

**Rochester Conservation Commission**  
**March 5, 2019**

**Present:** Michael Conway, Chairman (*arrived at 7:20 p.m.*)  
Chris Post  
Léna Bourque  
Christopher Gerrior  
Maggie Payne  
Kevin Thompson  
  
Laurell J. Farinon, Conservation Agent  
Marissa Perez-Dormitzer, Recording Secretary

**Absent:** Daniel Gagne, Vice Chairman

The meeting was held in the Town Hall conference room. Acting Chairman Gerrior called the meeting to order at 7:06 p.m. and announced that the meeting was being televised.

**Public Hearings**

***(Continued from February 19, 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.)*

Agent Farinon reported that the applicant submitted a request to continue the hearing.

A motion to continue the hearing to the next meeting was made by Member Payne and seconded by Member Thompson. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

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

***(Continued from February 19, 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.

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Bob Rogers of G.A.F. Engineering, Inc. handed Acting Chairman Gerrior an authorization from Decas Realty and Shoen and Bonnie Morrison indicating that Mr. Rogers is their designated representative.

Mr. Rogers reported that the Planning Board closed the public hearing on the project on February 26, 2019 and is working on a draft special permit. At the last Conservation Commission meeting, Mr. Rogers presented information verbally and followed up with a letter on February 28, 2019 summarizing the points. Mr. Rogers explained that they changed the bottom contour of the infiltration basin to have a minimum of 51 feet separation from the septic system. They also provided the mounding calculations as requested, as well as the comparison of the prior approval in 1997 regarding impervious surface and the volume of the basins.

Agent Farinon summarized the newly submitted information provided by Mr. Rogers including the cover letter, drainage summary, hydrographs, precipitation data, and the revised set of plans.

Agent Farinon recommended that the Conservation Commission close the public hearing and issue a positive Order of Conditions with the following stipulations: 1. A preconstruction meeting shall be held prior to any construction activity, 2. Annual stormwater management system operation and maintenance reports shall be submitted to the Conservation Commission detailing the maintenance of the stormwater system.

A motion to close the public hearing and issue a positive Order of Conditions on the Notice of Intent (SE 272-0566) was made by Member Post and seconded by Member Thompson. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

*(Chairman Conway arrived at 7:20 p.m.)*

***(Continued from February 19, 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.**

*(Members Bourque and Thompson recused themselves from the Public Hearing.)*

Steve Long of Borrego Solar Systems, Inc. explained that the MacGregors, who are abutters, had questions about the location of some of the wetlands that have now been resolved. Mr. Long referred to the wetlands location plan as he spoke. An isolated wetland of 11,000 square feet has been delineated which is off the property, but has a 100-foot Buffer Zone that extends on to the subject property.

Agent Farinon summarized the supplemental field work and data forms that were submitted, as well as the delineation of the isolated wetland off site: she recommended that the Commission accept the wetland delineation shown on the newly revised site plan and issue an Order of Resource Area Delineation.

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A motion to accept the wetland delineation was made by Member Payne and seconded by Member Gerrior. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

*(Members Bourque and Thompson resumed their roles in the meeting.)*

**Review Restoration Plan, 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.**

Engineer Richard Charon and wetland scientist Robert Gray were present at the meeting representing property owner Jose Araujo, who was also in attendance.

Mr. Charon submitted an authorization form indicating that he is the representative of the owner.

Since the last Conservation Commission meeting, Mr. Charon stated that he met with Agent Farinon and Mr. Gray to discuss the submitted restoration plan. Tall flags represent trees and small ones represent clusters of shrubs. Mr. Charon referred to a diagram of the proposed replanting showing the locations of the flags.

Mr. Gray stated that 60 mature trees were cut within the 100-foot buffer. At the last meeting, there was discussion about planting 4 trees for each tree illegally cut, which would total 240 trees. After looking at the site conditions & evaluating the space, Mr. Gray proposes planting 150 trees and 200 shrubs, and explained how the trees and shrubs would be distributed throughout the property.

Agent Farinon reiterated that Mr. Charon and Mr. Gray met with her to discuss ideas for the restoration. She stated there is value in trying to recreate wildlife habitat in areas where there weren't a lot of shrubs, particularly adjacent to the bank and Leonard's Pond. This will add lower level canopy in addition to tree canopy.

Mr. Gray stated that all 200 shrubs are proposed to the west, in the area where the trees were cut. However, they couldn't fit 150 trees in that area and had to look at other areas for the trees.

Member Gerrior stated that going east from the existing scout camp building there were large trees removed. He added that there appears to be room, but no trees are proposed in that area. Mr. Gray stated there will be future filings including an ANRAD to confirm wetland boundaries and a subsequent Notice of Intent in the area referred to by Member Gerrior. The filings may occur within 6 months to a year. Mr. Gray stated it's the area of a potential future home and they are trying to avoid having to remove newly planted trees once the house is constructed. Mr. Gray added that the existing circular driveway will be abandoned in a future plan opening up an additional area for the restoration work. Discussion ensued about the use of that area. Member Payne asked if it was possible to abandon the driveway now and include plantings there. Mr. Charon stated it was possible.

Mr. Charon stated that they will be seeking permission from the Board of Health to install irrigation well on the site to water the plants.

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Mr. Charon showed a second diagram of the overall plan of the area with 24 acres including Mary's Pond Road. There was discussion of the trees that were cut and their locations. In addition to the trees mentioned on the previous diagram, a total of 28 to 30 pines were cut within the jurisdictional area.

Mr. Charon stated that in the original area, of the 60 trees removed, 17 were oaks and the rest were pines. He mentioned that the Commission may want to keep the same ratio of trees. Mr. Gray explained that the plan includes a list of proposed plantings was provided including trees other than white pine and white oak: there is a similar list for shrubs. There are many trees in the upland in the non-jurisdictional areas that could be replanted. The benefit of transplanting trees and shrubs is that they are already acclimated to the site. Trees from a nursery are not always local and are not always grown in the same soil conditions; they may not be as successful as transplanting a tree in the upland. Mr. Gray stated that they don't know who will do the work.

Agent Farinon stated that the Board hasn't yet had a chance to see the plans since they were just submitted that day. She suggested continuing the meeting to give the Members a chance to review the newly submitted plans.

Chairman Conway asked how long it will take to reestablish the plants. Mr. Gray recommended a 2 year monitoring period. He stated that the best time for planting is April and it should be done before the end of May. This allows time for the replanted material to adjust in June. If they have to plant in June, they lose the acclimation period. In October, an assessment of the plants would take place that would be reported to the Conservation Commission. At that time, they would replace any plants that died.

Chairman Conway asked what a successful number of trees and shrubs to have saved by the second year. Mr. Gray stated that some shrubs and trees won't do as well as others. Considerations include exposure to wind coming off Leonard's Pond. He suggested a success rate of 90% or better particularly if transplanting of existing stock is allowed. Also, Mr. Gray stated that the work has to be done by someone experienced.

Agent Farinon reiterated that it's important to know who will do the work. She suggested having a plan that will provide the greatest rate for success, and stated that she agreed with the proposed time frame and to meet the time frame they should start locating the nursery stock.

Member Thompson asked if they could request that all relocated plants not be pulled from one spot. Mr. Charon responded that there are 24 acres. He stated that Mr. Gray would put ribbons on trees that are suitable for transplanting.

Member Payne asked if the proposal would match what was cut regarding the ratio of hardwood versus pine. Mr. Charon responded that they would work to get to the 28% ratio of hardwoods to the overall count. Member Payne commented she would like to see plenty of hardwoods since over time the pines can overtake the hardwoods. Mr. Charon suggested adding hardwoods on the edge of the pond. They are hardier and can stand without being in a group.

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Mr. Gray stated they will work on eliminating the driveway in the revised plans. He didn't want to propose plantings in areas that may be subject to traffic. Agent Farinon added that the planting should be done in a way that looks natural and not landscaped.

Mr. Araujo stated that he is more than willing to satisfy the Conservation Commission. He asked if they would allow them to show how the house would look on the plans. Agent Farinon stated that because this is a restoration plan, it's not recommended to show where house is proposed to be located.

A motion to continue the hearing to March 19, 2019 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).**

**Commission Business**

**Minutes**

Chairman Conway summarized an addition to the minutes of February 19, 2019 related to a possible conflict of interest by Mr. Rogers of G.A. F. Engineering.

A motion to approve the minutes of February 19, 2019 was made by Member Gerrior and seconded by Member Thompson. Member Post abstained. **The motion passed by a vote of 5 in favor, 0 opposed, 1 abstained (5-0-1).**

**New Business**

**Chapter 61A Right of First Refusal Request: Bruce Maksy, Jr., Dexter Lane, Map 6, Lot 11D**

Agent Farinon stated that Mr. Maksy, Jr. submitted a letter dated February 12, 2019 regarding selling a lot on Dexter Lane. A map and a Purchase and Sale Agreement were provided in the amount of \$169,000.

Agent Farinon explained when a property is removed from the tax reduction program, the owners must notify the Board of Selectmen, the Conservation Commission, and the Planning Board. The Conservation Commission and the Planning Board make a recommendation to the Board of Selectmen. Agent Farinon recommended writing a letter to the Board of Selectmen recommending that the Town not exercise its Right of First Refusal.

A motion to request Agent Farinon to write a letter on behalf of the Conservation Commission declining the Right of First Refusal was made by Chairman Conway and seconded by Member Gerrior. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**Municipal Vulnerability Planning Workshops March 15th and March 22nd from 9:00 a.m. – 1:00 p.m. at the First Congregational Church Fellowship Hall**

Agent Farinon reported that the Municipal Vulnerability Planning Workshops will look at Rochester's top hazards, strengths, and vulnerabilities. The workshops will be facilitated by the Southeastern Regional Planning and Economic Development District (SRPEDD). The first

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workshop will identify the hazards, strengths, and vulnerabilities. The second workshop will be dedicated to developing a list of actions. Several members stated that they could attend both meetings.

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

Chairman Conway stated the next meeting will be on March 19, 2019 with any needed site visits taking place on March 16, 2019. There was some discussion about the Members availability.

**Adjournment**

The meeting adjourned at 8:37 p.m. on a motion made by Vice Chairman 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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Marissa Perez-Dormitzer, Recording Secretary

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Michael Conway, Chairman