received November 13, 2018*

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

Mr. Longo stated that they have submitted the Alternatives Analysis that the Commission requested, and summarized that the majority of the work is located outside of the riverfront area. He said that the Riverfront Act allows for 5,000 square feet disturbance of the lot and the proposed project only disturbs 3,750 square feet.

Vice Chairman Gagne asked if the design had changed and Mr. Longo stated that the design is the same.

Mr. Longo summarized the four alternatives in the analysis report. He said that they will move forward with the originally proposed design. The proposed structure is up against a 40-foot minimum setback requirement and 175 feet is the closest they are getting to the river.

Vice Chairman Gagne commented 75% of the house is in the riverfront area. He asked if they had considered a smaller house as an alternative. Mr. Longo replied that a 2,500 square foot house is average for the area.

Vice Chairman Gagne commented that he would like the limit of clearing pulled back. Member Christopher Gerrior commented that the property owners would need to request permission to cut additional trees that could fall on the dwelling. Mr. Longo stated that a half-acre of clearing is proposed and they are trying not to do any more grading than they have to.

Agent Farinon asked if they explored putting the garage in the rear to minimize any disturbance in the outer riparian zone and Mr. Longo replied that turning the house around was not a possible option. He said that 25 to 35 feet would be going into the 200-foot riparian zone. Vice Chairman Gagne commented that the riparian zone is not a buffer zone.

Agent Farinon stated that the public hearing had been continued awaiting submittal of the alternatives analysis, which she found to be reasonable. The proposed project is located on a 4.8 acre lot and the proposed clearing will be 170 feet from the river.

Agent Farinon then asked Mr. Longo about the burrow pit on the property and Mr. Long replied that it will not be touched and that they could vegetate it if the Commission wants.

Agent Farinon recommended a positive Order of Conditions with the stipulation that a pre-construction meeting occur prior to any construction activity and after the installation of erosion control barriers, and that a semi-permanent barrier be installed along the limit of clearing.

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

(Continued from November 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.**

John Churchill and Brian Wallace of JC Engineering, Inc., Attorney Peter Paull representing Gibbs Bray, Michael LaCava of Repurpose Properties, and Town Planner Steve Starrett were present.

Mr. Churchill stated that everyone present was in attendance to discuss the illicit discharge from the Plumb Corner Mall and the outstanding Order of Conditions issued to Gibbs V. Bray with the Commission.

Mr. Churchill stated that Repurpose Properties will be re-advertising and re-notifying the abutters again of the public hearing once the outstanding items pertaining to the Notice of Intent are resolved. Mr. Churchill asked to continue the public hearing until January 15, 2019.

A motion to continue the public hearing until January 15, 2019 was 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).**

Public Meetings

DEP SE 272-0551 A Request for Certificate of Compliance was submitted by Waterman Realty Trust for property located at 802 Walnut Plain Road, designated as Lot 6F on Assessor's Map 23. An Order of Conditions was issued to Waterman Realty Trust on November 28, 2017 under DEP SE 272-0551 allowing for the construction of a single-family dwelling, well, portion of a driveway and associated grading.

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Documents submitted: *Plan entitled "Sewage Disposal System Design Prepared for Thomas Waterman, Map 23 / Lot 6, Walnut Plain Road, Rochester, MA" dated October 19, 2017 and revised through April 13, 2018*

Agent Farinon stated that Mr. Waterman contacted her and was unable to attend the meeting due to illness.

Agent Farinon reported that construction of the single family dwelling within the 100-foot Buffer Zone of a bordering vegetated wetland is completed and well stabilized. She displayed the as-built photographs of the site on the Samsung board to the Commission, and recommended the issuance of Certificate of Compliance.

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

DEP SE 272-0201 A Request for Certificate of Compliance was submitted by Decas Real Estate Trust for property located at 15 Cranberry Highway, designated as Lot 31 on Assessor's Map 17. An Order of Conditions was issued to Decas Real Estate Trust on August 8, 1993 under DEP SE 272-0201 allowing for the construction of two commercial buildings with parking areas, installation of utilities, sewage disposal, drainage systems and associated grading. An Amended Order of Conditions was issued on May 13, 1997 for the revised design to incorporate a more comprehensive stormwater collection system.

Documents submitted: *Plan entitled "Plan to Accompany Request for Certificate of Compliance, 15 Cranberry Highway, Rochester, MA", Prepared for: Decas Real Estate Trust, 4 Old Forge Drive, Carver, MA dated November 5, 2018 and Plan entitled "Site Improvements Plan Ex. Conditions & Demolition, 15 Cranberry Highway, Rochester, MA", Prepared for: 15 Cranberry Highway, LLC, 177 Huntington Avenue, Boston, MA" dated November 8, 2018*

Bob Rogers of G.A.F. Engineering was present at the public meeting.

Mr. Rogers distributed copies of the existing conditions plan to Commission members and explained that the future owners of the property have submitted a Site Plan Review application to the Planning Board. An outstanding Order of Conditions from 1997 was discovered when the title search was done. He stated that one of the proposed buildings approved in the Order of Conditions was never constructed. There has been little maintenance of the stormwater collection system in the past 20 years and it is entirely vegetated now. Decas Real Estate Trust seeks a Certificate of Compliance and proposes to file a Notice of Intent to improve the stormwater collection system that was not constructed properly.

Agent Farinon commented that stormwater from the parking area does not reach the basin as designed. Mr. Rogers stated that there is a buildup of sand and they want to create a swale. He said that right now he does not see a water quality issue. Vice Chairman Gagne remarked that he sees the opposite.

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Chairman Conway stated that the project is not in compliance with the Order of Conditions and there has been no maintenance of the basin.

Agent Farinon read aloud the Special Conditions of the Order of Conditions and the Amended Order of Conditions for DEP SE 272-0201. She then read General Condition #20 which states that an As-built plan is needed for a Certificate of Compliance.

Mr. Rogers stated that it does not make sense to focus on the old design and that there will be a new design for the proposed childcare center. He said that a Certificate of Compliance is needed in order to sell the property. Mr. Rogers said that he is not asking for a Certificate of Compliance tonight and would like a site visit from the Conservation Commission.

Vice Chairman Gagne commented that the wetlands line appears to be drastically different. Mr. Rogers replied that Wetlands Scientist Brad Holmes was hired to recently delineate the property and he does not see any encroachment.

Agent Farinon stated that the Commission will look more closely into it and recommended that the case be reviewed with Town Counsel Blair Bailey. Chairman Conway stated that he would like to participate in the meeting with Attorney Bailey.

Mr. Rogers requested a continuation of the public meeting for a month. A motion to continue the public meeting to the second meeting in December was made by Vice Chairman Gagne and seconded by Member Christopher Gerior. **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 November 7, 2018 was made by Member Payne and seconded by Member Christopher Gerior and all were in favor. Vice Chairman Gagne abstained. **The motion passed by a vote of 4 in favor, 0 opposed, 2 abstained (4-0-2).**

Voucher(s)

The following vouchers were approved for payment: Nover-Armsrong Associates, Inc. / Village at Plum Corner Peer Review / Repurpose Properties Escrow Account: \$1,762.50.

New Business

Discuss Illicit Discharge from Plumb Corner Mall, Outstanding Order of Conditions issued to Gibbs V. Bray on June 20, 1989 for Gravel Removal Project under DEP SE 272-149, Extension Permit Issued June 22, 1992

John Churchill and Brian Wallace of JC Engineering, Inc., Attorney Peter Paull representing Gibbs Bray, Michael LaCava of Repurpose Properties, and Town Planner Steve Starrett were present.

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Mr. Wallace stated that on June 5, 2018, the public hearing was opened for the Notice of Intent filing from Repurpose Properties. An outstanding Order of Conditions for a gravel removal project on the property was discovered, as well as an illicit discharge from the Plumb Corner Mall drainage system. They have been working on a solution to address the illicit discharge, and have developed four concept plans dated November 8, 2018 which involves three parcels of property: Plumb Corner property owned by Sophia Darras and two parcels owned by Gibbs Bray.

Mr. Wallace said that of Options 1A and 1B, Option 1B is the preferred option. Option 1A consists of a subsurface stormwater recharge field sized to accommodate a 100-year storm event with an overflow system to a second detention basin to be constructed on the Gibbs Bray property. Option 1B consists of a subsurface stormwater recharge field sized to accommodate a 100-year storm event with a new overflow pipe connection to the existing manhole on the existing 27-inch RCP on the Gibbs Bray property. Option 2A consists of a subsurface stormwater recharge field to be sized to accommodate a 10-year storm event with an overflow system to a second detention basin to be constructed on the Gibbs Bray property. Option 2B consists of subsurface stormwater recharge to be sized to accommodate a 10-year storm event with a new overflow pipe connection to the existing drain manhole on the existing 27-inch RCP on the Gibbs Bray property.

Chairman Conway asked if the pipe runs over two parcels of the property. Mr. Wallace replied that the manhole would not be on the property, so they would be conveying land and providing easements. Mr. Churchill informed everyone that seven inches of rain in a 24-hour period is a 100-year storm. Mr. Wallace said that the system will be designed with an overflow and will be treated. The 100-year storm is their design standard. Mr. Wallace said that the 27-inch pipe discharges to the wetlands.

Discussion ensued about potential impacts to water levels in the receiving wetland resource area. Mr. Wallace stated that the wetland appears to be groundwater fed. Agent Farinon displayed the Planning Board approved original site plan for Plumb Corner Mall which includes a retention basin that was never built. Mr. Churchill stated that it was an isolated wetland then became a Bordering Vegetated Wetland because of the pipes. He said that they could control treated water to that wetland.

Chairman Conway stated that they should do water quality testing for oil and gas; Mr. Churchill replied that they could do that as a condition.

Town Planner Steve Starrett stated that he came to the meeting to represent the Planning Board and observe discussion about the illicit discharge. He stated that JC Engineering and Repurpose Properties have spent a lot of time and effort on this project. Everyone is hoping to get a clear direction as to what to do and is looking for the Conservation Commission's opinion.

Vice Chairman Gagne asked if they would need an Amended Order of Conditions and Agent Farinon replied that the Commission would need advice from Town Counsel Bailey. After considerable discussion on the options presented, the Commission provided clear direction that they would support a design that maintains the existing hydrology to the receiving wetland area.

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Right of First Refusal: Chapter 61A, Notice of Sale: 356 Neck Road, Map 26 Lot 28, Fuller Real Estate Trust, Nancy Fuller, Trustee

Agent Farinon reported that the property is located on Neck Road. The Purchase and Sale Agreement lists the purchase price of the property at \$180,000. Agent Farinon recommended that the Conservation Commission recommend that the Board of Selectmen not exercise its right of first refusal on the subject property.

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

Fees and Timeline for Overdue COC Requests

Agent Farinon stated there are approximately 89 outstanding Orders of Conditions from 1981 to present which have not received Certificates of Compliance. Filing fees for requests over 7 years require \$100 per year. She asked the Commission if they would consider waiving older fees if the applicants' requests are made within a set period of time so the fees could be more reasonable. Agent Farinon confirmed that this is to try to clean up these outstanding files administratively and to make people aware of the outstanding Orders of Conditions. Discussion ensued about the amount of files that should be handled at a time. Vice Chairman Gagne feels that it may be too time consuming and suggested to hold this discussion off until the New Year.

January 2019 Meeting Schedule

The Conservation Commission agreed to hold the first meeting in January on Wednesday, January 2, 2019.

Confirm member availability for future site visits and meetings

Members present confirmed that they will be available for the next meeting on Tuesday, December 4, 2018. There will be no site visits scheduled for Saturday, December 1, 2018. The Commission agreed to have Agent Farinon take pictures for the upcoming filing.

Adjournment

The meeting adjourned at 9:30 p.m. on a motion 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).**

Margaret Gonneville, Board Administrator

Michael Conway, Chairman