

**Rochester Conservation Commission
November 4, 2020**

Present: Michael Conway, Chairman
Christopher Gerrior
Maggie Payne
Kevin Thompson

Absent: Daniel Gagne, Vice Chairman
Léna Bourque

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: 818 2041 4236. Chairman Conway called the meeting to order at 7:00 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.

DEP SE 272-0566 A Request for a Certificate of Compliance was made by William F. Madden, P.E. of G.A.F. Engineering, Inc., on behalf of 15 Cranberry Highway, LLC, for work completed on 15 Cranberry Highway, Map 17, Lot 31C.

Bob Rogers of G.A.F. Engineering, Inc., shared his screen showing an as-built plan for Countryside Child Care Center, Inc. He explained that work within the Commission's jurisdiction included construction of a water quality basin and modifications to the pre-existing basin. He stated the as-built survey was completed in August. They have added more material to the top of the berm on the water quality basin and had to allow time for the grass to grow. He submitted a request to the Planning Board for their sign off and release of surety. Ken Motta of Field Engineering provided a letter indicating the construction was completed in substantial compliance.

Agent Farinon explained the project within the Commission's jurisdiction was to make stormwater collection system improvements. The design was to build a new water quality basin that discharged to an existing drainage basin. She reported that she made a site inspection and the stone spillways were in place and the applicant made supplemental plantings in the existing drainage basins. All areas are fully stabilized with grass. Agent Farinon recommended that the Commission issue a Certificate of Compliance under DEP SE 272-0566.

A motion to issue a Certificate of Compliance on the matter was made by Member Thompson and seconded Member Gerrior. **The motion passed in a roll call vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

Public Hearings

DEP SE# 272-0601 A Notice of Intent filed by Jesper & Jennifer Ingerslev, 20 Stoney Run Lane, Marion, MA 02738, for property located at 0 Gerrish Road, designated as Lot 68 on Rochester Assessors Map 43A. The applicant proposes to construct a single-family dwelling with subsurface sewage disposal system, utilities, site clearing and grading. A small portion of the dwelling and associated site work will occur within the 100-foot Buffer Zone to an isolated

**Rochester Conservation Commission
November 4, 2020**

vegetated wetland and an off-site cranberry bog. Siltation control measures will be implemented. The applicant's representative is Brian Grady of G.A.F. Engineering, Inc., 266 Main Street, Wareham, MA 02571.

Applicants Jesper and Jennifer Ingerslev and Brian Grady of G.A.F. Engineering, Inc. were present. Mr. Grady shared his screen showing the submitted site plan. He explained that a small portion of the proposed single-family dwelling and the associated grading and clearing falls in the 100 Foot Buffer Zone to an isolated vegetated wetland area. He stated there was a cranberry bog to the south with a dike road in between the bog and the property line.

Chairman Conway asked if any work had started on the property and Mr. Grady responded no, other than the test pits.

Agent Farinon reported the work was in the 100 Foot Buffer to an area classified as an isolated vegetated wetland. She stated she reviewed the wetland line flagging and agrees with the delineation. She explained the proposed project included erosion control barriers to act as a limit of work and to protect resource areas. She noted the work was outside the 25 Foot No Disturb Zone with the closest point around 35 feet from wetland. Agent Farinon recommended that the Commission issue a positive Order of Conditions with the stipulation that erosion control barriers be installed at the locations shown on the submitted site plan.

Member Payne asked if material was being brought into the site for the grading. Mr. Grady stated they would probably need supplemental material. Member Payne asked about the existing pile to be removed. Mr. Grady said it was likely remnants of the agricultural operation next door.

A motion to issue a positive Order of Conditions as stipulated by Agent Farinon was made by Member Thompson and seconded by Member Gerrior. **The motion passed in a roll call vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

(Continued from October 20, 2020) DEP SE# 272-0596 A Notice of Intent filed by Featherbed Lane South Solar, LLC, Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772, for property located at 0 Featherbed Lane, designated as Lot 24 on Rochester Assessors Map 46. The applicant proposes to install an approximate 2.5 MW DC ground-mounted photovoltaic solar array on an estimated 59-acre property at 0 Featherbed Lane. The project involves work within the 100 Foot Buffer Zone to a bordering vegetated wetland and is located within the Estimated and Priority Habitat for Rare and Endangered Species. The proposed work includes converting a tract of forested upland to install the array, access road, equipment pad, and stormwater management features. The applicant's representative is Eric Las of Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772. The property owner of record is Judith DuPont, 123 Rounseville Road, Rochester, MA 02770.

Chairman Conway reported the applicant's representative requested a continuance to November 17, 2020 in order to address the peer review comments.

A motion to continue the matter to November 17, 2020 was made by Member Thompson and seconded by Member Gerrior. **The motion passed in a roll call vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

**Rochester Conservation Commission
November 4, 2020**

(Continued from October 20, 2020) **DEP SE # 272-0599 A Notice of Intent filed by Cushman Road Solar, LLC, Joe Harrison, P.O. Box 1320, Portsmouth, NH 03801 for property located at 0 Cushman Road, designated as Lot 11 on Rochester Assessors Map 33.** The proposed project involves the creation of a ±3.9 MW DC photovoltaic solar array, associated site work, and stormwater management features on the subject property. Work within the 100-Foot Buffer Zone includes approximately 69,670 square feet of tree clearing, three stormwater outfalls, grading for portions of the perimeter road, and the creation of approximately 420 linear feet of perimeter and access roads. The applicant's representative is Eric Las of Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772. The property owner of record is Lisa Holden, Trustee, P.O. Box 388, Rochester, MA 02770.

Chairman Conway reported the applicant requested a continuance to December 1, 2020 in order to respond to abutter's comments.

A motion to continue the matter to December 1, 2020 was made by Member Thompson and seconded by Member Gerrior. **The motion passed in a roll call vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

Commission Business

For Signature

A motion to accept the minutes of October 20, 2020 was made by Member Thompson and seconded by Member Gerrior. **The motion passed in a roll call vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

Mullin Rule Affidavit: DEP SE# 272-0600 An Abbreviated Notice of Resource Area Delineation filed by Ryan Young of CVE North America, Inc., / Daniel Gagne

Chairman Conway noted that Vice Chairman Gagne was not present.

New Business

**Review and approve three regulations under Rochester Wetlands Bylaw
Review and approve Tree Removal Request Application**

Agent Farinon referenced the following three separate regulations under the Rochester Wetlands Bylaw that were included in the Commission packet and posted on line:

1. Re-advertising of Public Hearings and Re-notification of Abutters

Applications that are continued for five public hearings at the request of the applicant will require re-advertising and re-notification of abutters.

**Rochester Conservation Commission
November 4, 2020**

2. Abbreviated Notice of Resource Area Delineation (ANRAD) submittals

All plans submitted with ANRAD applications shall be stamped by a Professional Land Surveyor (PLS). Wetland flagging and numbering shall be refreshed in the field at the time of the application.

3. Tree removal permits.

The Commission recognizes that dead, dying and compromised trees can pose safety and property damage issues in some situations. The Commission has established a "Tree Removal Request Protocol" to facilitate the Commission's prompt administrative review of these situations. In some situations, the Commission may approve tree removals administratively. In others, the Commission may decide that a more formal RDA or NOI is required. This administrative review process is optional and is not a prerequisite to the filing of a formal RDA or NOI. The Tree Removal Request Protocol is available at the office of the Conservation Administrator and may be modified by a simple vote by the Commission at a regularly scheduled meeting.

Draft Regulation 1. relates to re-advertising and renotification for applications that are continued for five public hearings. Regulation 2. requires plans submitted with ANRAD applications to be stamped by a Professional Land Surveyor. She noted these are policies that have already been in place and implemented. Regulation 3. is a provision for tree removal that has been discussed at prior meetings. Agent Farinon reported that Chairman Conway has questions about the third regulation to discuss with Town Counsel Bailey, who is out of the state. Agent Farinon suggested that the Commission address and adopt the first two regulations which have been policies in place for quite some time. She wants to get them memorialized in writing and posted on the Town's website.

Chairman Conway asked how they would codify the Regulations other than the website. He suggested posting the Regulations with the Bylaw, and Agent Farinon agreed that would be appropriate. Member Gerrior asked if they could distribute the Regulations to new homeowners. Agent Farinon suggested that new residents be given the Regulations as well as information about the importance of wetlands. Member Thompson recommended conveying the information through realtors. Member Payne suggested a brief one-page document about the wetland regulations with the Commission's contact information. Agent Farinon stated she could draft a document for the Commission's review.

Chairman Conway explained he could not find anything in the state regulations that allowed tree removal without a filing. He stated he wanted to discuss it with Town Counsel Bailey to understand his rationale for moving forward with the process. Agent Farinon said she hoped there was a way to make it work since it would be beneficial to the community. Member Gerrior asked if a certified arborist is required or if a tree contractor sufficed; he suggested making it clearer on the draft Tree Removal Request Application form.

Regarding the first regulation, Member Thompson asked if there is a box the applicant checks on the Request for Continuance form where they indicate they understand that continuances past five require the applicant to pay fees for re-advertising. Agent Farinon commented that it was a great suggested addition to the form. Member Thompson stated if the box was not checked by the applicant, the form would not be accepted.

**Rochester Conservation Commission
November 4, 2020**

Member Payne asked if the Tree Removal Request Application form was only for diseased and dead trees or if it also included healthy trees close to structures. Agent Farinon responded that it was for both. Member Payne suggested making the wording clearer.

A motion to accept Regulations 1 and 2 as modified during the meeting was made by Member Thompson and seconded by Member Gerrior. **The motion passed in a roll call vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

Chairman Conway stated they would postpone regulation 3 until the next meeting.

Confirm member availability for future site visits and meetings

All Members present confirmed they could attend the next meeting on November 17, 2020.

Old Business

Agent Farinon explained the Commission received a letter from Attorney Gene J. Guimond of Baker, Braverman, & Barbadoro, P.C. regarding the ANRAD filed by CVE North America, Inc. She noted they received the letter after the previous meeting's packet was distributed to Members. However, the letter was included in the packet for the current meeting and was received into the record. Agent Farinon stated she had not received the peer review consulting fee of \$5,000 requested at the last meeting. She received a proposal from Horsley Witten Group and when the fee is submitted, the proposal will be executed. There was discussion about whether a motion was needed to hire Horsley Witten Group or if it was implied already. Member Thompson stated it was implied in their previous discussion.

Adjournment

The meeting adjourned at 7:45 p.m. on a motion made by Member Thompson and seconded by Member Gerrior. **The motion passed in a roll call vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

Marissa Perez-Dormitzer, Recording Secretary

Michael Conway, Chairman