

**Rochester Conservation Commission
August 20, 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 6:59 p.m. and announced that the meeting was being televised.

Public Meeting

DEP SE 272-0381 A Request for Certificate of Compliance was submitted by Decas Cranberry Co., Inc., 4 Old Forge Drive, Carver, MA 02330 for property located at 109 Neck Road, designated as Lot 3 on Assessor's Map 40. An Order of Conditions was issued to Decas Cranberry Co., Inc. on September 12, 2003 under DEP SE 272-0381 allowing for the conversion 5.1 acres of cranberry bog to a Bordering Vegetated Wetland by creating a channel to Snipatuit Pond, complete planning of a new bog and finish construction of an irrigation pond.

Brian Grady of GAF Engineering and Scott Hannula of Decas Cranberry Co., Inc. were present to request a Certificate of Compliance. Mr. Grady explained that some work shown on the plan in the Order of Conditions was not completed. At the previous Conservation Commission meeting, the Commission voted that the two outstanding items were not significant enough to warrant a new filing and do not have to be completed.

Mr. Grady explained the cranberry bog was abandoned because of an enforcement order and turned into a wetland replication area. Wetland Scientist Brad Holmes reviewed the site and prepared a report that was submitted to the Conservation Commission. The wetland system is functioning effectively as a wetland replication area.

Vice Chairman Gagne commented that Brad Holmes noted non-native invasive plants and asked about the plan to manage them. Mr. Grady responded there were not many in number and that Decas could work to remove them.

Agent Farinon stated that communication with Decas Cranberry has gone smoothly and recommended issuing a Certificate of Compliance to Decas Cranberry under DEP SE 272-0381.

A motion to issue a Certificate of Compliance 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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Public Hearings

(Continued from June 18, 2019) DEP File # SE 272-0564 A Notice of Intent filed by T-Mobile Northeast LLC c/o Network Building & Consulting, LLC, 100 Apollo Drive, Suite B, Chelmsford, MA 01824 for property located at 98 Bowen's Lane, Rochester, MA 02770, designated as Lot 14 on Assessor's Map 31. The applicant proposes installation of a 25kw generator on a 4' x 10' pad approximately 34' from a bordering vegetated wetland: all work will be performed outside of the Town of Rochester's 25-foot No Disturb Zone. The generator will provide power to a T-Mobile antenna installation attached to the adjacent communications tower. The property owners of record are Michael J. Umano & Donald C. Cody, Trustees, New England Nominee Trust, 4 Lone Street, Marshfield, MA 02050. The applicant's representative is Marty Cohen, Network Building & Consulting, LLC, 100 Apollo Drive, Suite 303, Chelmsford, MA 01824.

Chairman Conway reported that the applicant submitted a request for continuance to revise the proposal for the generator. Agent Farinon noted the Commission may want the Public Hearing re-advertised because so much time has passed. Chairman Conway commented that re-advertising and re-notification is needed.

A motion to continue the Public Hearing to October 15, 2019 and that abutters are re-notified 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 July 16, 2019) 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.

(Vice Chairman Gagne recused himself from the Public Hearing)

Chairman Conway reported that the applicant requested a continuation of the Public Hearing. Agent Farinon noted Chairman Conway will not be at the September 3, 2019 meeting and Vice Chairman Gagne will need to recuse himself from this Public Hearing. The remaining members agreed they could all attend the September 3, 2019 meeting so a quorum will be available.

Julie Goodwin of Prime Engineering was present. Agent Farinon commented that September 17, 2019 is most likely a more realistic date. Chairman Conway asked if Ms. Goodwin would like to submit a form to continue to September 17, 2019; Ms. Goodwin responded yes.

A motion to continue the Public Hearing to September 17, 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).**

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(Vice Chairman Gagne resumed his role at the meeting)

***(Continued from July 16, 2019)* 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.**

(Vice Chairman Gagne recused himself from the Public Hearing)

Chairman Conway reported that the applicant submitted a request for a continuance. Agent Farinon recommended continuing to September 17, 2019.

A motion to continue the Public Hearing to September 17, 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).**

(Vice Chairman Gagne resumed his role at the meeting)

***(Continued from August 6, 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 stated the applicant submitted a request to continue the Public Hearing to September 3, 2019. Agent Farinon provided a brief update. The Conservation Commission hired Tom Peragallo of LEC Environmental, a wetland and soil scientist, to review the delineation. The delineation work has taken place. Agent Farinon received a revised plan that day and Mr. Peragallo needs to do a final review and forward the report.

A motion to continue the Public Hearing to September 3, 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).**

Chairman Conway stated the Public Hearing requires re-advertising. Agent Farinon responded that it can't go on the meeting agenda for September 3, 2019 because of advertising deadlines. It will have to go on the agenda for the September 17, 2019 meeting.

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A motion to amend the previous motion to continue the Public Hearing to September 17, 2019 to allow adequate notice 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 272-0580 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 Snipatuit Road, Rochester, MA 02770, designated as Lots 1, 4, 9, & 9A on Assessor's Map 47. The purpose of the filing is to confirm 4,000 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 (Map 47, Lots 1 & 4) and Kevin J. & Cassandra A. Cassidy, 529 Snipatuit Road, Rochester, MA 02770 (Map 47, Lots 9 & 9A). The applicant's representative is Prime Engineering, Inc., 350 Bedford Street, Lakeville, MA 02347.

(Vice Chairman Gagne recused himself from the Public Hearing)

Julie Goodwin of Prime Engineering was present to discuss the wetland delineation for property of Snipatuit Road near Pauline Way; the delineation was done by SWCA.

Ms. Goodwin displayed a mounted site plan and pointed out on the north part of the site there is an existing access road with wetland on both sides. In another area, there is a large wetland system including a stream. Ms. Goodwin noted that since the riverfront falls in the bordering vegetated wetlands, it doesn't matter if the stream is intermittent or perennial. She also noted there is a flood zone to the west and that areas of upland were not included in the delineation because they are not pertinent to future work.

Chairman Conway requested that DEP file numbers are added to all correspondence.

Agent Farinon recommended that the Conservation Commission continue the Public Hearing to give time to review the line. She suggested continuing to September 17, 2019.

Member Gerrior asked if all the lines are in Rochester; Ms. Goodwin responded yes. Member Thompson asked if the only access is through the existing access road on the top of the road; Ms. Goodwin responded yes.

A motion to continue the Public Hearing to September 17, 2019 was made by Member Payne and seconded by Member Gerrior. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

(Vice Chairman Gagne resumed his role at the meeting)

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DEP File # SE 272-0582 A Notice of Intent filed by property owner Todd Cambra, 1098 Walnut Plain Road, Rochester, MA 02770 for property located at 1098 Walnut Plain Road, Rochester, MA 02770, designated as Lot 26A on Assessor's Map 23. The applicant proposes the construction of a 75' x 60' garage within 200' of an unnamed perennial stream. Siltation control measures will be implemented. The applicant's representative is Outback Engineering, Inc., 165 East Grove Street, Middleborough, MA 02346.

Tom Morris of Outback Engineering was present. Mr. Morris stated Mr. Cambra, the owner, is proposing to construct a 75' x 60' garage to store large commercial trucks on the property. Mr. Cambra has gone through the Zoning Board of Appeals and they approved the project. The proposed garage is outside the 100-foot buffer. However, it is within 200 feet of a stream. Minimal grading is needed. Mr. Morris noted the total disturbance will be the footprint of the building.

Vice Chairman Gagne stated it's a very large garage and asked about alternatives. Mr. Morris responded that given the size of the trucks, there were no other feasible options. There was discussion about other options for locating the garage. Agent Farinon reported an alternatives analysis was submitted. The proposed location is the least impactful.

Vice Chairman Gagne asked what they are doing with roof drains; Mr. Morris responded that nothing is proposed. Vice Chairman Gagne noted it's a very large roof that will have significant roof runoff in a resource area. He also asked if Mr. Morris knew the type of soils present; Mr. Morris responded he was not familiar with the type of soils. Vice Chairman Gagne commented that he would like to see more information. Member Gerrior asked Agent Farinon if she had a recommendation. Agent Farinon recommended conditioning the project to have roof drains. She commented on the size of the equipment on the site and the need for room to maneuver the equipment. Agent Farinon said she believed the project can be done without adverse impacts to the stream and the resource area.

Member Payne stated that she does not have a concern with the location after visiting the site. Member Gerrior asked if Agent Farinon was recommending a positive Order of Conditions; Agent Farinon responded yes.

A motion to issue a positive Order of Conditions with an adequate roof drain design for the size of the building was made by Member Gerrior. Member Gerrior questioned if the motion was sufficient to meet all the concerns.

Mr. Morris stated that given the height over the wetlands they would have room to put chambers in the ground with sufficient capacity. He added they can do a calculation to see what is necessary before it's built.

Chairman Conway asked if they would design for a 100-year rainfall; Mr. Morris responded that often they'll use a 10-year rainfall event to size roof drains. Mr. Morris said they would also add splash pads so the water is not eroding the ground.

A motion for a positive Order of Conditions with a stipulation that a revised plan be submitted which details adequate roof drain dry wells for a 10-year storm was made by Member Gerrior and seconded by Member Payne.

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A motion to add an amendment to the motion that states the roof drain design should be submitted to the Conservation Commission for review 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).**

The Commission then voted on the original motion as amended. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Commission Business

Old Business

Member Thompson asked about the site visit and discussion with Jason Zimmer, District Supervisor Southeast Wildlife District of the Division of Fisheries & Wildlife regarding the Hartley Wildlife Management Area. Member Thompson specifically asked if Mr. Zimmer indicated he will let the water refill to its previous height. Chairman Conway responded that Mr. Zimmer said they will let the water level go six inches higher than the day of the visit. Member Thompson responded that if it's close to the previous height, the wildlife should be ok. Agent Farinon commented that Mr. Zimmer stated they don't intend to keep it as high as before. Member Gerrior added that Mr. Zimmer said it would be deep enough for certain species of fish.

New Business

Confirm member availability for future site visits and meetings

Chairman Conway is unable to attend the next meeting on September 3, 2019. Remaining Members can attend.

Agent Farinon mentioned a possible site visit to 443 Neck Road where the applicant is requesting approval to replace the existing cottage. However, with the EEE situation, Agent Farinon questioned whether Members were comfortable with a site visit in the evening. Discussion ensued and Vice Chairman Gagne suggested being cautious and skipping site visits until there is a killing frost. Agent Farinon said she will arrange to take photos of the site to present to the Commission.

Adjournment

The meeting adjourned at 7:50 p.m. on a motion 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).**

Marissa Perez-Dormitzer, Recording Secretary

Daniel Gagne, Vice Chairman