

**Rochester Conservation Commission**  
**May 7, 2019**

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

**Absent:** Michael Conway  
Chris Post

Laurell J. Farinon, Conservation Agent

The meeting was held in the Town Hall conference room. Vice Chairman Gagne called the meeting to order at 7:03 p.m. and announced that the meeting was being televised.

**Public Hearings**

**DEP File # SE 272-0568 A Notice of Intent filed by Liam DeLowery, South Coast Creations, LLC, 68 Bowen's Lane, Rochester, MA 02770 for property located at 68 Bowen's Lane, Rochester, MA 02770, designated as Lots 8 and 12 on Assessor's Map 31. The applicant proposes to restore approximately 2,735 square feet of altered/filled Bordering Vegetated Wetland (BVW). The 25-foot No Disturb Zone adjacent to the BVW and intermittent stream will be restored/stabilized. The existing trailer and block storage area will be relocated outside the 25-foot No Disturb Zone. The applicant also seeks after-the-fact approval for an ATV dirt track within the 100-foot Buffer Zone of a bordering vegetated wetland and intermittent stream. The property owners of record are Joseph & Diane DeLowery, 68 Bowen's Lane, Rochester, MA 02770. A portion of the wetland restoration work will take place on the property owned by John M. & Susan Blackmore Teal, 567 New Bedford Road, Rochester, MA 02770 designated as Lot 12 on Rochester Assessor's Map 31. The applicant's representative is G.A.F. Engineering, Inc., 266 Main Street, Wareham, MA 02571.**

Brian Grady of G.A.F. Engineering, applicant Liam DeLowery and Diane DeLowery were in attendance. Mr. Grady explained that the Notice of Intent filing was made in response to the Enforcement Order that was issued by the Rochester Conservation Commission on February 19, 2019, and includes restoration of approximately 2,735 square feet of altered bordering vegetated wetland. The existing manure storage area and trailer will be relocated outside of the 100-Foot Buffer Zone and 25-Foot No-Disturb Zone respectively.

Mr. Grady explained that he met with abutters Susan and John Teal (owners of Map 31, Lot 12) because a portion of the existing manure pile and disturbance from the existing ATV dirt track is located on their property. It was noted that the manure pile has been at the same location for the past 25 years, and that the manure is annually spread on the agricultural fields. There are two separate areas of direct alteration to bordering vegetated wetlands: 2,530 square feet of filled/altered area from the manure pile, and 205 square feet to the east from fill/construction and demolition debris.

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Mr. Grady stated that wetland scientist Brad Holmes will supervise removal of the manure pile and non-native soils in the 25-Foot No-Disturb Zone, as well as restoration and replication of disturbed areas. Mr. Holmes will determine final elevations of native soils, and may supplement with organic soils if needed. Stockpiled construction debris will be removed and slopes will be planted. The construction trailer will be moved out of the 25-Foot No-Disturb Zone into the old paddock. A wood fence will be installed one foot in front of the 25-Foot No-Disturb Zone.

Mr. Liam DeLowery stated that he was contacted by Agent Farinon regarding a complaint about trucks entering the property with wood logs that were deposited in the open field. When an inspection was made, it was noted that work had been done that impacted wetland resources areas, including the manure pile and truck staging area.

Agent Farinon reported that Mr. DeLowery immediately installed the requested erosion control barriers along the base of slope and filed the Notice of Intent and restoration plan mandated by the Enforcement Order. She noted that on site wetlands consist of a bordering vegetated wetland along the southerly property line and an intermittent stream and bordering vegetated wetland that bisects the property. She noted that an un-delineated bordering vegetated wetland in the north westernmost portion of the property appears to throw a 100-Foot Buffer Zone onto the existing ATV track to the east. She stated that since the application is seeking after-the-fact permitting of the ATV track within the Buffer Zone, the northwesterly bordering vegetated wetland needs to be delineated.

It was noted that the Conservation Commission will be conducting a site inspection at the subject property on Saturday morning, May 11, 2019.

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

**DEP File # SE 272-0569 A Notice of Intent filed by Jose & Elsie C. Araujo, P.O. Box 91, Rochester, MA 02770 for property located at Mary's Pond Road, Rochester, MA 02770, designated as Lot 1B on Assessor's Map 12. The applicant proposes to construct a single-family residence and associated site work within the 100-foot Buffer Zone of Leonard's Pond and bordering wetlands; private dock site work and vegetative restoration within F.E.M.A. Zone A and 100-foot Buffer Zone of Leonard's Pond bordering wetlands. The property owners of record are Jose & Elsie C. Araujo, P.O. Box 91, Rochester, MA 02770. The applicant's representative is Charon Associates, Inc., 323 Neck Road, Rochester, MA 02770.**

Rick Charon of Charon Associates and Mr. Jose Araujo were in attendance. Mr. Charon referred to a mounted site plan on an easel and explained that submitted site plan drawing number L-1 details approximately 14,000 square feet of driveway and electric supply within the 100-Foot Buffer Zone of the cranberry bog to the north. Mr. Araujo proposes a 14' gate and masonry wall at the entrance to the property. Plan L-1 also includes the proposed 5.3-acre conservation easement along Leonard's Pond that includes 3.3-acres of upland and 2.0-acres of wetland.

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Mr. Charon explained that drawing SD-1 details the proposed 3 bedroom dwelling and garage attached to the existing 1,000 square foot former Boy Scout camp structure, which is to be renovated. Approximately one foot of fill material is proposed at the location of the proposed house. A gravel path is proposed down to the proposed dock which is 48 feet in length. The proposed subsurface sewage disposal system is located outside the 100-Foot Buffer Zone.

Vice Chairman Gagne asked if the Boy Scout camp structure was permitted when constructed, as it would not meet current town regulations. Mr. Charon replied that in his opinion the building is a legally pre-existing non-conforming structure. Vice Chairman Gagne noted that the proposed walkway and private dock are within the 25-Foot No Disturb Zone, and that the applicant must show how the proposal meets the state Small Dock guidelines and performance standards.

Discussion ensued about the status of the old privy, accessory building to the south, and whether piers or sonnet tubes were needed for the old Boy Scout camp building renovation. Mr. Charon commented that the existing pilings are in good shape. Blue stone pavers will be used for the patio east of the building. Commissioner Thompson asked about specific renovation plans for the Boy Scout Camp building, and Mr. Charon replied that they are moving the front stairs and moving them to the south end, and removing the front wall and making a front porch. Vice Chairman Gagne asked if the proposal includes gutters and dry wells: Mr. Charon replied that he will investigate adding roof drains.

Mr. Araujo addressed the Commission about the 25-Foot No Disturb Zone, and said that he will do whatever is needed. He purchased the property due to its proximity on Leonard's Pond, and he intends to use the property and enjoy the water access.

It was noted that the Conservation Commission will be conducting a site inspection at the subject property on Saturday morning, May 11, 2019.

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

**Appointment for Discussion: Matthew W. Moyen, PE Project Manager of Tetra Tech to preliminarily discuss a proposed project by Covanta SEMASS, RRF Baghouse Project, 141 Cranberry Highway**

Matt Moyen, PE from Tetra Tech, and Larry Schwartz, Dan Peters, and Joe Duggan from Covanta were in attendance. Mr. Moyen distributed to Commission members a three page package of labeled photos of the approximate area of proposed improvements within the 100-Foot Buffer Zone. Mr. Moyen explained that Covanta asked for an appointment with the Commission to provide a brief overview of the project, and are making a case to submit a Request for Determination of Applicability and not a Notice of Intent. Due to the sensitive timing of the project, they would like to leave the meeting with an agreed upon permitting path.

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Mr. Moyen explained that Covanta proposes to relocate the existing switchyard and construct two baghouse units. The existing gravel area will be upgraded to a utility grade roadway. The nearest wetland is a bordering vegetated wetland on the other side of the existing roadway, which is separated by a filter strip and swale that takes stormwater to the south. Mr. Moyen explained that there will be no impacts to existing wetland resource areas as a result of construction.

Vice Chairman Gagne expressed concern about infiltration of contaminants into groundwater.

Mr. Peters explained Covanta processes 25% of the disposal capacity of the state, so the plant needs to be kept up and running during this multi-year project. The air pollution control units are at the end of their lifespan and need to be upgraded.

Mr. Thompson asked if it was possible for the fuel tanks to fail and for fuel to travel down into the new gravel area. Mr. Peters responded that before they break in, they will drain the tank and a retaining wall will wrap around the containment area.

Vice Chairman Gagne commented that a Request for Determination of Applicability would be appropriate for this project, as it is a small change from nearly impervious to less impervious. He recommended that they show everything on the plan, including catch basins, silt socks, and erosion and sediment controls.

Member Gerrior motioned that a Request for Determination of Applicability be filed for the project scope as presented by Covanta, Member Thompson seconded, all in favor.

**Commission Business**

**Minutes**

A motion to approve the minutes of April 16, 2019 was made by Member Payne and seconded by Member Thompson with Member Gerrior abstaining. **The motion passed by a vote of 4 in favor, 0 opposed, 1 abstained (4-0-1).**

**Voucher**

The following voucher was approved for payment: MSMCP / MSMCP Annual Meeting for Conservation Agent: \$35.00.

**Old Business**

**Decas Stuart Property off Burgess Avenue (Map 27, Lots 2 & 11)**

Agent Farinon reported that she met on site with Scott Hannula at the Decas Stuart property off Burgess Avenue on April 24, 2019. When excavating their sand pit a number of years ago, Decas Cranberry Company encroached onto Rochester Conservation Commission property to the north, and was asked to restore disturbed areas. Final rough grading, loaming and seeding of the Decas sand pit and adjacent Rochester Conservation Commission property has been completed. The Commission will revisit the area after the spring growing season and make final recommendations for improvement if needed.

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District Forester Joe Perry will attend the May 21<sup>st</sup> meeting to discuss recent regulatory changes and Forest Cutting Plans. Discussion ensued about inviting large landowners and/or property owners in the Chapter 61 tax reductions programs. It was agreed by all that we will discuss doing a separate Chapter 61 workshop in the future.

**New Business**

**Gifford's Mill Pond Land Preservation Project**

Agent Farinon circulated a copy of the Buzzard's Bay Mini-grant Program RFR Round III-Spring Grant application. She explained that on behalf of the town she prepared and submitted a proposal entitled the Gifford's Mill Brook Land Preservation Project, which is a \$45,000 proposal to permanently protect 20.9-acres of property off Quaker Lane. The 16.9-acre larger parcel (Map 37, Lot 4) is owned by the Ralph S. Jackson Trust: the second parcel (Map 37, Lot 3) is owned by Gloria E. McCarthy (Map 37, Lot 3). The property will owned and managed by the Rochester Land Trust, Inc.

**Snow's Pond Association Meeting to be held on May 15, 2019 at 5:00 p.m. at the Rochester Grange**

Agent Farinon announced that she received an invitation from Michelle Kirby, President of the Snow's Pond Association, inviting her and Commission members to a presentation to be made by SOLitude Lake Management.

**Forest Management at the Rochester Land Trust Church Wildlife Conservation Area**

Member Bourque asked about the forest management project that was recently done at the 21-acre Rochester Land Trust owned Church Wildlife Conservation off Marion Road (Route 105) east of Walnut Plain Road. Discussion ensued about the number of trees that were cut and the slash that was left behind, which appeared to impact existing trails. The project was overseen by a forester at the direction of the Rochester Land Trust.

**Confirm Member Availability for Future Site Visits and Meetings**

Members confirmed their availability for the next meeting on May 21, 2019. A site visit will be conducted at 11 Briarwood Lane in advance of the meeting, with Commission members meeting at the Town Hall at 6:15 p.m.

**Adjournment**

The meeting adjourned at 8:45 p.m. on a motion made by Member Payne and seconded by Member Bourque. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**