

Rochester Conservation Commission
December 17, 2019

Present: Michael Conway, Chairman
Daniel Gagne, Vice Chairman
Léna Bourque
Christopher Gerrior
Maggie Payne (*arrived at 7:01 p.m.*)
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 7:00 p.m. and announced that the meeting was being televised.

Public Meeting

(Continued from December 3, 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.

(Member Payne arrived at 7:01 p.m.)

Agent Farinon explained the reason for the project is to improve the parking area and path down to the pond. She noted the parking lot is currently graded toward the path and there is evidence of sedimentation into Leonard's Pond. She consulted with A.D. Makepeace Company who recommended a dense graded natural crushed stone dust as a material for the path. Agent Farinon distributed samples and noted there was a specifications sheet in Members' packets of information. She explained the material contains a water activated binder meaning it solidifies when water is added. Agent Farinon described the recommended installation process which includes rough grading the surface and allowing it to hard pack over the winter and then adding the Stabilized Stone Dust as a final layer in the spring. Agent Farinon noted they plan to regrade the parking area so it will no longer shed water towards the path. In a letter dated November 19, 2019, A.D. Makepeace Company offered to provide the Stabilized Stone Dust and technical expertise assuming the Highway Department does site prep, trucking, and installation.

Member Gerrior asked the total cost to the Town of Rochester. Agent Farinon stated that \$1,700 is available in a grant account. She explained that Jeff Eldridge, Highway Surveyor, would hire a subcontractor to regrade the parking lot and work on the path. Member Gerrior asked the life expectancy of the material. Agent Farinon said it should last with annual maintenance. Member Thompson asked about the water bar. Vice Chairman Gagne stated it had been thought of to keep the water from going down the ramp; however, it could be a tripping hazard.

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There was further discussion about the suitability of the material with concerns about water eroding underneath, potential harmful impacts, and shedding of the material into the pond. Agent Farinon noted the material has been used by DCR on other state properties. Member Payne asked if there are nearby properties they can visit. Chairman Conway asked for more information about the binder material. Member Thompson asked if there is a property they can visit where they can see how the material holds up over time. Vice Chairman Gagne asked for the yearly maintenance cost to address to any ruts or gullies.

Discussion ensued about whether to move forward with regrading the parking area, and the board ultimately decided to wait until they received additional information.

A motion to continue the Public Meeting to January 21, 2020 was made by Member Gerrior and seconded by Member Bourque. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Public Hearings

(Continued from December 3, 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. provided an update on the project, and mentioned the Conservation Commission has recently visited the site. Mr. Wallace reviewed some of the changes made including adjusting the footprint of units in certain locations across the site, specifically ones that were close to setbacks. He stated they also implemented a tree removal schedule. They flagged approximately 30 trees to be removed, mostly tall pines and a few oaks, that are near the 25 Foot No Disturb Zone and/or the Riverfront area and added their locations to the plan. Mr. Wallace mentioned there was some slight encroachment within the limit of work and he has shifted the limit of work line about 5 feet to remove a foundation.

Chairman Conway asked if he anticipates the Planning Board will make further changes. Mr. Wallace responded that they are still going back and forth with the Planning Board and have to address some last comments. Chairman Conway asked if they have spoken with the Rochester Historical Commission regarding the foundation. Mr. Wallace responded yes and that they reviewed old record maps, and nothing is shown. He noted they are considering using the foundation to create a site sign.

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Member Gerrior asked if there were any other changes to the plans. Mr. Wallace responded that there will be slight variations in the roof lines that will change footprints by 1 to 2 feet. Chairman Conway asked if it will be a 3-phase project; Mr. Wallace responded yes. Chairman Conway asked when the third phase will be done; Mr. Wallace responded that they hope to start in the spring and will complete phase 3 in 2024.

Mr. Wallace stated the flagged trees will be cut at the stump and there will be very little disturbance to the ground. Agent Farinon noted she spoke with John Churchill about the possibility of having the logging machinery set up outside the 25 feet no disturb zone to avoid impacts.

A motion to continue the Public Hearing to January 21, 2020 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 November 19, 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 continuation to January 21, 2020 to allow time to address comments from the Planning Board.

A motion to continue the Public Hearing to January 21, 2020 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 meeting.)

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

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Town of Rochester's 25-ft No Disturb Zone which is associated with the installation of the rip rap apron from the outlet pipe.

Phil Cordeiro of Allen & Major Associates and Kenneth Steen of Steen Realty & Development Corp. were present. Mr. Cordeiro displayed a diagram on the Samsung Flip Board, as well as several mounted diagrams on an easel.

Mr. Cordeiro provided an overview of the project and said he would like to schedule a site visit and request that the Commission engage a peer review consultant. Mr. Cordeiro explained the property was rezoned at Town Meeting to create a Smart Growth Overlay District that allows for affordable housing on the property. There will be several subdistricts including multifamily and general commercial areas. There is also a 300 feet wide Eversource easement through the site. A.D. Makepeace currently owns the property and Steen Realty has a purchase and sale agreement for the property. There is bordering vegetated wetland along the northeastern portion of the site that has been delineated and was flagged a few years ago and recently refreshed.

Mr. Cordeiro explained that the front half of the site will be mixed use commercial development. Along Route 58, there is a proposed retail site. The core of the site will contain 208 residential units with four buildings centered around a courtyard. Mr. Cordeiro described the locations of the three proposed entrances. There is also a proposed secondary roadway to the rear of site. The back part of the site will be dedicated to infrastructure for the development and will include a stormwater basin and groundwater septic leach field. They are working with the Massachusetts Department of Environmental Protection on a groundwater discharge permit.

Mr. Cordeiro explained their plan includes infrastructure that encroaches within the 100 Foot Buffer Zone and reviewed the locations on a mounted diagram. In the plan, they are proposing one stormwater outfall outside the 25 Foot No Disturb Zone. Approximately 86,000 square feet of wetland is on site and 132,000 square feet of Buffer Zone. They are requesting to grade within the Buffer Zone, as a portion of the parking area is within 100 feet of the bordering vegetated wetland. He mentioned a short height retaining wall that allows them to stay out of 25 Foot No Disturb Zone as well as subsurface infiltration fields underneath the parking field. The overflow from the drainage will travel underneath the access road to the subsurface basin in the rear of site. The basin is sized for the entire site and will have an overflow outfall that will recharge back into the wetland area.

Mr. Cordeiro stated their plan includes grading the rear slope of the septic leach field since it will have to be elevated. He mentioned they have a pump house building with a corner that is slightly into the 100 feet buffer zone. They will also install silt fence barriers to prevent erosion. Mr. Cordeiro stated they will be filing a Notice of Intent with the U.S. Environmental Protection Agency for a stormwater pollution prevention plan (SWPP).

Member Thompson asked why a trash dumpster is almost touching the 25 Foot No Disturb Zone. Mr. Cordeiro responded that they have worked through several design iterations. They need to have the ability to empty the dumpsters and they are strategically located to serve the buildings. There are dumpsters on 4 corners of the site. Chairman Conway asked if the trash dumpsters have secondary containment to prevent toxic material from overflowing into the environment. Mr.

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Cordeiro responded that the dumpster pad will be pitched toward the parking area and will be curbed around the edge. He said it will be the operations staff responsibility to maintain it.

Vice Chairman Gagne asked about directing discharge to the north rather than having rip rap in the 25 feet no touch. Mr. Cordeiro responded that they had considered it but didn't want the discharge to flow toward the abutters. He noted they can look at it during the site visit.

Member Gerrior asked about the EverSource easement: Mr. Cordeiro responded there are tall towers with multiple high-tension wires.

Chairman Conway asked when the Planning Board will be done with their review; Mr. Cordeiro responded that they had several tech review sessions and an informal meeting with the Planning Board. They have authorized the peer review to begin but they haven't yet set a date for an appearance. He said the goal is to appear at the January 13, 2020 meeting. They will submit their formal submission before the end of the year.

Vice Chairman Gagne asked why the stormwater basin can't go in the easement; Mr. Cordeiro responded that Eversource needs unobstructed access to their power lines in that area.

A motion to hire Henry Nover as peer review consultant and request a fee of \$4,500 was made by Vice Chairman Gagne and seconded by Member Gerrior. Chairman Conway asked if Henry Nover would attend meetings. Agent Farinon responded that he could. Chairman Conway said it would be helpful to have a one on one discussion at the meetings. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Members agreed to site visit on January 18, 2020 at 9:00 a.m. Vice Chairman Gagne and Member Thompson are unable to attend.

A motion to continue the Public Hearing to January 21, 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).**

Commission Business

For Signature

Minutes

A motion to accept the minutes of November 19, 2019 was made by Vice Chairman Gagne and seconded by Member Payne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Vouchers

The following vouchers were approved for payment:
Forestry Suppliers: \$249.44; BayNet Web Services/Monthly Hosting Fee: \$60.00

Old Business

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Walnut Plain Conservation Project – Vote to Sign LAND Program Project Agreement

Agent Farinon reported that the Conservation Commission was awarded \$345,769 for the LAND grant from the Executive Office of Energy and Environmental Affairs. She stated the Buzzard's Bay Coalition was taking the lead and has an agreement with Decas Cranberry on the 2 parcels of land for purchase of a conservation restriction (CR). The Town will hold the CR in perpetuity.

Agent Farinon explained there are several items that need to be signed to accept the grant and the Select Board authorized Suzanne Szyndlar as signing authority. A project agreement is a requirement by the state. It will be filed with the Registry of Deeds and attached to the deed to ensure the land is protected in perpetuity for passive recreational use.

Vice Chairman Gagne asked who will own the parcels and Agent Farinon responded the Buzzard's Bay Coalition; the Conservation Commission will hold the CR. She noted that the Town has a formal Conservation Restriction Program formal process by which the state, the Conservation Commission, the Selectman and Town Counsel review the document. The Buzzard's Bay Coalition will do a baseline report to document the condition of the land. Agent Farinon added that each year there will be monitoring to ensure there is no encroachment or violations. Member Thompson asked if there are plans to establish a parking area; Agent Farinon responded yes. Agent Farinon noted it was the highest-ranking project of all that received grant funding. Members agreed they had no objections to signing the project agreement. Chairman Conway suggested that Town Counsel Bailey review the agreement to make sure it's a properly executed document.

A motion to accept the LAND grant was made by Vice Chairman Gagne and seconded by Member Payne. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Agent Farinon explained EOEA requires that there be an article at Town Meeting to vote to accept the grant and implement the project. She said she would ensure it gets on the warrant for Town Meeting.

New Business

Review and Approve Conservation Commission 2020 Meeting Schedule and Submission Deadlines

There was discussion of the 2020 Meeting Schedule and Submission Deadlines. A motion to approve the 2020 meeting calendar as amended 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).**

Confirm member availability for future meetings

All Members confirmed they are available for the next meeting on January 21, 2020.

Discuss Correspondence

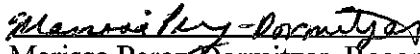
Chairman Conway brought up for discussion a letter received from Charles Morgan dated November 12, 2019 regarding a property at 42 Old Tuck Bog Road. Agent Farinon reported the letter is similar to previous letters expressing a concern about the Conservation Agent not providing a fair and accurate account about the property. Agent Farinon reported that she consulted with

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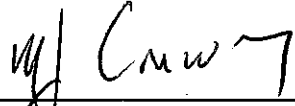
Town Counsel Bailey who advised putting the item on a meeting agenda if it would be a prolonged discussion. She explained Mr. Morgan is requesting a site visit by the Commission. Vice Chairman Gagne asked if there are wetland areas near the parcel in question; Agent Farinon responded yes. Agent Farinon noted she visited the property earlier in the year with Town Counsel, the Building Inspector and Health Agent and found no wetland violations. She added that David H. Fletcher, the owner of 42 Old Tuck Bog Road has expressed concern that his rights were being violated due to the numerous unsubstantiated complaints. Members agreed to put the issue on the agenda for January 21, 2019 and invite Mr. Morgan and Mr. Fletcher. They also agreed to a site visit on January 18, 2019 at 9:00 a.m. and moved the site visit of the proposed Steen Realty project to 9:30 a.m. Agent Farinon said she would provide background information.

Adjournment

The meeting adjourned at 8:44 p.m. on a motion made by Vice Chairman Gagne and seconded by Member Payne. **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

