

Rochester Conservation Commission
April 16, 2019

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

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

Absent: Chris Post
Christopher Gerrior

The meeting was held in the Town Hall conference room. Chairman Conway called the meeting to order at 7:02 p.m. and announced that the meeting was being televised.

Public Meeting

A Request for Determination of Applicability filed by Margot Payne, 555 Walnut Plain Road, Rochester, MA 02770 for work on property located at 555 Walnut Plain Road, Rochester, MA 02770. The applicant proposes to remove 8 pine trees within the 100-foot Buffer Zone of a Bordering Vegetated Wetland and within the 200-foot Riverfront Area. The property owners of record are Justin H. & Margot K. Payne, 555 Walnut Plain Road, Rochester, MA 02770. The project location is 555 Walnut Plain Road, which is designated as Lot 65 on Rochester Assessors' Map 15A.

(Member Payne recused herself from the Meeting and sat in the audience.)

Margot Payne explained they are looking to cut down 8 trees – one is broken from a storm, two are severely damaged, and the others are endangering the house.

Chairman Conway asked if there is a stream behind the house. Ms. Payne responded that the wetland related issues are a combination of 100 feet buffer from a reservoir and 200 feet from a river. Discussion ensued about how the trees will be cut.

Agent Farinon explained a Request for Determination of Applicability was submitted for work within the 100 Foot Buffer Zone to a bordering vegetated wetland and 200 Foot Riverfront Protection Area. She reported the trees can be cut and lowered down without any impacts to the wetlands. Agent Farinon recommended a negative Determination of Applicability with the stipulation that the Conservation Commission be notified a week in advance of cutting of the trees.

A motion to issue a negative Determination of Applicability was made by Vice Chairman Gagne and seconded by Member Thompson. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

(Member Payne resumed her role in the meeting.)

**Rochester Conservation Commission
April 16, 2019**

Public Hearing

***(Continued from March 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 that Brian Wallace of J.C. Engineering, Inc. submitted a request for a continuance until May 21, 2019 because they had no new information to present, and revised plans and documents were to be submitted the week of April 15, 2019.

A motion to continue the hearing to May 21, 2019 was made by Vice Chairman Gagne and seconded by Member Thompson. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

An Abbreviated Notice of Resource Area Delineation filed by SWEB Development USA, LLC, P.O. Box 20235, Worcester, MA 01602, for property located on 0 Marion Road, Rochester, MA 02770, designated as Lot 37 on Assessor's Map 6. The purpose of the filing is to confirm 3,850 linear feet of Bordering Vegetated Wetland boundary. The property owner of record is Rochester Farms, LLC, P.O. Box 278, West Wareham, MA 02576. The applicant's representative is Weston & Sampson, 5 Centennial Drive, Peabody, MA 01960.

Sarah Rosenblat of Development Manager, SWEB Development USA, LLC and Matthew Morrow, Principal of Matthew S. Morrow Environmental Consulting were present.

Mr. Morrow explained that he delineated more than 3,000 linear feet of wetland in July 2018 at the property, and had to contend with the active farming operation and planted crops since the land is used as a farm. He will confirm the delineation for the area where the solar panels are proposed to be installed, ensure all numbers are refreshed, new flags are placed, the staking system is expanded, new soil plots are taken, and the plan is updated. Mr. Morrow explained that the site contains a bordering vegetated wetland, a flood plain, and a priority habitat polygon: they are only looking to certify the bordering vegetated wetland.

Vice Chairman Gagne asked if the wetland flagging was survey located: Mr. Morrow responded that it was. Vice Chairman Gagne commented that the plans need to be stamped by a Professional Land Surveyor (P.L.S.) as well as a Professional Engineer (P.E.).

**Rochester Conservation Commission
April 16, 2019**

Agent Farinon reported that the delineation of bordering vegetated wetland includes a series of vegetated agricultural ditches that extend into the northerly portion of site. The previously flagged northernmost ditch has been plowed and is no longer visible. There is some standing water; however, the vegetation hasn't grown yet. Over the next couple of months, they will monitor the vegetation to see what's growing there. She commented that the farming operation and the owner need to be notified to leave the areas alone so the vegetation can grow. The line will be refreshed in the field with consecutively numbered flagging and soil test pits will be done. She added that the wetland seems to extend beyond wetland flags numbers 57, 58 & 59. The applicant is looking for the northern extent of the wetland line to be reviewed because other areas are not near the project site. The applicant's intention is to complete the work within the next week. She stated she will need some time to review the work and time for the vegetation to grow. Agent Farinon recommended that the Commission request a peer review consulting fee to hire a consultant to review the soils.

Vice Chairman Gagne said he agreed. He stated that on the plans the topography near the wetlands should be reviewed. Ms. Rosenblat said she will make a note to check the topography.

Chairman Conway asked Agent Farinon for a suggested date for continuing the Hearing. Agent Farinon responded June 4, 2019. Vice Chairman Gagne asked if the timing made sense if they bring in a peer review consultant. Agent Farinon stated the timing might be tight.

Mr. Morrow asked if the peer review would be done under MA General Law Chapter 44 Section 53G, meaning the applicant pays the cost of the peer review consultant. Agent Farinon responded that the Rochester Conservation Commission has adopted MA General Law Chapter 44 Section 53G and has peer review provisions within the Rochester Wetlands Bylaw. Mr. Morrow requested to review the names of potential peer reviewers in case he has worked with them in the past: there may be a potential conflict of interest. Agent Farinon explained they don't typically subcontract with a soil scientist, and will be looking to gather names of consultants. They will share the list with Mr. Morrow.

Chairman Conway asked if the applicant is requesting a continuance until June 18, 2019. Ms. Rosenblat said yes. Vice Chairman Gagne asked if there was a recommended amount of funds for the escrow account for peer review. Agent Farinon suggested the amount should be between \$3,000 and \$5,000. Ms. Rosenblat suggested \$3,000 is sufficient from her experience working on other sites.

A motion to contract with a peer review consultant and take a retainer amount of \$3,000 was made by Vice Chairman Gagne and seconded by Member Payne. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion was made to continue the Public Hearing to June 18, 2019 by Vice Chairman Gagne and seconded by Member Payne. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

**Rochester Conservation Commission
April 16, 2019**

Commission Business

Minutes

A motion to approve the minutes of April 2, 2019 was made by Member Payne and seconded by Member Thompson. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Voucher

The following voucher was approved for payment: Forestry Suppliers, Inc. / Forestry Equipment for Conservation Agent: \$101.68.

New Business

Re-organization of the Conservation Commission

A motion was made to nominate Michael Conway as Chairman by Vice Chairman Gagne and seconded by Member Bourque. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion was made to nominate Daniel Gagne as Vice-Chairman by Member Thompson and seconded by Member Payne. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Confirm member availability for future site visits and meetings

Members confirmed their availability for the next meeting on May 7, 2019. There was discussion about scheduling site visits for three upcoming filings. Members were unavailable to meet before the next meeting. They agreed to hold the three site visits on May 11, 2019 starting at 8:30 a.m.

Discuss Correspondence

Agent Farinon reviewed recent correspondence which included several Forest Cutting Plans, the Planning Board's Site Plan Review Decision for 15 Cranberry Highway, LLC for Countryside Child Care Center, Inc., and a letter from Leo P. Dalbec notifying the town that 14.8 acres is being sold. The buyer does not intend to change the use of the property from agricultural or horticultural purposes.

Chairman Conway commented that the Forest Cutting Plans indicate the applicant can begin work on March 28, 2019, but the Conservation Commission didn't receive the plans until April 8, 2019. Agent Farinon responded that she was unsure why there was a delay in receiving the plans. She will contact Joe Perry, the State Service Forester, to invite him to a meeting to discuss the delay and new forestry guidance.

**Rochester Conservation Commission
April 16, 2019**

Buzzards Bay Watershed Municipal Mini-grant Program

Agent Farinon reported the Buzzard's Bay National Estuary Program is offering a new round of grants for land projects with a deadline of May 6, 2019. She stated there's a potential project in the Mattapoissett Valley watershed, and it may be one of the last opportunities to apply for grant funding. The Town can apply for the grant and the Rochester Land Trust would own the property. Agent Farinon stated that since the deal was not finalized and is confidential at this point, she was looking for blanket approval from the Conservation Commission to apply for a grant if an agreement is made between the Rochester Land Trust and the landowner.

Chairman Conway asked how the application would impact the Conservation Commission and the Town. Agent Farinon responded that the Rochester Conservation Commission would be the applicant. Chairman Conway asked how the funds would be used. Agent Farinon responded the funds would be put toward the purchase and the permeant protection.

Agent Farinon explained they need a signed Purchase and Sale Agreement before applying for the grant. The application would probably be around \$45,000; the grant program has approximately \$100,000 available.

Chairman Conway asked how many acres are involved. Agent Farinon responded that the project includes two separate properties totaling approximately 20 acres off Quaker Lane.

A motion was made to apply for the grant by Member Thompson and seconded by Vice Chairman Gagne. Chairman Conway stated he couldn't agree with the open-endedness. Agent Farinon responded that the maximum amount they could apply for is \$45,000.

A motion was made to amend the previous motion to not to exceed \$45,000 by Vice Chairman Gagne and seconded by Member Thompson. Chairman Conway was opposed. **The motion passed by a vote of 4 in favor, 1 opposed, 0 abstained (4-1-0).**

Members then voted on the complete amended motion. Chairman Conway was opposed. **The motion passed by a vote of 4 in favor, 1 opposed, 0 abstained (4-1-0).**

Adjournment

The meeting adjourned at 7:51 p.m. on a motion made by Member Thompson and seconded by Vice Chairman Gagne. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Marissa Perez-Dormitzer, Recording Secretary

Michael Conway, Chairman