

**Rochester Conservation Commission  
January 21, 2020**

**Present:** Michael Conway, Chairman  
Daniel Gagne, Vice Chairman  
Christopher Gerrior  
Maggie Payne

**Absent:** Léna Bourque  
Kevin Thompson  
Laurell J. Farinon, Conservation Agent

Marissa Perez-Dormitzer, Recording Secretary

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 Meeting**

***(Continued from December 17, 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 reported Members visited the site the previous Saturday with Doug Cameron from the MA Office of Fishing and Boat Access. After the site visit, Mr. Cameron provided follow up information. Vice Chairman Gagne asked if the material being recommended by Read Custom Soils is similar to that used by the Department of Conservation & Recreation on their projects.

A motion to continue the Public Meeting to February 4, 2020 was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

**Public Hearings**

***(Continued from December 17, 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.

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Chairman Conway stated there wasn't a quorum because Member Gerrior recused himself and noted the Public Hearing will be continued to February 4, 2020.

***(Continued from December 17, 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.

Chairman Conway stated that J.C. Engineering, Inc. requested a continuance to February 4, 2020.

A motion to continue the Public Hearing to February 4, 2020 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).**

***(Continued from December 17, 2019) 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.

Phil Cordeiro of Allen & Major Associates provided updates on the project. He stated there was a site visit the prior Saturday. He noted he has spoken with Henry Nover, the Commission's peer review, who was present at the meeting, and Agent Farinon regarding her review of the wetland line. They also recently had a site visit with MEPA (Massachusetts Environmental Policy Act) and the state permitting is progressing.

Mr. Cordeiro explained that Agent Farinon asked about a few PVC pipes on the site. He said they appear to be remnants of roof drains from old nurseries that were on the property and will be removed. Mr. Cordeiro stated Agent Farinon noted a slight discrepancy in the tree line in the field vs. what is on the plans. She also observed some old pipes and debris and asked if the applicant would remove the material. Mr. Cordeiro noted they will remove the material and prefer that it be part of an Order of Conditions. Agent Farinon also had a question regarding two wetland flags and asked for the wetland consultant to review them.

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Mr. Cordeiro reported that Mr. Nover provided a preliminary letter dated January 14, 2020. Mr. Nover's letter states that additional soil testing is needed. Also, if the depth of the groundwater in the rear is taken to the front, it appears there may be a problem. The letter proposes test levels.

Chairman Conway asked if it's acceptable. Mr. Cordeiro responded yes and said they'll need additional test pits to confirm the groundwater. Mr. Nover noted these are required.

Mr. Nover explained the applicant should provide mounding calculations based on the required recharge volume. Mr. Cordeiro noted they are recharging through the subsurface fields. Mr. Nover commented that the water must drain in 72 hours and it can't be assumed it will do that when it's so close to the groundwater. They have to show that the system works and they will need test holes for that. Mr. Nover stated he will make specific comments in the drainage report. He can prepare the comments for the next meeting or wait for the test holes.

Chairman Conway stated a concern about further changes impacting the wetlands. Mr. Cordeiro responded that they wouldn't make changes that affect the wetlands. He added that he has been communicating with Mr. Nover.

Vice Chairman Gagne stated it makes sense for Mr. Nover to hold off on further review until he has revisions from the test pits and mounding calculations. Mr. Cordeiro responded that he will communicate with Mr. Nover as they gather more information. There was discussion about whether the Commission would like the test holes witnessed. Mr. Cordeiro responded that the Planning Board will likely have Field Engineering there.

Chairman Conway asked if Mr. Cordeiro thought the Planning Board would suggest changes that would impact the wetlands or stormwater management. Mr. Cordeiro responded that he was not sure. Mr. Cordeiro noted they have a meeting with Planning Board the next week.

A motion to continue the Public Hearing to February 4, 2020 was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0)**

**Commission Business**

**For Signature**

**Minutes**

A motion to accept the minutes of December 17, 2019 was made by Member Gerrior and seconded by Member Payne. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

**Vouchers**

The following vouchers were approved for payment:

Commonwealth of MA: \$175, Pesticide Applicator's License Renewal, Staples: \$72.95 for office supplies

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**Old Business**

**Complaint on Fletcher Property – Old Tuck Bog Road**

Chairman Conway reported that David H. Fletcher's attorney sent a letter indicating Mr. Fletcher did not want to appear at a Conservation Commission meeting. However, he would allow Agent Farinon to go onto the property. Chairman Conway stated that Town Counsel Bailey recommended that someone else attend, too. Chairman Conway is waiting to hear back from Mr. Fletcher's attorney on whether he would be allowed to attend with Agent Farinon.

**New Business**

**Chapter 61A Right of First Refusal Request: Morse Brothers Inc., Gerrish Road, Map 43A, Lots 66, 68, and 34**

Chairman Conway asked Members for their recommendation on whether the Town should hold onto the lots. Vice Chairman Gagne asked if there was a map and Chairman Conway responded no. There was some discussion about the location of the lots. Member Gerrior said he would like to hear the Conservation Agent's opinion. Members agreed to postpone the item to the next meeting.

**Review and approve 2021 Budget**

A motion to approve the FY 2021 Budget was made by Member Payne and seconded by Vice Chairman Gagne. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

**Discuss & sign 2020 Ethics Packet receipt form**

Members present signed the ethics training receipt form.

**Discuss Registration for February 29, 2020 MACC Annual Environmental Conference**

Member Gerrior and Member Payne were both interested in attending the conference. Chairman Conway and Vice Chairman Gagne stated they were not available to attend.

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

All Members except for Member Payne confirmed they are available for the next meeting on February 4, 2020. There was also discussion of a potential date for a site visit on February 1, 2020 or February 2, 2020.

**Adjournment**

The meeting adjourned at 7:51 p.m. on a motion 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).**

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Marissa Perez-Dormitzer, Recording Secretary

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Michael Conway, Chairman