

**Rochester Conservation Commission
September 3, 2019**

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

Absent: Michael Conway, Chairman

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

The meeting was held in the Town Hall conference room. Vice Chairman Gagne called the meeting to order at 7:00 p.m. and announced that the meeting was being televised.

Request for Certificate of Compliance, Christine Murphy for Order of Conditions Issued to Victor & Victoria Brier & Michael C. Murphy, Mary's Pond Road, Rochester, Map 10, Lot 3L & 3

Agent Farinon provided a brief history on the project and pointed out that there is no DEP file number. She referred to the following text in the Order of Conditions issued in 2002: "The Rochester Conservation Commission accepts the wetland delineation as shown on the plan of record. The wetland area depicted on the plan is not jurisdictional under the Massachusetts Wetlands Protection Act and the Town of Rochester Wetlands Bylaw."

Agent Farinon stated that the Order of Conditions should not have been issued. She consulted with Town Counsel and determined that a Certificate of Compliance should be issued, with a box checked off indicating the project wasn't completed. Member Gerrior asked if this was a loose end. Agent Farinon responded that the applicants for the Certificate of Compliance are closing on a parcel and they need to have the lien lifted.

A motion to issue the Certificate of Compliance 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).**

Public Hearings

DEP SE 272-0581 A Notice of Intent filed by property owner Daniel A. Paradis, Trustee, Daniel Paradis Trust, 135 Worfield Circle, Bristol NH 03222 for property located at 443 Neck Road, Rochester, MA 02770, designated as Lot 14 on Assessor's Map 26. The applicant proposes to raze the existing cottage and construct a new single-family residence, well, septic system and associated site work within the 100-foot Buffer Zone of bordering vegetated wetlands along Snipatuit Pond. The applicant's representative is Charon Associates, Inc., 323 Neck Road, Rochester, MA 02770.

Richard Charon of Charon Associates, Inc. described the project while referring to a mounted diagram on an easel. He explained the lot, of just under an acre, is on Snipatuit Pond and has an extensive wetland and wooded area beyond a stone wall. A quarter of the property is in the no touch area or wetlands, as well as a 100 year flood zone. There is an existing small cottage on the property without plumbing.

**Rochester Conservation Commission
September 3, 2019**

Mr. Charon stated the applicant proposes to construct a septic system for a four-bedroom house. He explained that when somebody purchases the property they may want to build a different house. Mr. Charon explained they are proposing some slight grading on the property, as the back side of the house toward the road will be leveled out to allow for parking. To provide a water supply, they are proposing a well near the stone wall. A septic tank and pump chamber will be in the 100 foot buffer zone: effluent will be pumped up hill to a leaching field outside the buffer zone. They will position the tanks so the system can be tied to the existing cottage in case a new owner would like to keep the cottage. However, there is a good possibility that the cottage will be torn down.

The property falls within an area mapped by the Natural Heritage and Endangered Species Program (NHESP). A letter from NHESP dated August 7, 2019 states "...the Division has determined that this project, as currently proposed, will not result in a prohibited Take of state-listed rare species."

Member Gerrior asked if the tank can be moved and Mr. Charon responded that there was room to move it. Vice Chairman Gagne asked how many days of storage are in the tank. Mr. Charon initially responded 24 hours, but later clarified it was a day a half. They will use a 1000-gallon tank and will have 686 gallons of surplus capacity. Vice Chairman Gagne noted if the tank overtops, there will be sewage running down the wetlands. He said he would like to see an emergency generator. Mr. Charon responded that he can add it in.

Vice Chairman Gagne noted the siltation barrier goes into the 25-foot no touch in one area and asked that it be pulled back.

Agent Farinon distributed several pages of photographs of the subject property, and explained that it's a beautiful piece of property that is densely vegetated and very pristine: there isn't a view of the pond from the existing cottage. She reported that she reviewed the bordering vegetated wetland delineation and requested additional data sheets, which she has reviewed and approved. She noted that there are overlapping resource areas including bordering vegetated wetland, bank, flood plain, and the 25-foot no disturb zone.

Agent Farinon summarized that project scope is the demolition of the existing structure and construction of a proposed new larger dwelling. She noted that the plan will need to be updated and resubmitted by September 11, 2019 to be considered at the next meeting.

Member Thompson asked if they should require that the existing path to the pond be maintained. Agent Farinon responded that they could add a note in the special conditions that any vegetation management would require prior approval by the Conservation Commission.

Member Bourque asked if the current owner is putting in the septic system. Mr. Charon responded no and that the current owner is informing potential buyers they'll need to put in a well and septic system.

Agent Farnon reported she met someone who said he had the property under agreement, and suggested Mr. Charon contact the potential buyer to incorporate any dimensions or details the buyer has in mind.

**Rochester Conservation Commission
September 3, 2019**

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

(Continued from August 20, 2019) **DEP SE 272-0573 An Abbreviated Notice of Resource Area Delineation filed by Erica Buster, Quaker Lane – Simpson Solar, LLC, 3021 Airport Pulling Road N – Suite 201, Naples, FL 34105, for property located at 102 Quaker Lane, Rochester, MA 02770, designated as Lots 6 & 10 on Assessor’s Map 37. The purpose of the filing is to confirm 10,100 linear feet of Bordering Vegetated Wetland boundary and 1,600 linear feet of Riverfront Area. The property owner of record is John Simpson, 102 Quaker Lane, Rochester, MA 02770. The applicant’s representative is SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747.**

Vice Chairman Gagne announced that the applicant requested a continuance to September 17, 2019 because the completion of the field survey of the modified wetland line is in progress.

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).**

DEP SE 272-0578 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 Lot 24 on Assessor’s Map 46. The purpose of the filing is to confirm 3,000 linear feet of Bordering Vegetated Wetland boundary. The property owner of record is Judith Dupont, 123 Rounseville 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.)

Julie Goodwin, wetlands specialist with Prime Engineering, Inc., reported that she performed the wetland delineation on the subject property near the Rochester/Acushnet line.

Agent Farinon explained there are several ANRAD reviews in process, and recommended continuance until October 1, 2019.

A motion to continue the Public Hearing to October 1, 2019 was made by Member Thompson and seconded by Member Bourque. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

(Vice Chairman Gagne resumed his role in the meeting.)

**Rochester Conservation Commission
September 3, 2019**

DEP SE 272-0579 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 Cushman Road, Rochester, MA 02770, designated as Lot 11 on Assessor's Map 33. The purpose of the filing is to confirm 2,800 linear feet of Bordering Vegetated Wetland boundary. The property owner of record is Lisa Holden, Trustee, Aquidneck Nominee Trust, P.O. Box 388, 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.)

Julie Goodwin of Prime Engineering, Inc. explained the site was not performed by SWCA Environmental Consultants. She said she did a desktop review of the work done by a consultant. Agent Farinon asked about legal access to the site: Ms. Goodwin responded that access is through an abutter's property to the north.

Michael Koczera, 2 Robinson Road, stated that engineers and consultants have been using his family's driveway to access the subject property without permission. He requested that they be contacted in advance for permission to access to the property. Agent Farinon and Ms. Goodwin responded that they would do that.

Member Gerrior asked if there an easement. Mr. Koczera explained he is looking into a right of way from 1850.

A motion to continue the Public Hearing to October 1, 2019 was made by Member Bourque and seconded by Member Gerrior. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

(Vice Chairman Gagne resumed his role in the meeting.)

Reopened 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.

Brian Wallace of J.C. Engineering, Inc. explained that since they last met on May 21, 2019, they have revised the plans several times based on comments from Henry Nover and Field Engineering. They intend to submit revised plans during the next week. Mr. Wallace explained that he will address comments that were brought up at the meeting in May.

**Rochester Conservation Commission
September 3, 2019**

Mr. Wallace explained that at a prior meeting a member asked if the project required a groundwater discharge permit for the shared septic system. He said it doesn't meet the threshold for requiring the permit because the shared system will receive less than 10,000 gallons per day.

In responding to another question, Mr. Wallace explained that common areas would be maintained through an association or a trust. The association or trust would establish a fee for all members of the development. The funds will be used to maintain the common areas including yards, driveways, etc. Any conditions from the Conservation Commission or the Planning Board will be included in the association document.

Mr. Wallace stated they will install an orange snow fence to mark the 25 feet no touch zone for contractors. They will also provide a cross section where the slope is modified in some way or steep enough to warrant additional details.

Member Gerrior asked how many of the units are close to the 25 feet no touch zone. Mr. Wallace responded that 2 or 3 units are within 10 feet of the 25 feet no touch zone. Member Gerrior asked if there were plans to put rocks or boulders near the 25 feet no touch zone to make it clear for future tenants or owners. Mr. Wallace responded that it wasn't in the plan but could be a condition from the Conservation Commission.

Agent Farinon suggested that semi-permanent barriers be added to the plan now for review and approval. She also suggested reviewing the plans keeping in mind that trees can be a concern for property owners since the units are so close.

Vice Chairman Gagne stated the most recent plan set doesn't include siltation control measures. Mr. Wallace responded it will be included in the next revision. Vice Chairman Gagne requested a separate sheet showing the location of these controls.

Member Thompson requested that Mr. Wallace highlight units that are within the 100 Foot Buffer Zone.

A motion to continue the Public Hearing to October 1, 2019 was made by Member Gerrior and seconded by Member Bourque. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Request to Withdraw without Prejudice from Marty Cohen, Network Building & Consulting, LLC 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. Umamo & 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.

**Rochester Conservation Commission
September 3, 2019**

Agent Farinon recommended accepting the Request to Withdraw without Prejudice under DEP File # SE 272-0564. She explained the applicant wants to regroup and resubmit.

A motion was made to accept the Request to Withdraw without Prejudice under DEP File # SE 272-0564 by Member Bourque and seconded by Member Gerrior. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Commission Business

Minutes

A motion to approve the minutes of August 6, 2019 was made by Member Gerrior and seconded by Member Payne. Member Thompson abstained. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

A motion to approve the minutes of August 20, 2019 was made by Member Gerrior and seconded by Member Bourque. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Vouchers

The following vouchers were signed: Forestry Suppliers, Inc. / Field Supplies: \$313.3; Henry T. Nover / Peer Review Services for Village at Plumb Corner DEP SE 272-557: \$2,000.00; and, Conservation Agent Mileage Reimbursement.

Member Gerrior asked for more detail about the purchase from Forestry Suppliers, Inc. Agent Farinon responded that they purchased field equipment and insect repellent.

Old Business

DEP SE 272-582 Todd Cambra 1098 Walnut Plain Road, Review drainage calculations and revised site plan showing roof drains

Agent Farinon referred Members to an updated plan and drainage calculations for roof drains that were submitted at the request of the Commission in the Order of Conditions.

Vice Chairman Gagne stated the assumed exfiltration rate seemed a bit high considering the loamy sand. Member Gerrior asked if there are high and low limits: Vice Chairman Gagne responded that the stormwater regulations build in the infiltration rates. Member Gerrior suggested if it caused the design to change, the two chambers might need to be larger. Vice Chairman Gagne agreed and offered to draft an email to be passed on to Outback Engineering.

Agent Farinon explained that Vice Chairman Gagne had voiced concerns about the design; however, she recommended closing the Public Hearing and putting in a condition. She noted that if she had to do it again, she would not have recommended it.

**Rochester Conservation Commission
September 3, 2019**

New Business

Confirm member availability for future site visits and meetings

Vice Chairman Gagne suggested continuing to hold off on site visits due to the EEE threat. Agent Farinon asked if Members would like her to continue providing the photos of each site. She added that she could circulate the day and time she's visiting each site and asked if there are days of the week or time of day better for Members. After some discussion, everyone agreed that Agent Farinon would send out an email when she is visiting a site and members will attend if they are available.

All Members at the meeting stated they were available to attend the next two meetings on September 17, 2019 and October 1, 2019.

There was brief discussion about the water levels at the Hartley Mill Pond. Member Thompson expressed concern that the water level is down again after being told that it would be brought up.

Discuss Correspondence

Agent Farinon reported that Rochester Bituminous Products, Inc. appealed a decision issued on July 31, 2019. The court upheld the Conservation Commission's decision to issue the extension permit.

Vice Chairman Gagne asked if they have begun construction: Agent Farnon responded yes.

Adjournment

The meeting adjourned at 8:04 p.m. on a motion 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).**

Marissa Perez-Dormitzer, Recording Secretary

Daniel Gagne, Vice Chairman