

**Rochester Conservation Commission
July 16, 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: *(none)*

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

Public Meetings

A Request for Determination of Applicability filed by Hartley Beach Trust c/o Patricia Corwin, 215 Cushman Road, Rochester, MA 02770 for work on property located at 90 Snow's Pond Road, Rochester, MA 02770. The applicant proposes to improve and maintain the existing driveway by adding gravel fill material to even out the surface and fill pot holes. The property owner of record is Hartley Beach Trust c/o Patricia Corwin, 215 Cushman Road, Rochester, MA 02770. The project location is 90 Snow's Pond Road, Rochester, which is designated as Lot 3C on Rochester Assessors' Map 39.

Norene Hartley, Trustee, who resides at 102 Bradford Lane, was present at the Public Meeting representing Hartley Beach Trust.

Ms. Hartley explained that the driveway has many potholes, and that they propose to fill in the potholes with a sandy mix. The driveway leads in and turns toward the pond: they won't fill beyond the straight part of the driveway.

Vice Chairman Gagne noted the application mentions they will improve and maintain the driveway. He asked what she means by improve. Ms. Hartley responded that they will fill the potholes, and don't intend to scrape they driveway.

Agent Farinon distributed photos to Members showing the existing roadway and potholes that need to be filled. She reported there is evidence of standing water within the potholes. Agent Farinon recommended issuing a negative Determination of Applicability with the stipulation that the Conservation Commission be notified when work begins.

A motion was made to issue a negative Determination of Applicability with the stipulation that the Conservation Commission be notified at the start of the work 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).**

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A Request for Determination of Applicability filed by Massachusetts Bay Transportation Authority, 45 Kings Highway, West Wareham, MA 02576 for work on property designated as Lot 21 on Rochester Assessors' Map 17 and located at 45 Kings Highway, Rochester, MA. The applicant proposes the relocation of the existing lead track into the building, installation of a switch and second track into the building, installation of two tracks with bumping posts out the back of the building to the edge of the paved area, and relocation of the existing mainline crossover to the west of the facility. The property owner of record is Massachusetts Bay Transportation Authority, 45 Kings Highway, Rochester, MA 02770. The applicant's representative is Jacobs' Engineering Group, 120 Saint James Avenue, 5th Floor, Boston, MA 02116.

Kyle Purdy of Jacobs Engineering Group was in attendance representing the applicant, and presented mounted site plans of the site. Mr. Purdy noted the Conservation Commission made a scheduled site visit the prior day. He explained there are 3 portions of the MBTA's project within the 100 Foot Buffer Zone including a crossover location, a switch relocation, and a third location where they'll extend the tracks to the east side of the maintenance building. They are requesting a negative determination because there will be no significant impacts to adjacent wetland resource areas.

Agent Farinon reported that she has reviewed the wetland delineation at the 3 project locations and is in agreement with the line. She noted one area on the southerly side of the railroad tracks within the utility right of way was not flagged due to utility requirements, however the line was obvious. Agent Farinon explained the area with the most work is adjacent to the maintenance facility. They are running track out and making pavement cuts. She stated the work can be done without adverse impacts to wetlands by following their proposed best management practices. Agent Farinon recommended issuing a negative Determination of Applicability with the stipulation that the Conservation Commission be notified when construction begins.

A motion to issue a negative Determination of Applicability with the stipulation that the Conservation Commission be notified at the start of the work 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 June 18, 2019)* DEP File # SE 272-0571 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.**

Chairman Conway reported the applicant submitted a request to continue the Public Hearing to August 6, 2019 because they need more time to create an updated plan.

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A motion to continue the Public Hearing to August 6, 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).**

(Continued from June 18, 2019) **DEP File # SE 272-0572 A Notice of Intent was filed by Nicholas Araujo, 130 Arlington Street, New Bedford, MA 02745 for property located at Old Schoolhouse Road, Rochester, MA 02770, designated as Lot 19 on Assessor's Map 21. The applicant proposes to construct a single-family dwelling with the proposed dwelling, well and septic system located outside the 100-foot Buffer Zone. Some grading within the 100-foot Buffer Zone will be required as part of the installation of the septic leaching area. Minimal tree clearing is proposed within the Buffer Zone behind the dwelling to provide a yard area. A small trench will be dug for the installation of electrical conduit located down the center of the existing driveway and backfilled to existing grades. Erosion control measures will be implemented. The property owner of record is Nicholas Araujo, 130 Arlington Street, New Bedford, MA 02745. The applicant's representative is Farland Corp., 401 County Street, New Bedford, MA 02740.**

Matthew White of Farland Corp. and Nicholas Araujo, the homeowner, were present at the public hearing. Mr. White referred to mounted site plans on an easel and explained that the owner is constructing a single-family dwelling and septic system located outside the buffer zone. The grading necessary for the septic system, as well as clearing of additional yard area, is proposed within the 100 Foot Buffer Zone.

Mr. White reported they have made the additions/revisions requested by the Conservation Commission at the last meeting. The revised plan shows the entirety of the lot including the complete length of driveway from Old Schoolhouse Road, as well as the wetland delineation. The electrical conduit is proposed to go down the center line of the gravel driveway; a cross section of the 18 inches deep and 18 inches wide trench has been added to the plan. The conduit will be put down with a mini excavator: excavated material will be backfilled as the conduit is installed, thus eliminating an open trench or material stockpiled on the driveway.

Mr. White explained there is an existing stockpile of material at the driveway entrance on Old Schoolhouse Road that the Commission requested to be moved. The material will be used as fill for the project. The applicant also proposes to install a stone column fence at the end of the driveway.

Vice Chairman Gagne noted that he didn't see proposed grading in the driveway and asked about the existing grades. Mr. White responded that the topography is flat and the grades will not change. Mr. White explained that erosion control barriers are already installed along the driveway.

Vice Chairman Gagne asked if there will be any tree clearing. Mr. White responded there will be tree clearing in a few spots. The applicant would like to remove pine trees and replace them with elm and maple trees. Member Bourque asked if any trees needed to be removed due to the narrow width of the driveway and asked if they had checked with the Fire Department. Mr. White responded that the intent is to keep the existing driveway to minimize any disturbance. They have not checked with the Fire Department. However, they have installed the foundation and done work outside the buffer zone and trucks have gone up the driveway with no problem.

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Agent Farinon reported the applicant provided the items requested by the Conservation Commission at the last meeting including adding the cross section of the trench for the electrical line, adding the wetlands flagging, and addressing the issue of the stockpile. Agent Farinon noted the entire driveway is protected by installed siltation control barriers that are in good shape. Agent Farinon recommended issuing a positive Order of Conditions according to the revised site plan with the stipulation that erosion control barriers are reviewed in the field and must be approved prior to any construction activity.

A motion to issue a positive Order of Conditions 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).**

DEP File # SE 272-0574 An Abbreviated Notice of Resource Area Delineation filed by Joe Harrison, SunRaise Investments LLC, 26 Market Square, Portsmouth, NH 03801, for property located at 0 Braley Hill Road, Rochester, MA 02770, designated as Lots 32 & 36 on Assessor's Map 48. The purpose of the filing is to confirm 2,900 linear feet of Bordering Vegetated Wetland boundary. The property owners of record are Lisa Holden, Trustee, Aquidneck Nominee Trust, P.O. Box 388, Rochester, MA 02770 and Ann Poland, 41 Green Acres Road, Hartford, ME 04220. The applicant's representative is Prime Engineering, Inc., 350 Bedford Street, Lakeville, MA 02347.

Evan Watson of Prime Engineering was present at the public Hearing. Chairman Conway stated there is no signature of the representative on the application for the ANRAD. Because of that, Mr. Conway explained that Mr. Watson doesn't officially represent the applicant. Mr. Watson signed the application at the meeting. Chairman Conway noted the drawings weren't stamped. Mr. Watson responded that the email copy may not have been stamped but the paper copies were.

Mr. Watson referred to diagrams mounted on an easel as he spoke about the wetland delineation. He reported that Julie Goodman of Prime Engineering delineated the wetland using soils and vegetation as delineation parameters. He described the topography of the property stating it starts at Braley Hill Road, climbs up to a peak on a hill, and slopes off to a cedar swamp to the east. Groundwater is visible at the surface close to the toe of the slope.

Mr. Watson stated that Ms. Goodman confirmed the flags are still at the site. There were 60 flags running from south to north. He noted the site is within an area mapped by the Natural Heritage and Endangered Species Program and includes a floodplain inside the bordering vegetated wetland. He explained that he included LIDAR topography on the plan.

Agent Farinon reported that she hasn't visited the site yet. She recommended that the Conservation Commission continue the Public Hearing to give time to look at the property.

Chairman Conway asked Agent Farinon if she recommends a peer review. Agent Farinon responded no and that she will review the delineation, and suggested continuing to the August 20, 2019.

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A motion to continue the Public Hearing to August 20, 2019 was made by Vice Chairman Gagne and seconded by Member Bourque. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

DEP File # SE 272-0575 An Abbreviated Notice of Resource Area Delineation filed by Joe Harrison, SunRaise Investments LLC, 26 Market Square, Portsmouth, NH 03801, for property located at 0 Featherbed Lane, Rochester, MA 02770, designated as Lots 22 & 35 on Assessor's Map 46. The purpose of the filing is to confirm 5,423 linear feet of Bordering Vegetated Wetland boundary. The property owners of record are Bradford D. & Ruth C. Correia, 220 Mattapoissett Road, Rochester, MA 02770. The applicant's representative is Prime Engineering, Inc., 350 Bedford Street, Lakeville, MA 02347.

Evan Watson of Prime Engineering and Bradford Correia, property owner, were present at the Public Hearing. There was discussion about the applicant's signature and whether the applicant is authorized to sign by the property owner. Mr. Watson explained there is a document that authorized the applicant to sign the application.

Mr. Watson explained that this property is in the same general area as the previous ones discussed. There's an existing access road on Featherbed Lane; the area was used for a logging operation in the past. He described the topography of the land saying there is a ridge and provided the specific elevations. To the east, the property slopes down to the cedar swamp and is relatively flat. He stated he asked Julie Goodman of Prime Engineering to see if there's upland. It appears there's some groundwater breaking out creating standing water and vegetation. He added LIDAR topography to the plan.

Mr. Watson stated there are two areas identified as wetland - one by the road and the other by the swamp. He noted the property falls under the Natural Heritage and Endangered Species Program.

Agent Farinon reported the lots encompass 123 acres and were flagged in December 2018 with 5,423 linear feet of bordering vegetated wetland. She noted she will need to spend time in the field reviewing the delineation and suggested continuing to August 20, 2019.

A motion to continue the Public Hearing to August 20, 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).**

Commission Business

Minutes

A motion to approve the minutes of the July 1, 2019 meeting 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).**

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A motion to approve the minutes of the July 2, 2019 meeting 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).**

Vouchers

Agent Farinon reviewed the vouchers to be signed by Members:

1. A voucher for \$45,000 from the Rochester Land Trust, Inc. for the Gifford's Mill Land Protection project. Funds will be reimbursed from the Buzzards Bay NEP grant that was awarded to the Conservation Commission.
2. A voucher for \$680 from MACC which includes the annual renewal of membership for Commission members and two staff members, as well as access to the MACC electronic manual by all.

Old Business

Hartley Wildlife Management Area

Agent Farinon reported that a site visit is scheduled at the Hartley Wildlife Management Area on August 6, 2019 at 6:00 p.m. Jason Zimmer, Supervisor for the Southeast Wildlife District of Fisheries & Wildlife confirmed he will attend the site visit and the Conservation Commission meeting at 7:00 p.m. Member Thompson said he will not be able to attend, however he reiterated his concern about the water level. He explained the boards that control the water level only allow for one more plank. At the maximum height with the one more plank added, the water level will not be the same as in the past. Member Thompson also reiterated a concern about safety. He explained that new gravel was put down, but he found that he sank 6 inches when stepping on it. He also suggested looking at the outlet pipe. He noted that it's scouring a hole where water comes out in back and has changed significantly in the past week.

Agent Farinon reported that she voiced the concerns of the Commission to Mr. Zimmer, who responded by email and committed to attending the meeting on August 6, 2019.

Herring Inspector David Watling of 360 Cushman Road reported that he has been to the site three times. The work is finished, and the machines are gone. The water is being held back by the new flume; however there is just a canal. Mr. Watling noted he didn't think the fish will last long; the herring are fine and there's plenty of water this year. Mr. Watling agreed with Member Thompson's safety concerns and that it looks like a muddy trap for a child.

New Business

Confirm member availability for future site visits and meetings

Chairman Conway stated the next meeting will take place on August 6, 2019. Member Thompson stated he will be unable to attend.

Agent Farinon reported there are 2 new RDA filings including one for septic repair and another for driveway maintenance.

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Since the Commission will be visiting the Hartley WMA site before the meeting, she asked Members if they wanted to visit the other sites or if she should take photos to distribute. There was discussion about squeezing in a visit to the property doing driveway maintenance after visiting the Hartley Wildlife Management Area. Agent Farinon stated she will visit the other site doing septic repair to see if it's visible from the road.

Discuss Correspondence

There was brief discussion about a letter dated July 3, 2019 from Marc Nascarella, PhD of the Environmental Toxicology Program of the state's Bureau of Environmental Health. The letter states "DPH is issuing a public health fish consumption advisory for Mary's Pond based on elevated levels of mercury."

Resignation of Member Chris Post

The Commission learned of the resignation of long time member Christ Post. Agent Farinon asked the group to spread the word about looking for another Member.

Resignation of Margaret Gonneville

Agent Farinon reported that Margaret Gonneville, Board Administrator for the Conservation Commission and the Planning Board is taking another position in the Assessor's office. Agent Farinon will be placing an ad for the position.

Letter from Alewives Anonymous, Inc.

Agent Farinon reported herring counts were up this year according to a letter dated June 24, 2019 from Arthur Benner of the Alewives Anonymous, Inc. The letter states that "This year's count of herring in the Mattapoisett River was 18,156, a big improvement over the 2018 total of 5,241. The 2019 count was the first increase recorded since the recovery of the herring population in 2014."

Adjournment

The meeting adjourned at 8:03 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).**

Marissa Perez-Dormitzer, Recording Secretary

Michael Conway, Chairman