

**Rochester Conservation Commission
July 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
Blair Bailey, Town Counsel
Tanya Ventura, Board Administrator
Marissa Perez-Dormitzer, Recording Secretary

The meeting convened by telephone and video conference via Zoom Meeting ID: 828 2809 5591. Chairman Conway called the meeting to order at 7:03 p.m. and took attendance of Members, staff, applicants, and representatives. Chairman Conway read a message about remote participation and ground rules for the meeting, and announced that the meeting was being recorded. Each presentation was limited to 10 minutes and 3 minutes were allowed for public comment. Chairman Conway stated that votes would be taken by roll call.

DEP SE 272-0540 A Request for a Certificate of Compliance was made by William Chamberlain on behalf of Decas Cranberry Company, for work completed on Walnut Plain Road, designated as Map 27, Lots 2, 2D, 2E, and 2F.

William Chamberlain stated that Decas Cranberry Company cut trees in the 100 Foot Buffer Zone. He reported that Brooke Monroe of Pinebrook Consulting prepared a planting schedule. Mr. Chamberlain noted that over the past three years the plants have grown as well as other vegetation. He added that the lower growth has blossomed since the canopy was removed.

Member Payne asked if invasive species were observed. Mr. Chamberlain responded that he was unsure. Agent Farinon noted the soils were not denuded and she did not observe invasive species.

Agent Farinon stated that based on observations at her site visit, the restoration is successful. She shared her screen showing two photos of the site. She recommended issuing a Certificate of Compliance to Decas Cranberry Company under DEP SE 272-0540.

A motion to issue a Certificate of Compliance 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).**

DEP SE 272-0542 A Request for a Certificate of Compliance was made by William Chamberlain on behalf of Decas Cranberry Company, for work completed on 223 Burgess Avenue, designated as Map 27, Lot 16.

William Chamberlain explained this situation was similar to the previous filing. He stated the property used to be a sand pit and it was determined no plantings were needed. They did a conceptual planting plan but did not use it. He reported the area has been taken over by low growth. He noted there was a report by Brooke Monroe of Pinebrook Consulting.

**Rochester Conservation Commission
July 21, 2020**

Agent Farinon reported that logging was done within the 100 Foot Buffer Zone without a wetlands filing and an after the fact filing was made. She noted the report from Ms. Monroe indicated the site restored itself naturally. Agent Farinon shared her screen showing photos of the site. She recommended issuing a Certificate of Compliance to Decas Cranberry Company for 223 Burgess Avenue under DEP SE 272 -0542.

A motion to issue a Certificate of Compliance 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).**

Public Meetings

A Request for Determination of Applicability filed by property owner Michael Mentzer for proposed work on 6 Thistle Lane, Rochester, MA 02770 designated as Lot 19F on Rochester Assessors Map 21. The applicant proposes to remove two unhealthy trees within the 100 Foot Buffer Zone to prevent property damage.

Michael Mentzer stated he was seeking to remove two trees on his property. He had trees fall in the past and wants to avoid any future problems.

Agent Farinon shared her screen showing a sketch of the property and a photo of the trees being removed. She stated the trees can be easily accessed by equipment and removed without adverse impacts to the bordering vegetated wetland about 50 feet away. Agent Farinon recommended that the Commission issue a negative Determination of Applicability.

A motion to issue a negative Determination of Applicability 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).**

A Request for Determination of Applicability filed by property owners Ryan and Sarah Donovan, 357 Neck Road, Rochester, MA 02770, for property located at 357 Neck Road, Rochester, MA designated as Lot 20 on Rochester Assessors Map 26. The applicants propose to remove two unhealthy trees within the 25 Foot No Disturb Zone to the bank of Snipatuit Pond to prevent property damage.

Ryan Donovan stated there is a cabin on their property at the edge of the 25 Foot No Disturb Zone. There is one diseased tree that is leaning towards and likely to fall on the cabin; the second tree is almost dead. Mr. Donovan stated he spoke with Dave Grime, his neighbor that owns a tree company, about removing the trees. Vice Chairman Gagne asked if they propose to pull the stumps or leave them in place. Mr. Donovan responded that they do not plan on removing the stumps. Chairman Conway asked for more information about the cabin. Mr. Donovan responded that it is a one room cabin and was the original residence.

Agent Farinon shared her screen showing the plan showing the location of the two trees, as well as photos showing the leaning and diseased section of one of the trees. She stated the work could be done without adverse impacts to wetland areas. Agent Farinon recommended issuing a negative Determination of Applicability with the stipulation that the applicant notify the Commission when the trees will be cut.

**Rochester Conservation Commission
July 21, 2020**

A motion to issue a negative Determination of Applicability 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).**

Public Hearings

***(Continued from July 7, 2020)* DEP SE# 272-0592 Notice of Intent filed by property owner SEMASS Partnership 141 Cranberry Highway, West Wareham, MA 02576, for property located at 141 Cranberry Highway, designated as Lots 1 & 10 on Rochester Assessors Maps 17 and 18.** The applicant proposes tree trimming and tree removal to mitigate imminent hazard to approximately 1,500 linear feet of overhead utility lines. The overhead utility lines lie within the 100-foot wetlands buffer zone, with most within the 25-foot “no touch” wetlands buffer zone. The applicant’s representative is Paul Shamoian, Civil & Environmental Consultants, Inc., 31 Bellows Road, Raynham, MA 02767. The property owner of record is SEMASS Partnership 141 Cranberry Highway, West Wareham, MA 02576.

Paul Shamoian of Civil & Environmental Consultants, Inc. reported that SEMASS proposes to remove the remainder of the trees that are a hazard to the fiber optic line along the access road. He stated the Commission requested a maintenance plan which was submitted the previous week. He provided some details about the plan including the inspections that would take place twice a year. Mr. Shamoian stated that as per work would be completed outside the bird nesting season of April through August. He noted the plan will be in place through the removal of the trees over the 3 years and for any vegetation growing beyond that time.

Chairman Conway asked how multiple deficiencies would be handled on one page. Mr. Shamoian responded that additional pages could be added. Chairman Conway asked to confirm that each deficiency would be logged on a separate piece of paper. Mr. Shamoian responded yes. Chairman Conway asked if they stipulated that inspection logs will be forwarded to the Commission. Mr. Shamoian responded no. Chairman Conway requested that Agent Farinon include a special condition in the Order of Conditions requiring that they submit the semi-annual logs to the Commission upon completion.

Agent Farinon recommended issuing a positive Order of Conditions with the stipulation that 1. SEMASS notify the Commission when the trees are to be cut, and 2. that SEMASS provide copies of the semiannual reports to the Commission once they are completed.

A motion to issue an Order of Conditions as stipulated by Agent Farinon was made by Vice Chairman Gagne and seconded by Member Thompson. Chairman Conway asked if the motion includes the requirement that SEMASS submit their inspection logs and Agent Farinon responded yes. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

***(Continued from July 7, 2020)* DEP SE# 272-0591 Notice of Intent filed by Hank Ouimet Renewable Energy Development Partners, 99 Derby Street, Suite 200, Hingham, MA 02043 for property located off Pierce Street, known as Eldredge Bogs designated as Lots 8, 9A on Assessors Map 12 and Lots 6, 10D, 12, 13, and 31 on Assessors Map 13.** The applicant proposes a two-phased project on Land in Agricultural for the creation of more efficient agricultural bypass canals in portions of the bogs and existing uplands, along with the installation of a canopy solar array over the constructed canal network. The applicant’s representative is Sarah Stearns, Beals and Thomas, Inc., 32 Court Street, Plymouth, MA 02360. The property owner of record is Peter Beaton, Bayside Agricultural, Inc., 77 Charlotte Furnace Road, West Wareham, MA 02576.

**Rochester Conservation Commission
July 21, 2020**

(Vice Chairman Gagne recused himself from the Public Hearing.)

Chairman Conway stated the applicant requested a continuance to August 4, 2020 because they are awaiting Planning Board review on July 28, 2020 and Henry Nover's peer review comments. A motion to continue the Public Hearing to August 4, 2020 was made by Member Thompson and seconded by Member Payne. **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 July 7, 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.

Chairman Conway opened the hearing by asking Phil Cordeiro of Allen & Major Associates, Inc. if the work was moved outside the 25 Foot No Disturb Zone; Mr. Cordeiro responded yes.

Mr. Cordeiro provided an update on the project. He stated they had received a third peer review letter dated June 8, 2020 from Henry Nover, and they have since provided a response to the letter. He reported some of the open items including the following:

- They refined their calculations for the groundwater mounding analyses. Mr. Cordeiro noted they were working with a professional geohydrologist to help with the soil analysis.
- After digging test pits and doing supplemental infiltration tests, they agree with Mr. Nover's recommendation on the use of a smaller infiltration rate below the stormwater basin.
- Mr. Nover made recommendations for the grass paved area in the courtyard including making accommodations for runoff from the gutters of the buildings and adding an overflow device.
- Mr. Nover's last comment related to the confluence of groundwater mounding relative to the large stormwater basin at the back of site and the area below the wastewater leach field. Mr. Cordeiro stated Allen & Major believes that they are two separate systems.

Mr. Cordeiro noted they were waiting for Mr. Nover's review of Allen & Major's response submittal. He added that they are continuing with the Planning Board and the peer review by Field Engineering.

Chairman Conway asked if Mr. Nover wanted to comment. Mr. Nover said he could provide preliminary verbal comments, but he did not yet have anything written. He stated the applicant made many changes since his last comment letter. With the revised groundwater mounding model, the high mounding elevations around the building have been addressed. He noted they changed the infiltration rate at the largest basin at the rear of the site. Mr. Nover suggested using a lower rate for

**Rochester Conservation Commission
July 21, 2020**

sandy loam; though he concluded that the rate they used may be adequate. Mr. Nover addressed Mr. Cordeiro's comments about the influence of the two systems on each other. He suggested they look at the long-term impacts on groundwater levels at the stormwater basin.

Chairman Conway asked Mr. Nover if he expects to submit a final report within the next week. Mr. Nover responded yes. Agent Farinon stated she had nothing new to report and queried whether the applicant will be requesting a continuance. Mr. Cordeiro responded yes. He noted they have exhausted their allowed number of continuances and will coordinate re-advertising and re-notification of abutters for the next meeting. Agent Farinon noted they could not advertise for the meeting on August 4, 2020 due to advertising deadlines, and suggested that the next available meeting date would be August 18, 2020. The applicant agreed to that date.

A motion to continue the Public Hearing to August 18, 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 June 16, 2020)* DEP SE# 272-0590 Notice of Intent filed by Greg Carey of Rochester MA 4, LLC c/o Clean Energy, 27B Midstate Drive Suite 106, Auburn, MA 01501, for properties located at 139 Sarah Sherman Road, designated as Lot 8C, Lot 8L and 13 on Rochester Assessors Map 28.** The applicant proposes to install a large-scale ground mounted photovoltaic solar array on portions of Assessor's Map 28 Lot 8C and an access drive through portions of Map 28 Lot 13 and 8L off of Sarah Sherman Road. Proposed work within the 100 Foot Buffer Zone of a bordering vegetated wetland includes removal of an existing farm building, tree clearing, and construction of roadway, solar array, equipment and energy storage pads. Siltation control measures will be implemented. The applicant's representative is Steve Kohn of Prime Engineering, Inc., P.O. Box 1088, Lakeville, MA 02347. The property owner of record is William Souza, 139 Sarah Sherman Road, Rochester, MA 02770

The following were present in the videoconference: Greg Carey of Clean Energy Collective, Jay Myrto of Clean Energy, Stephen Campbell of Navisun LLC, and Richard Rheume and Steve Kohm of Prime Engineering, Inc.

Mr. Carey reported they made several changes to the plans as a result of feedback from the Commission, Agent Farinon and Mr. Nover. He noted they increased buffer areas around the vernal pools and moved the equipment pad.

Mr. Kohm reported that Mr. Nover issued a letter that day indicating they met the regulations and he has no further comments. Mr. Kohm stated they were still working with the Planning Board and were reviewing comments from Ken Motta of Field Engineering. Mr. Kohm shared his screen showing a Google Earth image of the site and the site layout plan. He explained they were staying out of the 100 Foot Buffer Zone where possible. The location of the equipment pad and transformers was moved completely outside the 100 Foot Buffer Zone. The access drive to the array was revamped to allow a larger clearance to both vernal pools. Mr. Kohm stated there is a minimum of 50 feet between the access drive and the vernal pool. He noted the post development flow rates for stormwater will be equal to or less than predevelopment rates. Mr. Nover recommended test pits which were shown on the plan. Mr. Kohm referred to the report by Chris Capone that provided more information about the vernal pools.

Rochester Conservation Commission

July 21, 2020

Member Thompson stated he noticed the amount of tree cutting had changed. Member Payne asked Mr. Kohm to point out the stormwater BMPs on the plan and explain them. Mr. Kohm reviewed four stormwater BMPs including a basin, an access drive trench, a stone filled basin beneath the equipment pad and a small berm in the southwest corner.

Vice Chairman Gagne asked how much grading they will do on the access road. Mr. Kohm responded that it was minimal, and he said there would be grading at the entrance so vehicles can easily access the site. Vice Chairman Gagne noted the access drive trench will have a 3:1 slope. Mr. Kohm explained the trench will grab water off the access drive. He added that the grading of the trench will appear in the next plan set. Vice Chairman Gagne stated the grading around the array appears to go right up to 25 Foot No Disturb Zone and asked if it can be pulled back. Mr. Kohm commented that they think it is the best layout.

Mr. Nover stated he sent a letter to the applicant on July 16, 2020 with a punch list of details. The applicant responded on June 17, 2020. He reviewed the response and sent out a letter verifying that Mr. Kohm had addressed all outstanding issues.

Agent Farinon stated the plans were revised twice since the last meeting. The Commission received Chris Capone's hydrology report regarding the certified vernal pools. In response to Vice Chairman Gagne's comment, she noted there had been a lot of effort to pull back grading from the vernal pools, however the issue of going right up to the 25 Foot No Disturb Zone is a concern. She stated that the limit of clearing, perimeter access road, to of slope and erosion control barriers are all coming together in a small area. She had suggested looking at a cross section of that area and asked if they included a cross section in the latest plan.

Mr. Carey stated he was seeking a continuance to August 4, 2020.

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

Commission Business

For Signature

Minutes

A motion to accept the minutes of July 7, 2020 was made by Member Thompson and seconded by Vice Chairman Gagne. Member Bourque recused. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Mullin Affidavit

Chairman Conway asked if Member Bourque signed a Mullin Rule Affidavit for DEP SE# 272-0592/SEMASS. Member Bourque confirmed that signed the affidavit and delivered it to the Town Hall Annex that day.

Voucher

Agent Farinon reported that Mr. Nover submitted an invoice for \$1,500 for work on 139 Sarah Sherman Road under DEP File # 272-590. She recommended that the Commission vote to authorize payment of \$1,500 for the voucher.

Rochester Conservation Commission

July 21, 2020

A motion to accept the voucher was made by Member Bourque and seconded by Member Thompson. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Old Business

Review Draft Response Letter to Prime Engineering regarding Trailside Estates DEP SE 272-443

Chairman Conway reported that Agent Farinon drafted a letter regarding Trailside Estates. Vice Chairman Gagne suggested rephrasing the letter to indicate the Request for Determination of Applicability is not a permit and it allows for work specifically listed in the project description. Chairman Conway and Agent Farinon noted the need for a change regarding a phone number on the letter.

A motion to accept the letter as amended 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).**

New Business

Confirm member availability for future site visits and meetings

All Members present verified they were available to attend the August 4, 2020 meeting. There was discussion about resuming in person meetings. Town Counsel Bailey stated they could have a hybrid meeting, but it is difficult to find a space and run the meeting. He recommended staying with Zoom meetings.

Adjournment

The meeting adjourned at 8:38 p.m. on a motion made by Member Bourque and seconded by Member Thompson. **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