

**Rochester Conservation Commission
August 4, 2020**

Present: Michael Conway, Chairman
Daniel Gagne, Vice Chairman
Léna Bourque
Christopher Gerrior (*joined at 7:15 p.m.*)
Maggie Payne
Kevin Thompson

Absent: (*none*)

Laurell J. Farinon, Conservation Agent
Tanya Ventura, Board Administrator
Marissa Perez-Dormitzer, Recording Secretary

The meeting convened by telephone and video conference via Zoom Meeting ID: 843 0952 3428. Chairman Conway called the meeting to order at 7:05 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. He stated the meeting was being recorded. Each presentation was limited to 10 minutes and 3 minutes were allowed for public comment. Chairman Conway announced that votes would be taken by roll call.

Public Hearings

(Continued from July 21 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.

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

Sarah Stearns, Wetland Scientist, of Beals and Thomas, Inc. introduced other participants involved in the project including Thomas Melehan and Henry Ouimet of Renewable Energy Development Partners, and Iain Ward of New England Consulting Services, Inc.

Ms. Stearns stated that she had some minor updates to report.

(Member Gerrior joined the meeting at 7:15 p.m.)

Ms. Stearns reported that the Planning Board requested that they modify the northern canal canopy section to comply with the 100-foot setback from property line. Ms. Stearns shared her screen showing a comparison exhibit and an overview of the plan. She pointed out the northern area where solar panels were removed from above the canal as well as areas where they added some canal and canopy to make up for what was lost. She noted there was no further infringement within the 100 Foot Buffer Zone.

Rochester Conservation Commission

August 4, 2020

Member Gerrior asked to confirm if there would be no panels over the canals or if they would be in a certain section. Ms. Stearns responded they would not be placing panels over a certain section. Member Gerrior asked how many feet of panels they were losing; Ms. Stearns responded 289 feet.

Chairman Conway asked Ms. Stearns if she wanted the Commission to vote on the filing that night. Ms. Stearns responded yes. She added that she has received a letter from Henry Nover, the Commission's peer reviewer, dated July 24, 2000 indicating he is satisfied with the responses.

Agent Farinon provided a summary of the project, and stated it is a dual use project with agricultural bypass canal construction and installation of solar array canopy over portions of the canals. She reported the project has been configured to avoid Natural Heritage and Endangered Species Program estimated habitat. She noted the applicant was requesting a variance under the Wetlands Bylaw because of work in the 25 Foot No Disturb Zone. Agent Farinon recommended that the Commission issue a positive Order of Conditions approving the project and variance request, with the stipulation that a preconstruction meeting be held on site, and that a wildlife sweep be done by a professional wetland scientist prior to the canal work to remove any wildlife prior to disturbance of canals that are proposed to be modified.

A motion to issue a positive Order of Conditions with the stipulations stated by Agent Farinon was made by Member Payne and seconded by Member Thompson. Chairman Conway asked about how they justified working in the 25 Foot No Disturb Zone. Ms. Stearns responded that they are working within cranberry bogs some of which were considered jurisdictional resource areas. She added that there is no proposed work within naturally occurring resource areas. **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 21, 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 Kohm 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.

Chairman Conway reported that the applicant requested a continuance to the next meeting on August 18, 2020 because the proposed plan revisions are being reviewed by the Planning Board and they expect changes.

Agent Farinon noted it was their fifth meeting and Tanya Ventura, Board Administrator, submitted a new Public Hearing notice to the Wanderer for publication. The Public Hearing is being re-advertised and abutters re-notified.

Rochester Conservation Commission

August 4, 2020

A motion to continue the public hearing to August 18, 2020 was made by Member Thompson and seconded by Vice Chairman Gagne. **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 approve the minutes from the previous meeting 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).**

Vouchers

The following vouchers were included in the meeting agenda for approval:

MSMCP FY21 Membership: \$20

Henry Nover/DEP# 272-0591 Eldredge Bogs: \$1,000.00

Chairman Conway noted that on the MSMCP membership form, full time staff was checked off while they also have part time staff. Agent Farinon responded that one membership covers all the staff, so she agreed to check off both full time and part time staff.

A motion to approve both vouchers 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

Discuss Peer Review Consulting for Future Filings

Agent Farinon reported that Mr. Nover recommended having an additional professional engineer available to serve as a peer reviewer since he is semi-retired. She stated that Mr. Nover's role has been to review the engineering portions of projects including compliance with stormwater standards. Agent Farinon suggested looking for a professional engineer who works on his or her own because they do not have high overhead. She recommended Gary James PE of Hanover who they have worked with in the past. Vice Chairman Gagne suggested putting out a Request for Qualifications for peer review to gather qualifications from a firm or an individual.

Discuss Correspondence

Agent Farinon referenced a letter in Members' packets from Charles Bradley of Marion that relayed concerns about solar arrays and clearcutting forests. Mr. Bradley included some literature on carbon and conservation lands. Agent Farinon reported that the Commission's role is to administer the regulations, not to decide whether a project takes place. Vice Chairman Gagne asked if a bylaw change would be needed if the community was looking for a way to conserve more forest. Agent Farinon responded yes. Member Payne pointed out that a significant amount of carbon is stored in soil and it is important to preserve the soil in as natural a state possible.

Rochester Conservation Commission

August 4, 2020

Member Thompson asked about the parties responsible for maintenance of Town-owned and state-owned public space that are becoming overgrown and impassable. There was discussion and Member Thompson said he would email Agent Farinon to figure out the process.

Confirm member availability for future site visits and meetings

All Members present verified they were available to attend the August 18, 2020 meeting.

Adjournment

The meeting adjourned at 7:51 p.m. on a motion made by Member Payne 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