

**Rochester Conservation Commission
November 19, 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 Hearings

***(Continued from November 5, 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.)

Earlier in the meeting Vice Chairman Gagne recused himself from the three Public Hearings related to SunRaise Investments LLC.

Julie Goodwin of Prime Engineering reported that an updated plan was reviewed by both John Rockwell, the Commission's peer review consultant, and Agent Farinon. Agent Farinon referred Members to a letter submitted by Mr. Rockwell indicating he reviewed the plan revised on November 6, 2019 and found the delineation consistent with both the federal wetlands regulations and the Town's Wetlands Protection By-Law. Agent Farinon recommended that the Commission issue an Order of Resource Area Delineation (ORAD) approving the modified wetland delineation as shown on the submitted revised plan.

A motion to approve the wetland delineation as shown on the revised plan and issue an ORAD 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 in the Public Hearing.)

***(Continued from November 5, 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,

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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. reported that the wetland delineation was reviewed by Agent Farinon and her requested flag changes, notes and benchmarks were added to the plan. Agent Farinon recommended that the Commission issue an Order of Resource Area Delineation (ORAD) approving the modified wetland delineation as shown on the submitted revised plan.

Member Thompson asked if the issue regarding access to the property was resolved. Mike Koczera, 4 Robinson Road and Mike Koczera, 2 Robinson Road stated a concern about access and asked how much of the land will be developed into solar panels. Ms. Goodwin responded that she didn't know, and the information would be included in a future Notice of Intent (NOI) filing. Agent Farinon suggested resolving the access issue before the NOI is filed.

A motion to accept the wetland delineation and issue an ORAD 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 in the Public Hearing.)

***(Continued from November 5, 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. explained the delineation was done by SWCA and reviewed by peer review consultant John Rockwell who made some changes. Ms. Goodwin stated the flags were surveyed and put on a plan and a benchmark and notes were added. Agent Farinon referred Members to a letter from Mr. Rockwell indicating the delineation is consistent with federal and Town regulations. Agent Farinon recommended that the Commission issue an Order of Resource Area Delineation (ORAD) approving the modified wetland delineation as shown on the submitted revised plan.

A motion to accept the wetland delineation and issue an ORAD 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).**

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(Vice Chairman Gagne resumed his role in the Public Hearing.)

(Continued from October 15, 2019) DEP SE 272-0584 A Notice of Intent was filed by Pedro Rodriguez of Solar MA Project Management LLC, 143 West Street, Suite C201, New Milford, CT 06776 for properties located at 0 Walnut Plain Road/0 Old Middleboro Road, designated as Map 22, Lot 3 and Map 23, Lots 6, 6D, 7, 21, 23, and 31. The applicant proposes the construction of a ground-mounted photovoltaic solar array generation facility and roadway improvements to Old Middleboro Road, an unpaved road that provides access to the array. The project will not alter any wetland resource areas but requires the alteration of portions of the 100-foot Buffer Zone, which are subject to the jurisdiction of the Massachusetts Wetlands Protection Act and Rochester Wetlands Bylaw. The property owners of record are Decas Cranberry Co., Inc., 4 Old Forge Drive, Carver, MA 02330, Diana Murphy, Trustee Midchester Realty Trust, 24 Old Powerhouse Road, Lakeville, MA 02347, and MWH, LLC. 405 Washington Street, Braintree, MA 02184.

(Member Gerrior recused himself from the Public Hearing.)

Chairman Conway stated the applicant requested a continuance until December 17, 2019 because they are revising the plans and addressing comments from the Town's consulting engineer.

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

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

DEP SE 272-0587 A Notice of Intent was filed by Steen Realty & Development Corp., 3 Ledgewood Boulevard, Dartmouth, MA 02747 for properties located at 22 Cranberry Highway, designated as Lots 41C and 50 on Rochester Assessors Map 17. The Notice of Intent application is for work located entirely within the 100 Foot Buffer Zone to a wetland resource area located at 22 Cranberry Highway in Rochester. The scope of work includes associated grading and drainage outfall installation associated with the development of 208 residential units and commercial space within the Cranberry Highway Smart Growth Overlay District. A majority of the work will occur within previously altered/disturbed areas. Minor grading will occur within the Town of Rochester's 25-ft No Disturb Zone which is associated with the installation of the rip rap apron from the outlet pipe.

Agent Farinon reported that she received an email from Phil Cordeiro of Allen & Major Associates, Inc. stating that a clerical error had been made in a butter notification and the public hearing cannot be opened. She added that Mr. Cordeiro was hoping the Public Hearing could be re-advertised for the first meeting in December, and that a site visit could still be scheduled. Agent Farinon reported that she consulted with Town Counsel Bailey who said the Public Hearing couldn't be opened because a butter notification comes first. Agent Farinon explained that due to advertising deadlines, the earliest the filing could be re-advertised for is December 17, 2019. There was discussion about whether Members could schedule a site visit.

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A motion to not open the Public Hearing pending proper notification and to re-advertise for the December 17, 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).**

Commission Business

For Signature

Minutes

A motion to approve the minutes of November 5, 2019 was made by Vice Chairman Gagne and seconded by Member Thompson. Member Bourque abstained. **The motion passed by a vote of 5 in favor, 0 opposed, 1 abstained (5-0-1).**

Vouchers

The following vouchers were approved for payment: Forestry Suppliers/Safety Vests for Commission Members: \$90.18; W.B. Mason Invoice for Office Supplies: \$60.86; John Rockwell Peer Review on SunRaise Featherbed Lane South ANRAD DEP SE 272-578: \$1,866; John Rockwell Peer Review on SunRaise Snipatuit Road ANRAD DEP SE 272-580: \$933.

Mullin Rule Affidavit

Member Bourque signed a Mullin Rule Affidavit for DEP SE# 272-557 Notice of Intent filed by REpurpose Properties, LLC.

Old Business

Discuss DCR Letter and consider letter of support for inclusion of Rochester as a Forest Legacy Area eligible for Forest Legacy Program grant funding

Agent Farinon reported she spoke with Lindsay Nystrom, Forest Legacy Program Director and learned that the program is for private property owners and for large projects in the range of 1,000 acres in size. These projects are often a collaborative effort among communities who then compete against other groups in the country. The projects are highly vetted and competitive. Agent Farinon added that the funds are for land acquisition to permanently protect the properties.

A motion to send a letter of support was made by Member Payne and seconded by Member Thompson. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Discuss Correspondence

Chairman Conway referred to a letter submitted to the Commission from Brad Holmes of Environmental Consulting & Restoration LLC regarding restoration work done at 591 Neck Road. Agent Farinon noted the work will be reevaluated in the spring.

Chairman Conway referred to a letter submitted to the Commission from Brad Holmes of Environmental Consulting & Restoration LLC regarding restoration work done at 68 Bowen's Lane. Agent Farinon reported the property owner has moved ahead with the work requested by the Commission. She plans to visit the site. Agent Farinon noted the work will be reevaluated in the spring.

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Discussion on the Samsung Flip Board

Members discussed making use of the Samsung Flip presentation board that is utilized by the Planning Board. Discussion ensued about board placement in the conference room so that both the audience and Members can see what is being shown. One suggestion was to purchase an LCD screen to use in addition to the Samsung Flip and position it for audience members' viewing.

Confirm member availability for future site visits and meetings

Vice Chairman Gagne and Member Thompson stated there weren't available for the next meeting on December 3, 2019.

Members tentatively agreed to a possible site visit on December 15, 2019 at 10:00 a.m. if needed.

Adjournment

The meeting adjourned at 7:50 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