

**Rochester Conservation Commission**  
**November 5, 2019**

**Present:** Michael Conway, Chairman  
Daniel Gagne, Vice Chairman  
Christopher Gerrior  
Maggie Payne  
Kevin Thompson  
Laurell J. Farinon, Conservation Agent  
Marissa Perez-Dormitzer, Recording Secretary

**Absent:** Léna Bourque

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

**Public Meeting**

***(Continued from October 1, 2019)*** **Request for Determination of Applicability filed by the Town of Rochester, 1 Constitution Way, Rochester, MA 02770 for work on property located at the Leonard's Pond Recreational Area off Mary's Pond Road designated as Lot 9B on Rochester Assessors' Map 11. The property owner of record is the Rochester Conservation Commission, Town Hall Annex, 37 Marion Road, Rochester, MA 02770.** The applicant proposes to add dense grade gravel and regrade the existing eroding canoe/cartop boat access path to Leonard's Pond, add a proposed water bar, remove the large boulder and replace with two smaller boulders and a removable bollard to allow emergency access. The existing parking lot will be regraded to minimize runoff to the pond access path. Siltation control measures will be implemented.

Chairman Conway stated the applicant submitted a request for a continuation to December 3, 2019 because they are awaiting information from A.D. Makepeace.

A motion to continue the Public Meeting to December 3, 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).**

**Public Hearings**

**DEP File # SE 272-0585 A Notice of Intent filed by Ryan Correia of Potential Properties, LLC, 91 Sara Sherman Road, Rochester, MA 02770 for properties located at 1008 Walnut Plain Road, Rochester, MA 02770 designated as Map 23, Lot 18A.** The applicant proposes the reconstruction of a house that was damaged by fire including raising the existing foundation to the elevation shown on the plan of record. The project also includes decommissioning the existing failed septic system east of the foundation. All disturbed areas are to be loamed and seeded upon. The applicant's representative is Nyles Zager of Zenith Consulting Engineers, LLC, 3 Main Street, Lakeville, MA 02347.

*(Member Gerrior recused himself from the Public Hearing.)*

Nyles Zager of Zenith Consulting Engineers, LLC referred to a mounted plan on an easel as he spoke. He explained the existing home was damaged by fire. A Title 5 inspection was completed, and the septic system failed. Mr. Zager stated they will need to replace the existing septic system that is within the 100 Foot Buffer Zone of a bordering vegetated wetland to an area outside of the

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Buffer Zone. Mr. Zager noted almost the entire wetland is off site. Member Payne asked what they will do to decommission the existing septic system. Mr. Zager responded that they will crush it and add sand.

Agent Farinon distributed photos of the property, and explained there is a low lying area in the front yard that was questioned at a prior meeting. She examined the area and spoke to the wetland scientist that did the delineation; the area was not delineated as wetland because it does not support greater than 50% wetland vegetation or hydric soils.

Agent Farinon recommended that the Commission issue a positive Order of Conditions approving the submitted site plan with the special condition that the tires and debris on the northerly side of the property adjacent to the wetland line be removed prior to construction.

A motion to issue a positive Order of Conditions with the special condition that the tires on the northerly side of the wetland line and debris be removed prior to construction was made by Vice Chairman Gagne and seconded by Member Payne. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

*(Member Gerrior resumed his role in the Public Hearing.)*

**DEP File # SE 272-0586 A Notice of Intent filed by Matthew & Jennifer Porter for property located at 169 Clapp Road, designated as Map 11, Lot 5A.** The applicant proposes to construct an in-ground pool and cabana with associated site work including re-location of a septic tank, with all work located within the 100 Foot Buffer Zone of a bordering vegetated wetlands. The applicant's representative is Richard Charon, P.E., Charon Associates, Inc., 323 Neck Road, Rochester, MA 02770.

Richard Charon, P.E. of Charon Associates, Inc. reviewed the proposed project on a plan mounted on an easel. He explained the existing septic tank and pump chamber will be moved to accommodate the proposed pool and cabana. He reported they applied to the Board of Health to install a new tank and abandon the old tank. Mr. Charon stated the work will be outside the 25 Foot No Disturb Zone and that they are proposing siltation control measures. They will add a little fill to level out around the proposed pool.

Chairman Conway asked Mr. Charon to describe the proposed siltation control measures. Mr. Charon reported they will use hay bales with a filter cloth. Chairman Conway noted they are putting a lot of concrete down that will affect runoff into the wetlands. Matthew Porter, the property owner, reported they will use pavers around the pool. The pavers will have sand binding so it will have leaching ability. Mr. Charon stated he will change the note on the plan from concrete surround to concrete paver.

Agent Farinon distributed photos of the site, reported she reviewed the wetland delineation, and that the project as designed can be done without adverse impacts to the off-site bordering vegetated wetlands.

Vice Chairman Gagne asked Chairman Conway if he would consider the change about the concrete pavers as a condition of approval; Chairman Conway responded yes.

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Agent Farinon recommended issuing a positive Order of Conditions with the stipulation that concrete pavers will be used in place of concrete surround, and that the Commission be notified prior to construction activity to inspect the erosion control barriers and the dewatering silt trap.

A motion to issue a positive Order of Conditions with the stipulation that concrete pavers will be used in place of concrete surround, and that the Commission be notified prior to construction activity to inspect the erosion control barriers and the dewatering silt trap was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

*(Continued from October 15, 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.)*

Julie Goodwin of Prime Engineering, Inc. reported that Agent Farinon reviewed the wetland line and provided a list of changes to be made to the wetland delineation, which have been made. Ms. Goodwin reported that she submitted a revised plan and made sure it was stamped by a professional land surveyor. Chairman Conway asked Agent Farinon if she reviewed the changes; Agent Farinon responded yes. Agent Farinon recommended accepting the wetland delineation as shown on the plan dated June 28, 2019 and last revised October 22, 2019 and issuing an Order of Resource Area Delineation approving the wetland line as modified.

A motion to accept the wetland delineation line as modified was made by Member Gerrior and seconded by Member Thompson. **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 Public Hearing.)*

*(Continued from October 15, 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 (North Property), 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 Mattapoisett 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 the applicant's representative requested a continuance until "TBD" – to be determined. Julie Goodwin of Prime Engineering, Inc. reported she advised the client to seek

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technical support from Dave Gorden of Thunderchase Environmental LLC, due to challenges on the site. Ms. Goodwin stated that Mr. Gorden specializes in soil science and will be re-evaluating the wetland delineation. Agent Farinon explained that she has a scheduled site visit the next week with Ms. Goodwin and Mr. Gorden to review the delineation. She noted that depending on what they find in the field, the application may be withdrawn and resubmitted. Chairman Conway asked how long it will take. Ms. Goodwin responded they are meeting on November 14, 2019 with Mr. Gorden and requested to continue the Public Hearing to December 3, 2019.

A motion to continue the Public Hearing to December 3, 2019 was made by Member Gerrior and seconded by Member Thompson. **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 Public Hearing.)*

**(Continued from October 15, 2019) 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.)*

Chairman Conway asked Julie Goodwin of Prime Engineering, Inc. if she was requesting to continue the Public Hearing to November 19, 2019.

Ms. Goodwin explained that she reviewed the site with John Rockwell and they agreed on the line. She stated she will submit the revised plan to the Commission and to Mr. Rockwell within in the next week.

A motion to continue the Public Hearing to November 19, 2019 was made by Member Gerrior and seconded by Member Thompson. **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 Public Hearing.)*

**(Continued from October 15, 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.)*

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Julie Goodwin of Prime Engineering, Inc. stated the site was reviewed and new flags were placed. She is hoping to have the plan ready for review by early next week.

A motion to continue the Public Hearing to November 19, 2019 was made by Member Gerrior and seconded by Member Thompson. **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 Public Hearing.)*

**(Continued from October 15, 2019) 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, Inc. reported the findings have been reviewed and they agree with the line. The points are ready to be put on a plan and will be submitted in the next week. Agent Farinon reported that John Rockwell is travelling and suggested sending him the information for his review right away.

A motion to continue the Public Hearing to November 19, 2019 was made by Member Gerrior and seconded by Member Thompson. **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 Public Hearing.)*

**(Continued from October 15, 2019) 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. reported a few updates on the project:

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- They submitted a cross sections plan as requested that shows 5 or 6 areas where the proposed limit of work is close to the 25 Foot No Disturb Zone;
- They received a letter from Henry Nover, the Commission's peer review consultant, noting no further comments; and
- They received the last few comments from the Planning Board's peer review engineer.

Mr. Wallace stated they have the feedback to put together a final set of plans that will be ready for the Planning Board meeting on November 12, 2019. He noted the Commission has scheduled a site visit on November 16, 2019 and they are preparing by refreshing flags and staking out requested areas. Mr. Wallace stated he would like to continue the Public Hearing to November 19, 2019.

In response to a question from Member Thompson, Mr. Wallace stated the residential units are for the most part outside the 100 Foot Buffer Zone. Member Thompson asked to clarify if they are mostly or entirely outside the 100 feet buffer zone. Mr. Wallace responded that there is one unit within the 100 Foot Buffer Zone. Vice Chairman Gagne asked about the retaining walls and Mr. Wallace responded there are no retaining walls on the latest plan set. Agent Farinon noted they didn't include a cross section of unit 33 which appears to be close. Mr. Wallace responded that he can provide it. Agent Farinon explained the cross sections show how close some areas are to the 25 Foot No Disturb Zone. She noted that it's difficult to maintain a no disturb zone since the site is very tight. She asked Mr. Wallace to demonstrate in narrative form how construction will be done without adverse impacts.

Vice Chairman Gagne asked if it would be helpful for the surveyor to certify the erosion control limit. Agent Farinon responded yes.

Vice Chairman Gagne asked if they will file a stormwater pollution preventions plan (SWPP); Mr. Wallace responded yes. Chairman Conway asked if Mr. Wallace's firm will do the monitoring. Mr. Wallace responded that he is not sure. Member Thompson noted they will be putting up a snow fence during construction and asked what they will do long term. Mr. Wallace responded that the erosion control barrier will be checked weekly as part of the operation and maintenance plan. He said the snow fence wouldn't remain in place long term.

Chairman Conway commented that continuing to November 19, 2019 was unrealistic and suggested December 3, 2019. Agent Farinon stated that the earlier date leaves no opportunity for changes resulting from the site visit. Mr. Wallace requested to continue the Public Hearing to December 3, 2019. Member Thompson noted some of the corners are very close to the resource areas. Vice Chairman Gagne asked if one of the corners is a deck and if it can be removed. Mr. Wallace said he will look at it.

A motion to continue the Public Hearing to December 3, 2019 was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

**Commission Business**

**For Signature  
Minutes**

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A motion to approve the minutes of October 15, 2019 was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

**Vouchers**

The following vouchers were approved for payment: Henry T. Nover / Peer Review Services for Solar MA Project Management LLC DEP SE 272-584: \$2,000.00; W.B. Mason/Name Plate for Board Administrator: \$14.69.

**Old Business**

**Walnut Plain Land Conservation Project**

Agent Farinon reported she received notice from the Executive Office of Energy and Environmental Affairs that the Town was awarded a grant in the amount of \$345,769. The Buzzard's Bay Coalition is the lead on the project and has a signed agreement with Decas Cranberry Company.

**New Business**

**Confirm member availability for future site visits and meetings**

Members present agreed they were all available to attend the next meeting on November 19, 2019.

Agent Farinon stated they would visit two sites on November 16, 2019 starting at 9:00 a.m. Member Gerrior noted he couldn't attend. The group discussed the logistics of the site visits to the REpurpose Properties site and the Solar MA project site.

Vice Chairman Gagne stated he will not be present at the meeting on December 3, 2019.

**Discuss Correspondence**

Member Payne mentioned a letter regarding the Massachusetts Department of Conservation and Recreation's Forest Legacy Program. Agent Farinon explained they are looking for a letter of support from the Town. Vice Chairman Gagne added that funding may be available. There was further discussion about the program.

A motion to support the Forest Legacy Program was made by Chairman Conway and seconded by Vice Chairman Gagne. Member Gerrior stated he needed to know more about it. Member Thompson and Member Gerrior were opposed. **The motion tied by a vote of 2 in favor, 2 opposed, 0 abstained (2-2-0).** Members agreed to discuss the Forest Legacy Program at a future meeting after more information is gathered.

**Adjournment**

The meeting adjourned at 8:10 p.m. on a motion made by Chairman Conway and seconded by Vice Chairman Gagne. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

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Marissa Perez-Dormitzer, Recording Secretary

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Michael Conway, Chairman