

**Rochester Conservation Commission  
September 15, 2020**

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

**Absent:** Kevin Thompson

Laurell J. Farinon, Conservation Agent  
Tanya Ventura, Board Administrator

The meeting convened by telephone and video conference via Zoom Meeting ID: 815 1069 2906. Chairman Conway called the meeting to order at 7:02 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 stated that votes would be taken by roll call.

***(Continued from August 18, 2020)* DEP SE 272-0256 A Request for a Certificate of Compliance was made by Brian Grady on behalf of Decas Cranberry Company, for work completed on Mary's Pond Road, Map 10, Lot 2.**

Brian Grady of GAF Engineering was explained this request was continued from August 18, 2020 to submit a letter signed by a professional engineer, which has been provided. Agent Farinon explained the Order of Conditions for this project was issued in 1998 for construction of new cranberry bogs and reconstruction of old bogs. She noted the commission continued the request for Certificate of Compliance until this evening in order to obtain a letter signed by a professional engineer verifying that all work has been completed in compliance with the Order of Conditions. The letter submitted was dated August 19, 2020 and signed by William F. Madden, PE.

A motion to issue a positive Certificate of Compliance as stipulated by Agent Farinon was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

***(Continued from August 18, 2020)* DEP SE 272-0387 A Request for a Certificate of Compliance was made by Brian Grady on behalf of Decas Cranberry Company, for work completed on Mary's Pond Road, Map 10, Lot 2.**

Brian Grady of GAF Engineering explained this request was also continued, per the Commission's request, similar to the last project. Agent Farinon gave a brief explanation of the Order of Conditions that was issued on June 15, 2004. She stated a letter signed by William F. Madden, the professional engineer, was received, verifying the project has been completed in compliance with the Order of Conditions.

A motion to issue a positive Certificate of Compliance as stipulated by Agent Farinon was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

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**DEP SE 272-0507 A Request for a Certificate of Compliance was made by Brian Grady of G.A.F. Engineering, Inc., on behalf of John Draper, for work completed on 356 Snow's Pond Road, Map 40, Lot 5.**

Brian Grady of GAF Engineering explained the Request for a Certificate of Completion was submitted with a letter stamped by the professional engineer, William F. Madden, PE. He noted there were some minor changes to the original plan, including the following: 1. decreasing the patio dimensions by 100 square feet, 2. the wooden steps are now rectangular instead of triangular, 3. stone infiltration was added along the paved driveway to provide a barrier to prevent runoff, and 4. an infiltration chamber, originally proposed to be constructed in front of the garage, was deleted. Mr. Grady explained the deviations were considered minor, had no impact to surrounding resource areas, and the slopes have been stabilized.

Agent Farinon provided a brief summary of the project and shared her screen showing the proposed demolition of the structure and the construction of the new approved dwelling. All exposed areas have been stabilized and she commented that the project was well done.

A motion to issue a positive Certificate of Compliance as stipulated by Agent Farinon was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

**DEP SE 272-0539 A Request for a Certificate of Compliance was made by Brad Holmes, PWS of ECR on behalf of Lorraine Roy Hawkes, for work completed at 591 Neck Road, Map 43A, Lot 25.**

Brad Holmes of ECR, representing Lorraine Roy Hawkes, explained that the Order of Conditions issued in response to an Enforcement Order issued in the summer of 2017 for alteration of bordering vegetated wetlands on Snipatuit Pond. A restoration plan was implemented which included planting of nursery stock, removal of invasive species, and stump sprout pruning. The site has been stabilized and maintains a plant density of greater than 75%. He stated the area does not need any additional work and looking to close project with a Certificate of Compliance.

Agent Farinon explained the Wetland Restoration project was a result of an Enforcement Order issued to Ms. Lorraine Hawkes. She reported that the area has revegetated well naturally, and the supplemental plantings are established and healthy. She recommended issuance of a Certificate of Compliance.

A motion to issue a positive Certificate of Compliance as stipulated by Agent Farinon was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

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**Public Meetings**

**DEP SE 272-0450 A Request for an Extension Permit was made by Edgewood Development Company, LLC for work off Forbes Road, Douglas Corner Road, and associated public improvements in the Connet Woods Development designated as Map 19A, Lots 1, 19, 20, 13, 26, 48, 22, 51, 23, 42, 51, and 53.**

Stephen Meltzer of Edgewood Development explained that the Order of Conditions was originally issued on August 13, 2007 and extended a few times. Due to the Permit Extension Act, the order was set to expire on August 13, 2020 and a Request for an Extension Permit was filed in March 2020. He reported that within the area of the current Order of Conditions, most Box Turtle Drive, Horseneck Road, Cole Drive, and Martin Circle lots have been sold or currently under agreement. He stated the second half of this Order of Conditions would be ready for a Certificate of Compliance within the next year or so.

Chairman Conway questioned Mr. Meltzer about the letter dated September 9, 2020. Mr. Meltzer explained this letter was simply to provide the Commission with an update on the project and what work still needs to be completed, in order to grant an extension on the Order of Conditions. Chairman Conway asked if members of the Commission had any questions. Vice Chairman Gagne stated he did not have enough time to review the information provided and could not make a decision on this request.

Agent Farinon reported the original request was sent in March 2020 with the request for a partial Certificate of Compliance. She explained the request for Extension was postponed per the Commission's request to confirm the project was in compliance and met today's requirements.

A motion to issue a positive Extension Permit was made by Member Gerrior and seconded by Member Payne. **The motion passed in a roll call vote of 4 in favor, 1 opposed (Vice Chairman Gagne), 0 abstained (4-1-0).**

**Public Hearings**

***(Continued from August 18, 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 reported that the applicant requested a continuance to October 20, 2020 pending the completion of the Planning Board's review process.

A motion to continue the Public Hearing to October 20, 2020 was made by Vice Chairman Gagne and seconded by Member Bourque. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

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**Commission Business**

**For Signature**

**Minutes from September 1, 2020 Meeting**

Chairman Conway asked a question regarding the minutes related to the Sarah Sherman Road project; Mr. Las noted that battery storage was 1,000 feet away from the wetlands. Agent Farinon noted this is correct.

A motion to accept the minutes from the previous meeting was made by Member Gerrior and seconded by Member Bourque. **The motion passed in a roll call vote of 4 in favor, 0 opposed, 1 abstained (4-0-1). (Vice Chairman Gagne abstained)**

**Voucher**

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

Henry Nover/DEP# 272-0587 Rochester Crossroads: \$1,750.00

BayNet Web Services/Website Hosting Fee Oct.-Dec.2020/Invoice# 7297: \$60.00

A motion to accept the vouchers and allow the Chairman to sign on the Commission's behalf was made by Vice Chairman Gagne and seconded by Member Gerrior. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion was made to continue allowing Chairman Conway to sign vouchers on the Commissions behalf for the foreseeable future. The motion was made by Member Gerrior and seconded by Member Payne. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

**New Business**

**Review Chapter 61 Right of First Refusal Request: A Withdrawal Notification from Decas Cranberry Co. for property off Neck Road designated as Map 40, Lots 3D, 3E and 3F.**

Agent Farinon explained this is not the typical Chapter 61 request the Commission is used to seeing because it is a notification and does not include a purchase and sale agreement. She spoke to Town Counsel prior to the meeting and confirmed this format is correct, and the Commission has the right to review the request and make a recommendation to the Board of Selectmen. She stated the request was made by Mr. Chamberlain who recently filed an Approval Not Required application with the Planning Board. The letter received from Mr. Chamberlain states the lots are residential, non-conforming, and Decas has no intention of selling any of the lots for residential development. Agent Farinon stated this is typically not something the Commission would pursue.

A motion to recommend to the Board of Selectmen to not exercise the First Right of Refusal was made by Member Payne and seconded by Member Bourque. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

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**Review Chapter 61A Right of First Refusal Request: Withdrawal Notification from Bendrix Bailey for property off Snipatuit and Gerrish Roads designated as Lot 29B on Rochester Assessors Map 43A.**

Agent Farinon reported that members received a copy of the Approval Not Required plan detailing Mr. Bailey's dwelling and the parcel in question, Map 43A Lot 29B.

Member Bourque asked if the land is going to be kept in Mr. Bailey's name and no actual sale of the land is being done. Agent Farinon agreed.

Member Payne asked what it would mean if the Commission made the recommendation to pursue the property to the Board of Selectmen. Agent Farinon explained it would be completely up to the Board of Selectmen to make the final decision to pursue the property.

Member Bourque noted the plan does not show Bordering Vegetated Wetlands. Agent Farinon stated that the bogs are shown on Wetlands Conservancy Maps, however Mr. Bailey converted his crop to chestnut trees a number of years ago.

Town Counsel Blair Bailey joined the meeting at 8:01PM. Chairman Conway asked Town Counsel for an explanation about the property so the Commission could have a better understanding on what to do. He explained the role of the Commission is to advise the Board of Selectmen to exercise its rights regarding purchasing the land or not, and the town would have to pay for an appraisal if they were interested in pursuing the property

Member Gerrior asked if the owner would still have to pay back taxes. Town Counsel stated yes and the Assessors would go back 5 years. He explained the owner offered the property to the town in years past but the purchase rights totaled over 2 million dollars. He also noted there may be an opportunity in the future to purchase the land located on the back of the property.

Agent Farinon recommended the Commission to advise the Board of Selectmen to pursue discussions with Mr. Bailey regarding Map 43A, Lot 29B.

A motion was made by Member Payne Maggie to recommend to the Board of Selectmen to pursue discussion on the purchase of Map 43A, Lot 29B and seconded by Member Bourque. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

*(Town Counsel left the meeting at 8:12p.m.)*

**Discuss Buzzards Bay National Estuary Program Mini-grant - \$30,000 for Decas Stuart Bogs Land Preservation**

Agent Farinon explained this is a grant program unique for municipalities in the Buzzards Bay watershed. The Buzzards Bay Coalition notified Agent Farinon they are working with Decas Cranberry on a 230-acre land protection project to purchase Stuart Bog and surrounding woodland. The Buzzards Bay Mini-grant is due October 8, 2020. She recommended that the Conservation Commission apply for \$30,000 towards the project which would be reimbursed to the Town.

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Chairman Conway asked if the Town would pay the upfront costs and then be refunded. Agent Farinon explained the Town would pay the upfront costs, 33% would come from other grants and private money, and then the town would be refunded.

A motion was made by Member Bourque to submit the application to Buzzards Bay National Estuary Program Mini-grant and seconded by Member Gerrior. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

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

All Members present verified they were available to attend the October 6, 2020 meeting.

Agent Farinon reported that the RFQ for a new peer review consultant was posted on COMM buys, the deadline for submittals is Friday, September 18, 2020. She asked the Commission how they would like to proceed in reviewing the submittals. Members confirmed Agent Farinon should review all submittals, choose the top four proposals, and forward to the Commission for review. An Open Meeting to discuss the applicants will be scheduled for Thursday, September 24, 2020 at 6:00 p.m. via Zoom.

**Adjournment**

The meeting adjourned at 8:32 p.m. on a motion made by Member Bourque and seconded by Member Payne. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

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Tanya Ventura, Board Administrator

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Michael Conway, Chairman