

**Rochester Conservation Commission**  
**February 19, 2019**

**Present:** Michael Conway, Chairman  
Daniel Gagne, Vice Chairman  
Léna Bourque  
Christopher Gerrior  
Maggie Payne  
Kevin Thompson

**Absent:** Chris Post

Laurell J. Farinon, Conservation Agent  
Marissa Perez-Dormitzer, Recording Secretary

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**

**DEP SE 272-0305 A Request for Certificate of Compliance was submitted by Richard Tabaczynski, P.E. of Atlantic Design Engineers, Inc. for property located at 4 Sparrow Lane as Lot 7 on Assessor's Map 11A. An Order of Conditions was issued to Decas Cranberry Company on April 7, 2000 under DEP SE 272-0305 approving a single-family residence to include in-ground pool, deck, shed and gazebo.**

Richard Tabaczynski, P.E. of Atlantic Design Engineers Inc. and property owner Matthew Demanche were present. Mr. Tabaczynski explained they submitted a request for a Certificate of Compliance for the Order of Conditions that was issued in 2000, as well as an as-built plan showing existing conditions of the property. Referring to a letter submitted to the Conservation Commission on December 5, 2018, Mr. Tabaczynski explained that the original Order of Conditions did not include approval for the installed paved basketball court, swing-set/play area, crushed stone patio, and lawn within the 100-foot Buffer Zone. The approved plan of record designated a 50-foot no work limit from the edge of wetland. Mr. Tabaczynski explained that they are requesting a Certificate of Compliance in hopes that the Commission will see these as minor encroachments that are not having a negative effect on the existing wetlands system: there is still is a vegetated buffer between the improvements and the wetland. Mr. Tabaczynski submitted photographs of the site to Chairman Conway and the Commission.

Vice Chairman Gagne expressed concern that the designated 50-foot no work zone has been reduced to 18.5 feet, which is less than the Town's Wetland Bylaw for a no work zone and not in substantial conformance. Mr. Tabaczynski explained that the area that is 18.5 feet from the wetland was cleared for the swing set. Member Payne reiterated that approved projects include a 25-foot no disturb zone.

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Chairman Conway asked Mr. Tabaczynski what he means by “substantial compliance”. Mr. Tabaczynski said that in his opinion it varies from site to site, and it is his professional opinion. Chairman Conway clarified that substantial compliance is compliance with the essential requirements of the statute, and that an unapproved 900 square foot paved basketball court is not part of the permit. It appears to be encroachment and alteration in violation of the Wetlands Protection Act. Chairman Conway also stated that the letter submitted to the Conservation Commission does not specify how much the lawn limits have encroached into the buffer zone. Mr. Tabaczynski responded that the dimensions are on the as-built plan. Member Thompson asked how much more it has been cut back since the order in 2000. Mr. Tabaczynski pointed out the encroachment, mainly in the back yard, on the as built plan. Vice Chairman Gagne mentioned additional clearing on Sparrow Lane that is not included in the design plan and asked how many more square feet of trees have been cleared. Mr. Tabaczynski stated that he didn’t have that information.

Mr. Demanche, the property owner, stated there has been no tree cutting since he took ownership of property. He stated he can remove the swing set, and is looking to resolve the situation.

Agent Farinon stated that approved plan included an in-ground pool and gazebo, which were never constructed. The original Order of Conditions was issued to Decas Cranberry Company and the property has been since transferred.

Chairman Conway stated that the 900 square foot basketball court is in clear violation of the Order of Conditions. He suggested that it either be removed or that an after-the-fact Notice of Intent filing is made to properly permit the project. Vice Chairman Gagne stated that in his opinion the swing-set should be removed and a semi-permanent barrier erected along the current tree line to prevent additional encroachment. Mr. Demanche responded that there has been no clearing or cutting of any vegetation since he purchased the property from Decas Cranberry Company, and no attempt to exceed the boundaries.

Discussion ensued about the best approach to resolving the conditions of compliance. Agent Farinon suggested filing an after-the-fact Request for Determination of Applicability (RDA). Recent changes in the regulations allow for improvements within existing yard areas. She explained that once a determination is issued from the RDA, the Conservation Commission could issue a Certificate of Compliance.

A motion for the homeowner to submit an RDA form that includes the basketball court and swing-set/play area was made by Member Gerrior and seconded by Member Payne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Mr. Tabaczynski requested a continuation until April 16, 2019.

A motion to continue the meeting until April 16, 2019 was made by Member Gerrior and seconded by Vice Chairman Gagne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

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*(Continued from January 15, 2019)* **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.**

Robert Rogers of G.A.F. Engineering, Inc. requested a continuance until the second meeting in March.

A motion to continue the discussion until March 19, 2019 was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**Public Hearings**

*(Continued from February 5, 2019)* **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 reported that Steve Long of Borrego Solar Systems, Inc. sent a letter on February 13, 2019 requesting a continuance until March 5, 2019 because the wetland delineation has not been completed.

A motion to continue the hearing until March 5, 2019 was made by Member 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 January 15, 2019)* **DEP File # SE 272-0564 A Notice of Intent filed by T-Mobile Northeast LLC c/o Network Building & Consulting, LLC, 100 Apollo Drive, Suite B, Chelmsford, MA 01824 for property located at 98 Bowen's Lane, Rochester, MA 02770, designated as Lot 14 on Assessor's Map 31. The applicant proposes installation of a 25kw generator on a 4' x 10' pad approximately 34' from a bordering vegetated wetland: all work will be performed outside of the Town of Rochester's 25-foot No Disturb Zone. The generator will provide power to a T-Mobile antenna installation attached to the adjacent communications tower. The property owners of record are Michael J. Umano & Donald C. Cody, Trustees, New England Nominee Trust, 4 Lone Street, Marshfield, MA 02050. The applicant's representative is Marty Cohen, Network Building & Consulting, LLC, 100 Apollo Drive, Suite 303, Chelmsford, MA 01824.**

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Chairman Conway reported that Marty Cohen of Network Building & Consulting, LLC sent an e-mail on February 14, 2019 requesting a continuation until April 2, 2019.

A motion to continue the hearing until April 2, 2019 was made by Vice Chairman Gagne and seconded by Member Thompson. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

***(Continued from February 5, 2019)* DEP File # SE 272-0565 A Notice of Intent filed by Sofia Darras, 79 Walpole Street, Dover, MA 02030 for property located at 565 Rounseville Road, Rochester, MA 02770, designated as Lots 24, 25, & 25D on Assessor's Map 30. The applicant proposes the installation of a new drainage system to replace the existing system, and bring the site into conformance with stormwater standards. This project also involves the permitting of an existing drainage pipe and discharge to the wetlands. The property owners of record are Sofia Darras, 79 Walpole Street, Dover, MA 02030 and Gibbs V. & Patricia M. Bray, Trustee, P.O. Box 989, Marion, MA 02738. The applicant's representative is J.C. Engineering, Inc., 2854 Cranberry Highway, East Wareham, MA 02538.**

*(Member Bourque recused herself from the Public Hearing.)*

Chairman Conway stated that Brian J. Wallace of J.C. Engineering, Inc. sent a letter on February 14, 2019 requesting a continuance until March 5, 2019.

A motion to continue the hearing until March 5, 2019 was made by Member Gerrior and seconded by Vice Chairman Gagne. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

*(Member Bourque resumed her role in the meeting.)*

***(Continued from February 5, 2019)* DEP File # SE 272-0566 A Notice of Intent filed by Schoen & Bonnie Morrison, 15 Cranberry Highway, LLC, 177 Huntington Avenue, Boston, MA 02115 for property located at 15 Cranberry Highway, Rochester, MA 02770, designated as Lot 31C on Assessor's Map 17. The applicant proposes to redevelop the existing commercial office building into a day care center with some rental space. The applicant proposes to construct a water quality swale adjacent to an existing parking lot, leading to an existing drainage basin within 25 feet of a bordering vegetated wetland. The property owner of record is Decas Real Estate Trust, William Decas, Trustee, 4 Old Forge Road, Carver, MA 02330. The applicant's representative is William F. Madden, G.A.F. Engineering, Inc., 266 Main Street, Wareham, MA 02571.**

Bob Rogers, G.A.F. Engineering, Inc. was present at the meeting. Chairman Conway requested a letter from Mr. Rogers stating that he is a representative of G.A.F. Engineering, Inc. in addition to Mr. Madden.

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Mr. Rogers explained the history of the project, and that he was at the January 15, 2019 meeting of the Conservation Commission. At that time, they had not received a peer review letter from Field Engineering. They gave a presentation at the Planning Board meeting on January 22, 2019, and received the peer review letter from Field Engineering a couple of days later. On January 30, 2019, they resubmitted their reply to the peer review letter and received the final peer review letter on February 6, 2019. They submitted revised plans to the Conservation Commission dated February 12, 2019.

On February 15, 2019, Mr. Rogers received comments from Vice Chairman Gagne through an email from Agent Farinon. Mr. Rogers doesn't agree that a peer review is needed, as recommended in Vice Chairman Gagne's email. However, Mr. Rogers stated that he would like to review the concerns from the email and provide verbal responses at the meeting. He intends to follow up with a letter and supporting documentation. As a result, there may be a small revision to the plan which he can submit by the end of the week. Mr. Rogers proposed that once the concerns are addressed, they can attend the Planning Board meeting on February 26, 2019 and hopefully receive approval and then appear at the Conservation Commission's first meeting in March for approval.

Vice Chairman stated that he reviewed the plan briefly and suggested there may be additional concerns related to the Wetlands Protection Act that weren't addressed in the Planning Board peer review.

Mr. Rogers stated that on January 15, 2019 there was discussion about how the drainage calculations were set up and how the site wasn't constructed as originally designed. He stated he reviewed the 1997 design in comparison with the as built conditions and the current plan for the Countryside Daycare. The 1997 design included a total paved area of 35,400 square feet while the current plan has 21,000 square feet of pavement. The total impervious area is 14,500 square feet less in the current plan. The design of the basin volume is 5,200 cubic feet for the first 3 feet; in the as built the basin volume is approximately 7,000 cubic feet. There are 2,000 more cubic feet of storage in the existing basin and 1/3 of an acre less impervious surface constructed. In the infiltration basin, the 1997 design is bigger than the current design. Mr. Rogers stated that the project will not exceed the previously approved runoff from the 1997 plan.

Vice Chairman Gagne asked about the outlet structure in the detention basin and said it appears that it will not properly manage the flows coming out of it. Mr. Rogers responded that there is no evidence that water is flowing out, no scouring or erosion. Mr. Rogers added that with the addition of the infiltration basin they are reducing the rate and volume of runoff. The outlet structure has a smaller diamond shape cutout. Vice Chairman Gagne stated that the 1997 permit allowed for a certain number of cubic feet of water into the wetland during 100 year storm. He stated that Mr. Rogers hasn't shown that the new plan has the same amount or less going into the wetland. Mr. Rogers responded that the system is not receiving excessive flows now and they will be reduced with the new system. Mr. Rogers handed the 1997 calculations to Vice Chairman Gagne.

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Agent Farinon distributed copies of Vice Chairman Gagne's email to all Members.

Vice Chair Gagne stated that comments 2 and 4 are standard engineering practice and explained that since the peer review by the Planning Board didn't comment on these, he's recommending a separate peer review. Comment 2: The water quality basin "does not appear to provide the required 50-foot from the septic's SAS." Comment 4: "There is less than 4-foot separation between the bottom of the basin and the ESHGW" and the mounding analysis is not included.

Chairman Conway asked if Mr. Rogers had objections to a peer review. Mr. Rogers stated that he had objections. Regarding comment 2, Mr. Rogers acknowledged that the bottom of the infiltration basin is 46 feet from the septic system and stated he can move it.

Regarding comment 3, Mr. Rogers asked if Vice Chairman Gagne was referring to the pea gravel strip in the design criteria. Comment 3: "The Vegetated Filter does not appear to meet MassDEP's design requirements..." Vice Chairman Gagne stated that the vegetative filter is to allow for sheet flow and to have a level spreader so the flow runs evenly. There was more discussion about the vegetative filter. Vice Chairman Gagne reiterated the need for peer review.

Regarding comment 4, Mr. Rogers stated they did not include the mounding analysis. He stated that he has since completed the analysis and provided some information at the meeting. Vice Chairman Gagne asked if the mounding analysis takes into account the existing drainage basin of the wetland. Mr. Rogers stated it did not and it's not a requirement. Vice Chairman Gagne pointed out that they using the basin to hold water.

Referring to comment 5, regarding what source of information was used for the stormwater report; Mr. Rogers stated they used NOAA Atlas 14, version 10. Town regulations say to use Technical Paper #40 and "any subsequent amendments there to." Mr. Rogers stated that NOAA Atlas 14 volume 10 is the accepted substitute. Vice Chairman Gagne explained that MassDEP regulations state to use TP40. He added that by using a higher rainfall, it allows a higher rate of discharge into the wetlands. There was further discussion about the correct source of information.

Agent Farinon stated that concerns have been brought up at the January 15, 2019 meeting as well as at the site visit. She is concerned there may not be a resolution if the project proceeds as proposed by Mr. Rogers.

A motion to hire a peer review consultant to review the plans and stormwater design with regards to MassDEP regulations for wetlands was made by Vice Chairman Gagne and seconded by Chairman Conway. **The motion failed by a vote of 2 in favor, 4 opposed, 0 abstained (2-4-0).**

Mr. Rogers requested a continuance to March 5, 2019.

A motion to continue the hearing until March 5, 2019 was made by Member Gerrior and seconded by Member Thompson. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

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***(Re-Open Public Hearing)* 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, Jr. of J.C. Engineering, Inc. introduced Brian Wallace, also from J.C. Engineering, Inc. and gave him permission to do the presentation and participate in future meetings. Chairman Conway requested the authorization in writing.

Mr. Wallace stated that the hearing originally opened in June 2018. It was determined that there is an outstanding Order of Conditions on the property. There was a stormwater discharge from the Plumb Corner plaza onto the property, and they need to close out the Order of Conditions and resolve the illicit discharge. Since then a separate Notice of Intent was filed with the Conservation Commission and filing with the Planning Board regarding the drainage. They want to reopen the public hearing because they are coming to a resolution on the discharge.

Mr. Wallace explained that it's an age restricted development with 22 duplex units on 24-acre parcel of land behind Plumb Corner plaza. The community will be serviced by a main road with two dead end streets for a total of 2,800 feet of linear roadway. Each unit will be serviced by one shared septic system. There are four separate drainage systems on the site.

Mr. Wallace stated that they are filing the Notice of Intent because a large portion of the work is within the 100-foot buffer zone. The work consists of construction of 6 buildings, stormwater management systems which are detention basins and all associated grading and utilities.

Mr. Wallace stated they have peer review comments from Henry Nover and will start to address and revise the plans as needed.

Vice Chairman Gagne asked the status of the wetland line and its review: Mr. Wallace responded that Nover Armstrong confirmed the wetland delineation on the site.

Agent Farinon asked if Commission members would like to conduct a site visit at a future date and have proposed work to be conducted within the Commission's jurisdiction staked in field. Commission members agreed that they want to make a site visit.

Chairman Conway asked if they are looking for a continuance. Mr. Wallace stated they are seeking a continuance to the second meeting in March.

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A motion to continue the hearing until March 19, 2019 was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**Enforcement Order Issued to Jose Araujo, 15 Elizabeth Drive, Rochester, MA 02770 dated January 15, 2019 for Illegal Cutting of Trees and Shrubs within the 25 Foot No Disturb Zone and 100 Foot Buffer Zone of the Bordering Vegetated Wetland and Bank to Leonard's Pond.**

Richard Charon, P.E. of Charon Associates and Robert Gray, professional wetlands scientist of Sabatia, Inc., were present at the meeting representing Mr. Araujo. Mr. Charon distributed plans showing the area where the cutting was done, and pointed out bogs to the east and bordering vegetated wetlands around the edge of Leonard's Pond.

Mr. Charon explained that Mr. Gray had flagged the wetlands in 2017 for the former property owner, and recently re-established flagging stations 1-31. Mr. Charon showed on the plan where Mr. Araujo had cleared mainly tall pine trees and some oak trees, and another area that had been historically stripped of topsoil when the bogs were constructed. The topsoil was mounded and has since become revegetated. Mr. Charon explained that they will be proposing a future home site in the area where the trees were cleared. They are proposing to do some restoration in the area to the east that won't be involved in the home site.

Mr. Charon stated that siltation control measures have been implemented and they are working on a planting plan. They would like to use the 35,000 square feet area east of the potential home site for restoration. He said that if they restore the area where the trees were cut, it could be torn up when they put the house. They would like to put top soil back in, replant trees in numbers equal or greater than what was taken down and plant some wildflowers.

Member Thompson stated that the members noticed another disturbed area on the site visit that was not included in the plan. Mr. Charon responded that they haven't done the field work in that area yet. Agent Farinon stated that the additional area was just discovered during the site visit that took place on the past Saturday. Vice Chairman Gagne added that the plan doesn't address the tree clearing at Mary's Pond Road.

Chairman Conway stated they could have done more work on the restoration plan which was due on February 13, 2019. The Enforcement Order mandated that disturbed areas must be stabilized by January 25, 2019, and Chairman Conway stated it was not done. Mr. Charon stated that they are looking for support for their plan to work in the stripped 30,000 square feet area. Chairman Conway stated that the 30,000 square feet area is not within the Commission's jurisdiction. Mr. Charon stated they can plant saplings in the 25 foot no disturb zone and offered to plant two for each one that was cut down. Vice Chairman Gagne explained that 2 saplings will not replace the tree canopy that had been there. He asked Agent Farinon about enforcement options since it's evident that the Enforcement Order has been ignored by the owner. Agent Farinon responded that she discussed the case with Town Counsel Blair Bailey, and at this point the Commission does not have the legal authority to issue fines. They could have issued a fine up to \$25,000 by going to court before the Enforcement Order was issued. However, there is a provision for ticketing for non-



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compliance up to \$300 per operating day. Chairman Conway suggested that ticketing of \$300 per day start from February 13, 2019. Vice Chairman Gagne suggested starting ticketing from when the area was supposed to be stabilized on January 25, 2019.

Vice Chairman Gagne motioned to begin ticketing on the first missed date mandated by the Enforcement Order on January 25, 2019 and until the property is brought into compliance with the Enforcement Order including submittal of a restoration plan, the motion was seconded by Member Gerrior. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Robert Gray asked if the ticketing will end when a plan is presented to the Conservation Commission and asked further what will happen if the plan is not satisfactory to the Commission.

Chairman Conway responded that if the plan is reasonable with some deficiencies, then ticketing would end.

Mr. Gray stated that he hasn't received enough feedback from the Commission. Chairman Conway stated that information was provided in the Enforcement Order and recommended that Mr. Gray speak with Agent Farinon.

Mr. Gray stated that a 2 inch caliper tree has the best ability to survive transplant stress. It's possible to bring in larger trees; however, larger trees are less likely to survive transplanting. He stated that to replace a 24-inch tree, they would need around twelve 2-inch caliper trees. He asked if there would be relief for a future building envelope.

Agent Farinon suggested a combination of trees and wetland shrubs in the 25-foot no disturb zone and that it was premature to have a discussion about a potential future home site. Vice Chairman Gagne clarified that restoration should be for the entire area, not just the 25-foot no disturb zone.

Vice Chairman Gagne commented that the plan doesn't show the wetland buffer off the bogs.

Agent Farinon asked for feedback from members as to whether they want the trees planted in the same location as the cutting. Vice Chairman Gagne stated that he is concerned about the canopy of the trees and suggests they are planted close to where they were removed. Agent Farinon clarified that they are missing information about the trees cut in buffer zone to the bog in front and the additional alteration by the backhoe that Mr. Araujo admitted to trekking through the property adjacent to wetlands. These areas aren't part of the motion related to ticketing because the motion related to the Enforcement Order and these areas were discovered at a later date.

Agent Farinon recommended that due to the expansive area of disturbance throughout the site, an ANRAD should be filed to confirm the wetland delineation, which has never been approved.

A motion requiring an ANRAD to be filed that includes the bank, bordering vegetated wetlands, isolated wetlands, vernal pools, and cranberry bog be located and confirmed was made by Member Gerrior and seconded by Member Thompson. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

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**Commission Business**

**Minutes**

A motion to approve the minutes of February 5, 2019 was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**Voucher**

The following voucher was approved for payment: Society of Wetland Scientists/Agent Membership Renewal: \$115.00.

**New Business**

**Vote to Ratify Enforcement Order Issued to South Coast Creations for wetlands violations at 68 Bowens Lane**

Agent Farinon distributed photographs of the site and explained that she received a complaint about a potential violation at 68 Bowens Lane. On February 6, 2019, she visited the property and met with Liam DeLowery, owner of South Coast Creations. Mr. DeLowery is using the rear of the property for his business. There is a 60 foot trailer, trucks, equipment, demolition debris, and a large manure pile that is within the 25 foot no disturb zone of bordering vegetated wetlands. There is an intermittent stream that bisects the property to the rear. There has been erosion and siltation into the wetlands and destabilized soils due to heavy vehicle traffic. After consulting with Chairman Conway, Agent Farinon issued an Enforcement Order requiring that a restoration plan and Notice of Intent be filed by April 1, 2019; the wetland boundaries be delineated by a wetland scientist; a topographic survey conducted; location of disturbed areas and truck equipment storage shown on a site plan to be submitted to the Commission on April 1, 2019.

A restoration plan shall be submitted that includes details on removal of all disturbance and methods to be used to return the site to the previous condition. Erosion control barriers shall immediately be installed along the edge of the intermittent stream and the bordering vegetated wetland where the disturbance has occurred and notice of intent should be filed.

Agent Farinon explained that when an Enforcement Order is issued by the agent, the Commission must vote to ratify the order at the next meeting.

A motion to ratify the enforcement order was made by Vice Chairman Gagne and seconded by Member Payne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**MACC Environmental Conference to be held on March 2, 2019**

Agent Farinon reported that the group is able to travel to the conference in Worcester together in a Council on Aging van that will fit everyone comfortably.

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**Confirm member availability for future site visits and meetings**

Chairman Conway stated the next meeting is March 5, 2019 and suggested March 3, 2019 for any site visits.

**Continuance Request Form**

Agent Farinon distributed a draft continuance request form for review by the Commission. Chairman Conway had suggested creating the form, and that the form includes a line where applicants provide a reason for continuing. There was discussion about the deadline for submitting the form. Members agreed upon the close of business on the Monday before the meeting as the deadline. If the form is not received by then, someone associated with the filing will need to appear at the meeting.

**Adjournment**

The meeting adjourned at 9:14 p.m. on a motion made by Vice Chairman Gagne and seconded by Member Thompson. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

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Marissa Perez-Dormitzer, Recording Secretary

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Michael Conway, Chairman