

Rochester Conservation Commission

March 2, 2021

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: 869 9375 4258. 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.

Old Business

Update on Makepeace Enforcement Order – G.A.F. Engineering, Inc.

Bill Madden of G.A.F. Engineering, Inc. reported he met with Agent Farinon, Town Counsel Bailey, and Brian Grady of G.A.F. Engineering Inc. to review the prepared compiled plan. He was asked to make the drawings clearer by showing the overlapping resource boundaries and the topography at one-foot intervals. Mr. Madden mentioned having a site visit with Commission Members and noted he might need more time on the restoration plan.

Agent Farinon reported she had sent Mr. Madden an email with her concerns about the initial plan. She stated it was important to accurately delineate the wetlands and show the impacted areas on the plan before moving to the next step. She noted she was working with Eversource to gather available information in an effort to get an accurate representation of what was there before. The next step was to set a site visit date.

(Continued from February 2, 2021) **DEP SE # 272-0483 A Request for Extension** was made by Stephen Meltzer of Edgewood Development Company, LLC for work completed on Kings Highway Bituminous Concrete Production Facility

Stephen Meltzer of Edgewood Development Company, LLC and Briscoe Lang and Lauren Gluck from Pare Corporation were present.

Mr. Meltzer explained that Edgewood Development Company is requesting an extension of the original Order of Conditions issued in 2011. It had been extended to 2018 and they received an extension until March 22, 2021. He noted they faced multiple legal challenges on all the permits including the last extension for the Order of Conditions. He explained that Ms. Gluck visited the site on February 17, 2021 and submitted a letter to the Commission summarizing her findings. Mr. Meltzer added that Mr. Lang had been involved in the original Order of Conditions in 2011.

Rochester Conservation Commission

March 2, 2021

Ms. Gluck reported the wetlands on the approved plan includes an irrigation pond to the west and an active cranberry bog to the north. During the extension process in 2018, another potential area was identified. It was a shallow low-lying area upgradient to the irrigation pond that was determined not to be a wetland at that time. On her visit, she found the area to have no standing water and it was approximately the same size and contained mostly upland plants. There were two areas with frozen standing water both under 1,000 square feet. It appeared the areas were disturbed by machinery. Mr. Gluck concluded that the wetland boundaries did not appear to have changed and there did not appear to be any additional resource areas that would affect the project.

Agent Farinon reported that Town counsel advised that the Commission should treat the extension request like a new filing with a site visit and a thorough review.

Members agreed to a site visit on Saturday, March 6, 2021 at 9:00 a.m.

Public Hearings

DEP SE# 272-0604 A Notice of Intent filed by Steven Morrell, 512 High Street, Rochester, MA 02770, for property located on 0 County Road, designated as Lot 10 on Rochester Assessors Map 17. The applicant proposes to alter 5,000 s.f. of a previously disturbed isolated vegetated wetland (IVW), created by over-excavation of sand below the seasonal water table, to expand an existing shooting range. The proposed project involves relocating and replicating the IVW to be altered, creating an improved resource area and vernal pool habitat. The applicant's representative is Brian Grady of G.A.F. Engineering, Inc., 266 Main Street, Wareham, MA 02571. The property owner of record is Steven Morrell, 512 High Street, Rochester, MA 02770.

Brian Grady of G.A.F. Engineering, Inc., Brad Holmes of Environmental Consulting & Restoration, and Steven and Sarabeth Morrell were present.

Mr. Grady reported that Mr. Morrell was looking to expand his tactical shooting range and instruction zone. He had applied to the Zoning Board of Appeals and received a range permit from the Board of Selectmen. Mr. Morrell explained he owns Fox Den Solutions and is looking to make the facility safer and more professional. Mr. Grady stated there is an isolated vegetated wetland on the property which is centrally located and the result of over-excavation of sand and gravel material. The wetland has an exposed area with open grass on one end and shrub growth and trees on the other. They propose to fill 5,000 square feet of the grass area and establish a replication area of the same size.

Mr. Holmes explained he proposes to create an area of higher wetland value with vernal pool habitat in the replication area. He noted they would over-excavate the replication area to allow for seasonal ponding and add wildlife features. The new location would also be protected from the dirt bikes and ATVs that crossed the area currently.

Agent Farinon recommended scheduling a site visit. She noted the area they chose for the replication area was ideal because it was remote. She added that they could not move forward with the project without altering part of the disturbed area. She mentioned that their design does not alter the higher quality end of the isolated wetland and the proposed replication area would create something of higher quality.

Rochester Conservation Commission

March 2, 2021

Member Bourque asked if Members would visit the Morrell property after the bituminous plant. Agent Farinon responded that they would visit the Morrell property second and then move on to the A.D. Makepeace property. Members agreed they could make the site visit, and discussed where they would meet. Agent Farinon said they would likely reach the Morrell property around 9:30 or 9:45 a.m.

Chairman Conway asked why they were limiting the replication area to 5,000 square feet. Mr. Grady responded that there was limited room on the site but that they could look into expanding.

A motion to continue to March 16, 2021 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).**

(Town Counsel Bailey left the meeting at 7:44 p.m.)

(Continued from February 2, 2021) DEP SE # 272-0603 A Notice of Intent filed by Ryan Correia, 91 Sarah Sherman Road, Rochester, MA 02770 for property on 0 Mendell Road, designated as Lot 2E on Rochester Assessors Map 30. The applicant is proposing the construction of a single-family home with associated grading, landscaping, and utilities within 100' of bordering vegetated wetlands. All disturbed areas are to be loamed and seeded upon completion. The applicant's representative is Nyles Zager of Zenith Consulting Engineers, LLC, 3 Main Street, Lakeville, MA 02347. The property owner of record is M&K Realty Services, 10 Parsons Walk, Raynham, MA 02767

Chairman Conway stated the applicant requested a continuance to April 20, 2021 because they were waiting for the wetlands delineation to be completed. Agent Farinon noted the applicant was having difficulty engaging the wetlands scientist that did the original delineation, and may be hiring another scientist.

A motion to continue to April 20, 2021 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).**

Commission Business

For Signature

Minutes

Chairman Conway asked to make a change to the February 16, 2021 minutes on page 1413. He suggested that two sentences be combined to say the following:

Based on his reading, Chairman Conway stated he viewed the situation as a substantial change requiring a new Notice of Intent.

A motion to accept the minutes with the correction from Chairman Conway was made by Member Bourque. Member Thompson added a correction on page 1411 to change the word "heir" to "their." Member Thompson made a motion to amend the original motion to fix the typo as discussed and Member Gerrior seconded it. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Rochester Conservation Commission

March 2, 2021

New Business

Report on Flood Plain District Bylaw Proposed Changes

Agent Farinon reported she was working on a new Flood Plain District amendment article for the annual town meeting in May. She explained the federal government requires that the Town adopt the new FEMA maps with an effective date of July 6, 2021. In addition, the state is requiring communities to adopt the state Flood Plain Bylaw provisions. Agent Farinon reported she has been working with the state to determine which sections need to be added in the Town's existing Flood Plain Zoning section. She noted that Town Counsel is reviewing the changes and they will be submitted to the Town Administrator by the Friday deadline. The proposed changes will need to be referred to the Board of Selectmen by the Planning Board. A final copy will be provided to Commission Members upon approval by the BOS.

Report on Administratively Approved Tree Removal Application – 49 Hathaway Pond Road

Agent Farinon reported there was a copy of a tree removal request application in Members' packets of information. She noted that in cases where the work was within the 25 Foot No Disturb Zone the approval would have to be ratified by the Commission. This Project was not within the 25 Foot No Disturb zone.

Agent Farinon reported the property owner requested to remove three trees. One was 50 feet away from wetlands and two were 35 feet away. The trees were diseased and a fall risk to the adjacent structure. She reported there was an open area near the dwelling suitable for a staging area. G. Bourne Knowles, the arborist, will remove the material off site.

Chairman Conway stated he would like the Commission to ratify what Agent Farinon had done.

A motion to ratify the actions taken by Agent Farinon on the tree removals on 49 Hathaway Pond Road 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).**

Schedule Site Visits

Discussion ensued about how to get to the sites being visited on Saturday, March 6, 2021. Agent Farinon noted the group will meet at the Bituminous Concrete site first, and the next two of sites were close together but did not have a direct path connecting them. She will co-ordinate with Mr. Grady about the best way to get to the sites.

Adjournment

The meeting adjourned at 8:00 p.m. on a motion made by Member Thompson and seconded by Member Payne. Vice Chairman Gagne was opposed. **The motion passed in a roll call vote of 5 in favor, 1 opposed, 0 abstained (5-1-0).**

Marissa Perez-Dormitzer, Recording Secretary

Michael Conway, Chairman