

**Rochester Conservation Commission  
March 19, 2019**

**Present:** Michael Conway, Chairman  
Daniel Gagne, Vice Chairman  
Léna Bourque  
Christopher Gerrior  
Maggie Payne  
Kevin Thompson  
  
Laurell J. Farinon, Conservation Agent  
Marissa Perez-Dormitzer, Recording Secretary

**Absent:** Chris Post

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 Meetings**

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

Chairman Conway reported that Decas Real Estate Trust submitted a request to continue the meeting until May 21, 2019 to allow time for the construction of drainage improvements approved under DEP File Number SE 272-0566.

A motion to continue the meeting to May 21, 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).

**A Request for Determination of Applicability filed by Matthew Demanche, 4 Sparrow Lane, Rochester, MA 02770 for work on property located at 4 Sparrow Lane, Rochester, MA 02770. The applicant proposes an after-the-fact approval for construction of a 30' x 30' paved basketball court located 44 feet from a Bordering Vegetated Wetland. The property owners of record are Glenn A. & Patricia A. Demanche and Matthew G. & Amy L. Demanche, 4 Sparrow Lane, Rochester, MA 02770. The project location is 4 Sparrow Lane, which is designated as Lot 7 on Rochester Assessors' Map 11A.**

Matthew Demanche, who was present at the meeting, explained that he filed the requested after the fact RDA filing. Agent Farinon explained the history of the property, and that the owner stated he made improvements in the back yard without knowing about the Order of Conditions that was issued in 1999. Mr. Demanche stated the basketball court was built 3 years ago. Agent Farinon distributed photographs of the property, and suggested that the wetland delineation be reviewed if any future work is done.

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Member Gerrior asked how the Determination of Applicability would have been viewed 3 years ago when the basketball court was constructed. Agent Farinon explained that 3 years ago, a filing would have been required. However, if the basketball court was constructed now, a filing would not be needed because of recent changes in the regulations.

A motion to make a negative Determination of Applicability 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).**

Mr. Demanche asked if the Conservation Commission could vote on the Certificate of Compliance that evening. Agent Farinon responded that the Request for Certificate of Compliance was continued until the April 16, 2019 meeting; however, it could be moved to the next meeting on April 2, 2019.

A motion to move the meeting for the Certificate of Compliance for 4 Sparrow Lane, DEP SE 272-0305 to the meeting on April 2, 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 March 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 Sofia Darras and Gibbs & Patricia Bray, Trustees submitted a request to continue the hearing until April 2, 2019 because the final review letter has not been received.

A motion to continue the hearing to April 2, 2019 was made by Vice Chairman Gagne and seconded by Member Gerrior. **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.)*

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*(Continued from February 19, 2019)* 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 reported Repurpose Properties, LLC submitted a request to continue the hearing until April 16, 2019 because the revised site plans have not yet been submitted for review.

A motion to continue the hearing to April 16, 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.**

Engineer Richard Charon was present at the meeting representing property owner Jose Araujo.

Mr. Charon distributed revised plans to Commission members and explained the initial proposed plan to plant 150 trees and 200 shrubs. Mr. Charon stated that since there is not enough space to plant another 60 trees and the planting plan will be difficult to execute. Mr. Araujo suggested an alternate proposal, which consists of the following three components:

1. A conservation easement will be placed on approximately 5.3-acres of land adjacent to Leonard's Pond to preserve it in its natural state in perpetuity. Wetlands scientist Bob Gray submitted the MACC model conservation easement draft language to Agent Farinon. It would allow walking trails and other passive recreational uses.
2. Planting of 60 shrubs along the bank of Leonard's Pond near the Boy Scout camp.
3. Loaming and seeding of the open area near the cranberry bog to create habitat for native bees.

Mr. Charon explained that the proposal is a better long term solution which will protect 500 feet of shoreline on Leonard's Pond. The easement will continue in perpetuity, protect the natural portion of the lot, and prevent future development near the site's most sensitive areas. Mr. Charon added that wetland Bob Gray of Sabatia stressed the benefit of adding diversity to the property.

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Mr. Charon explained that the conservation easement will not allow for public access; the walking trails will be for the owners' use. Structures or roads will not be built.

Vice Chairman Gagne commented that it's not valuable land; it could not be used for building much because it's in a buffer zone to multiple wetlands. Member Gerrior stated there is a 50' by 70' area behind the camp where trees could be planted. Mr. Charon responded that there will be a house proposed in that area and that they could only add 20 or 25 trees in that location. He added that the trees could be taken out later for the proposed home site.

Member Payne asked who would own and monitor the easement. Agent Farinon responded that it's still being studied; it would be similar to a drainage easement or any other type of easement where the owner retains ownership and there are stipulations regarding what activities can take place. She added that the easement would be recorded with the deed.

Agent Farinon commented that the area of the proposed easement is a unique area with bordering wetlands adjacent to the pond. There are also two small isolated areas, probable vernal pools, that fall below the guidelines for protection under both the Wetlands Protection Act and Rochester Wetlands Bylaw. She stated that this was an opportunity to permanently protect an area of bordering vegetated wetland, wildlife habitat and probable vernal pools on Leonard's Pond.

Chairman Conway asked if they would survey the land in the easement. Mr. Charon responded that they would as part of the agreement. Mr. Charon stated there would be permanent markers in response to a question from Member Bourque. Member Gerrior asked if there have been cases when a conservation easement has been reversed and Agent Farinon replied that she was not aware of any cases that were reversed.

Chairman Conway asked Mr. Charon if he was coming before the Conservation Commission to see if the Members like the plan. Mr. Charon responded yes. Vice Chairman Gagne noted he would like them to meet somewhere in the middle and that loaming and seeding grass is not the same as replacing trees. Chairman Conway stated that he would like to see more detail on the proposed plan. Member Payne commented that she would support a plan like this, but would like to see shrubs added to the area proposed to be loamed and seeded. Mr. Charon commented that the owner may want to add some trees along the border with the bog. Member Thompson asked if they would have issues watering the proposed acre of grass. Mr. Charon responded that Mr. Araujo would hydroseed and Member Payne added that it takes more water for shrubs and trees than for grass. Mr. Charon commented that sprayers could be added as well. He added that it would be far more difficult to water trees and shrubs and that the success rate will be very poor.

A motion to review the alternate plan proposed by Mr. Araujo after the Conservation Commission receives a more detailed restoration plan was made by Chairman Conway and seconded by Vice Chairman Gagne.

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Vice Chairman Gagne asked Agent Farinon about the time frame for looking at the two vernal pools to be certified. Agent Farinon responded that this is vernal pool season and she will visit the site to inspect the two isolated wetland areas. She noted that they cannot be certified if they are not in a jurisdictional area. They are not protectable since they are outside a buffer zone area and less than 5,000 square feet in size. Vice Chairman Gagne responded that the wetland line hasn't yet been confirmed.

**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 March 5, 2019 was made by Member Payne and seconded by Member Gerrior. Chairman Conway and Vice Chairman Gagne abstained. **The motion passed by a vote of 4 in favor, 0 opposed, 2 abstained (4-0-2).**

**Vouchers**

The following vouchers were approved for payment:

- BayNet Web Services / Monthly Hosting Fee (April, May & June 2019): \$60.00;
- Henry T. Nover / REpurpose Properties / Darras Drainage Improvements DEP 272-0565 Escrow Account: \$2,200.00;
- Staples / Office Supplies: \$32.25; and
- Henry T. Nover / Seaboard Solar Operations LLC / Old Middleboro Road DEP 272-0567 Escrow Account: \$1,500.00.

**New Business**

**Conservation Commission Budget Update**

Agent Farinon reviewed recent expenses on the Conservation Commission FY 2019 Budget Summary updated as of March 14, 2019.

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

Agent Farinon reported the Board of Selectmen will have a meeting on April 16, 2019 at Town Hall. She asked if the Members would like to choose another venue for the Conservation Commission meeting on the date. She suggested holding the meeting at the Council on Aging. Members agreed to the change the venue for the April 16, 2019 meeting.

Chairman Conway stated the next meeting is April 2, 2019. All Members confirmed they could attend the meeting. Agent Farinon added that there will likely be site visits. Members agreed to hold the site visits before the meeting.

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**Adjournment**

The meeting adjourned at 8:11 p.m. on a motion 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).**

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Marissa Perez-Dormitzer, Recording Secretary

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Michael Conway, Chairman