

**Rochester Conservation Commission
April 21, 2020**

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

Absent: (none)

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

The meeting convened by telephone and video conference via Zoom Meeting ID: 418 465 719. Chairman Conway called the meeting to order at 7:22 p.m. and took attendance of Commission members, staff, applicants, and representatives. Chairman Conway read a message about remote participation and ground rules for the meeting. He announced that the meeting was being recorded, and that each presentation will be limited to 10 minutes and 3 minutes were allowed for public comment. Chairman Conway stated that votes would be taken by roll call.

Public Hearings

***(Continued from April 9, 2020)* DEP SE 272-0588 A Notice of Intent filed by Massachusetts Bay Transportation Authority, 10 Park Plaza, Boston, MA 02116, for properties located at 45 Kings Highway, designated as Lot 21 on Rochester Assessors Map 17.** The Notice of Intent application requests permission to install security fencing around the facility and restore the 100-foot buffer zone to Bordering Vegetated Wetlands, pursuant to an Enforcement Order that issued to the MBTA on February 4, 2020. The applicant's representative is Jacobs Engineering Group, 120 Saint James Avenue, 5th Floor, Boston, MA 02116. The property owner of record is Massachusetts Bay Transportation Authority (MBTA) 10 Park Plaza, Boston, MA 02116.

Chairman Conway stated the applicant requested a continuance to May 5, 2020.

A motion to continue the Public Hearing to May 5, 2020 was made by Vice Chairman Gagne and seconded by Member Thompson. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

***(Continued from March 3, 2020)* 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 explained they had submitted an NOI application and the public hearing was opened on December 17, 2019. They received comments from Henry Nover,

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the Commission's peer review consultant. He reported they subsequently requested a series of continuances while they prepared a response to the peer review comments. They were also allowing time for peer review with the Planning Board. Mr. Cordeiro reported they re-notified abutters and were seeking to reinitialize the application.

Mr. Cordeiro shared his screen showing the most recent plans and noted the new plans had not yet been submitted to the Commission. Mr. Cordeiro reviewed several changes made to the plan as follows: 1. The outfall is no longer within the 25 Foot No-Disturb Zone and as a result does not require a waiver; 2. The trash dumpster has been relocated away from the 25 Foot No-Disturb Zone and out of 100 Foot Buffer Zone; 3. Modifications were made to the wetland delineation; 4. Slight modifications have been made to the wastewater leach system; and 5. A portion of an existing steel greenhouse building will be moved to the rear of site and used for maintenance and storage.

Mr. Cordeiro stated that Mr. Nover requested they look at the groundwater mounding calculations. Mr. Cordeiro noted that Steve Smith of GeoHydroCycle, Inc. helped them with additional groundwater mounding calculations that will be submitted to the Commission. He added that there will be a mounding effect, but the bottom of the building foundations will be unaffected. Mr. Cordeiro stated he was hoping to receive the Planning Board's peer review report and address the concerns of both Boards.

Vice Chairman Gagne asked if the roof drains for the greenhouse will be tied into the stormwater management system. Mr. Cordeiro responded that they have not designed it yet and it will depend on the condition of the metal roof. He said they prefer to add a stone drip edge to collect the stormwater and channel it to the wetlands. Chairman Conway asked if the outfall pipe and rip rap will be removed. Mr. Cordeiro responded that they are pulling it away from the 25 Foot No Disturb Zone.

A motion to continue the Public Hearing to June 2, 2020 was made by Member Thompson and seconded by Member Bourque. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

REOPEN 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.)

Joe Harrison of SunRaise Investments LLC and Julie Goodwin, Wetland Scientist, of Prime Engineering, Inc. were present in the video conference.

Ms. Goodwin shared her screen showing the site plan and provided an overview of the site. She explained they have revised the ANRAD plan. In 2004, an Order of Resource Area Delineation was

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issued on the subject property. She noticed a disturbed area not on the original 2004 delineation. As a result, she met with Agent Farinon and Dave Gordon, a wetlands scientist, and they decided to bring in Brandon Faneuf of Ecosystem Solutions, Inc for another opinion.

Chairman Conway asked about ownership of a dirt road used to access the site. Mr. Harrison explained there was a land swap and as a result, the dirt road is not part of the property they have under agreement. He stated if the project moves forward, a new access road would be part of their application to the Planning Board.

Agent Farinon noted she reviewed the wetland delineation and made adjustments to the line. Agent Farinon recommended accepting the wetland delineation as shown on the most recently submitted site plan and issuing a positive Order of Resource Area Delineation.

A motion to accept the wetland line as shown on the plan was made by Member Payne and seconded by Member Bourque. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

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

***(Continued from April 9, 2020)* DEP SE 272-0584 Notice of Intent filed by Pedro Rodriguez of Solar MA Project Management LLC, Series XXXVI, 143 West Street, Suite C201, New Milford, CT 06776 for properties located at 0 Walnut Plain Road/0 Old Middleboro Road, designated as Map 21, Lot 33; Map 22, Lots 1 & 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, MWH, LLC. 405 Washington Street, Braintree, MA 02184, and the Town of Rochester, 1 Constitution Way, Rochester, MA 02770.

(Member Gerrior recused himself from the Public Hearing)

Pedro Rodriguez of Solar MA Project Management LLC and Austin Turner of Bohler Engineering were present at the meeting by video conference.

Mr. Turner shared his screen showing the site plans. He reported that Mr. Nover suggested refining the mounding calculations. As a result, they modified the elevations of three basins to provide additional separation from the bottom of the basins to the calculated peak height of the mound. Mr. Turner reported that Mr. Nover sent a subsequent letter indicating he agreed with the calculations and updated plans. The letter also included recommendations that can be incorporated as special conditions to the Commission's Order of Conditions.

Member Payne asked if the final grading was represented by the contour lines or if there would be further grading. Mr. Turner responded that there would be no additional grading. Chairman Conway asked for clarifications on the following: 1. In the submittal, the acronym DES is used.

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Instead it should refer to the appropriate Massachusetts state agency; 2. In the Illicit Discharge Statement, under what is allowable, it says that discharges from firefighting activities are not expected to be present. Chairman Conway stated they may have firefighting discharges; 3. In the Illicit Discharge Statement, the name and title are left blank; 4. In the spill prevention and response procedures post construction, the potential quantities of hazardous substances and oil are not included; and 5. Two basins are numbered as four in one sheet in the plans. Mr. Turner stated he would update the plans as requested.

Agent Farinon stated the peer review report from Mr. Nover concludes that the revised design addresses the concerns about the mounding analysis. She noted the report also includes suggested special conditions which she reviewed. Agent Farinon stated she incorporated the special conditions into the draft Order of Conditions that was distributed in the Commission's packet.

Chairman Conway asked Mr. Turner if he will make the changes discussed and come back to the next meeting. Mr. Turner responded yes. Agent Farinon asked if Chairman Conway would like to see the changes prior to the closing of the Public Hearing. Chairman Conway responded yes.

A motion to continue the Public Hearing to May 5, 2020 was made by Member Thompson and seconded by Member Bourque. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

(Member Gerrior resumed his role in the meeting.)

Commission Business

For Signature

Minutes

In reference to the minutes of April 9, 2020, Chairman Conway stated Member Gerrior's vote on the Notice of Intent from Solar MA Project Management LLC was noted as an abstention. However, Member Gerrior was recused that particular Public Hearing.

A motion to accept the minutes of April 9, 2020 with Chairman Conway's note was made by Member Thompson and seconded by Member Bourque. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

New Business

Annual Election of Officers

A motion to leave the slate of officers the same was made by Member Bourque and seconded by Member Thompson. Member Gerrior suggested amending the motion to revisit the election in May 2021. **The amendment passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0). The amended motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Coronavirus Contingency Plan – Conservation Agent Backup Designation

Agent Farinon recommended that wetland scientist John Rockwell be designated as the Conservation Agent's backup if needed. Mr. Rockwell is available, and his rate is \$50 per hour.

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Confirm member availability for future site visits and meetings

Members confirmed they are available to attend the next meeting on May 5, 2020.

Adjournment

The meeting adjourned at 8:37 p.m. on a motion made by Member Thompson and seconded by Member Bourque. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Marissa Perez-Dormitzer, Recording Secretary

Michael Conway, Chairman