

**Rochester Conservation Commission**  
**April 6, 2021**

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

**Absent:** *(none)*

Laurell J. Farinon, Conservation Agent  
Marissa Perez-Dormitzer, Recording Secretary

The meeting convened by telephone and video conference via Zoom Meeting ID: 867 8147 4729. Chairman Conway called the meeting to order at 7:01 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.

**Public Meetings**

***(Continued from February 2, 2021)*** **DEP SE # 272-0483 A Request for Extension Permit was made by Stephen Meltzer of Edgewood Development Company, LLC for property located on Kings Highway, Assessor's Map 17, Lots 6, 57 & 58, requesting a three (3) year extension to the previously issued Order of Conditions.** The Commission granted approval of a new bituminous concrete manufacturing facility on a 5+ acre site off King's highway. Regulated activity is limited to construction of portions of infiltration basins within the 100 Foot Buffer Zone to an irrigation pond and a cranberry bog.

*(Member Bourque was disconnected from the meeting.)*

Stephen Meltzer of Edgewood Development Company, LLC explained that Commission Members had visited the site recently and had follow-up questions regarding civil engineering issues. He noted that William Madden of G.A.F. Engineering, Inc., the civil engineer that designed the project, was present. Gerry Lorusso of Edgewood Development and Briscoe Lang from Pare Corporation were also present.

*(Member Bourque reconnected to the meeting.)*

Mr. Meltzer stated that he hoped the Commission would vote on the extension that night.

Member Payne requested that the engineer explain the drainage on the site including the amount of impervious area and plans to collect the runoff. Mr. Meltzer shared his screen showing the site plan.

Mr. Madden reviewed the site plan, described the stormwater collection system and the processes taking place on site, and spoke about how they would handle runoff and ensure water quality treatment.

Member Payne asked if the raw materials would be covered and if there was any concern about sedimentation in a big rain event. Mr. Madden responded that most of the material will be washed

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prior to being brought to the site. He did not think sedimentation would be a problem and noted they had the ability to store sediment. Mr. Lorusso stated the raw materials included sand, crushed stone, and liquid asphalt. He explained the process to make the bituminous concrete and noted the liquid asphalt would be stored in heated tanks within a containment area that had 110 or 120% capacity of the tanks. Member Gerrior asked about the types of materials and quantities that would require a spill to be reported and to which agency. Mr. Lorusso responded that it would be reported to the Commission, if required, and to the Massachusetts Department of Environmental Protection.

A motion to issue a three-year extension was made by Member Gerrior and seconded by Member Bourque. **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 Kevin Garell, 17 Sparrow Lane, Rochester, MA 027780, for property located at 17 Sparrow Lane, designated as Lot 13 on Rochester Assessors Map 11A.** The Applicant proposes to install an in-ground pool within the 100' Buffer Zone of a vegetated wetlands. The proposed location of the pool, as well as any disturbance to current vegetation, is outside of the 25' No Disturb Zone from Bordering Vegetated Wetlands. The property owner of record is Kevin Garell, 17 Sparrow Lane, Rochester, MA 02770.

Kevin Garell, property owner, explained there were multiple project iterations over the last year and a half. He noted the final design was not the ideal location for the pool, but stayed out of the 25 Foot No Disturb Zone.

Agent Farinon reported the initial iteration had the pool in a location that involved more work in the 25 Foot No Disturb Zone. She noted the design involved some cutting of trees, but the majority was proposed in the open yard area. Agent Farinon shared her screen showing a photograph of the dwelling and the property and described the location of the pool.

Member Bourque supported removing the designated trees while there is no pool in the way. Chairman Conway asked how close the project was to the 25 feet no disturb zone and Mr. Garell replied that it was 20 feet from the no disturb zone to the patio. Chairman Conway asked if that distance included the fencing. Mr. Garell shared his screen showing the plan and pointed out a small portion of the fencing that touched the no disturb zone. Chairman Conway asked what Mr. Garell was doing to prevent intrusion. Agent Farinon noted the applicant was proposing a silt fence to protect the wetlands during construction. She recommended that the applicant leave the silt fence in place.

Agent Farinon recommended that the Commission issue a negative Determination of Applicability.

A motion for a negative Determination of Applicability was made by Member Gerrior 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**

**DEP SE# 272-0605 A Notice of Intent filed by William Clapp, P.O. Box 67, Rochester, MA 02770, for property located on 0 Clapp Road, designated as Lot 2B on Rochester Assessors Map 30.** The applicant proposes to construct a 2-story 4-bedroom single family dwelling with a walk-out basement and drive-under garage within the 100 Foot Buffer Zone of a Bordering

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Vegetated Wetland. The proposed project provides the 25 ft. No Disturb Zone as required by the Wetland By-Law and proposes 3' boulders to be placed 8' on center as a permanent barrier for the future protection of the wetland. The applicant's representative is David Davignon of Schneider, Davignon, & Leone, Inc., 1 County Road, P.O. Box 480, Mattapoisett, MA 02739. The property owner of record is Estate of Raymond W. Clapp c/o William Clapp, P.O. Box 67, Rochester, MA 02770.

William Clapp, applicant, and David Davignon of Schneider, Davignon, & Leone, Inc. were present. Mr. Davignon reported LEC Environmental Consultants, Inc. confirmed the flagged bordering vegetated wetland with an Order of Resource Area Delineation (ORAD) issued by the Commission in July 2020. He shared his screen showing the plan. He reported they did percolation tests and there were excellent soil conditions. He described the project including the septic system, roof runoff trench, trench for driveway runoff, drinking water well, erosion control, and drive under garage. He stated the house was located at the high point of the lot to fit into the hillside. The only fill added would be in the front yard for drainage from the house to the street. The septic system was 70 feet from the bordering vegetated wetland. Either a Professional Engineer (P.E.) or surveyor will stake the limits of clearing with yellow caution tape. Erosion control barriers will be installed at the location shown on the site plan and inspected by the Conservation Agent. The patio will be at grade, the deck will be elevated, and they are proposing a utility shed in the backyard. They also propose a row of boulders beyond the siltation erosion control to protect the area permanently.

Agent Farinon asked if there are any trees within striking distance of the home and suggested requesting to remove them as part of this permit. Mr. Davignon noted there was a tall pine within the 25 Foot No Disturb Zone. Agent Farinon stated it would be worth a continuance if there were trees with potential impacts to the home. Mr. Davignon agreed and requested a continuance to April 20, 2021.

A motion to continue to April 20, 2021 was made by Member Gerrior 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 from the last meeting was made by Member Thompson and seconded by Member Gerrior. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**Vouchers**

Chairman Conway read the vouchers from the meeting agenda:

BSC Group/Snipatuit Road Solar DEP#272-0597/Invoice# 9143299: \$1,837.00

Horsley Witten Group/0 Neck Road DEP#272-0600/Invoice# 49232: \$2,588.85

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

**Vote to refund of the following Peer Review Account Balances**

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A motion to refund peer review account balance 1 for SunRaise – Featherbed Lane DEP SE 272-596 the amount of \$3,090.62 was made by Member Gerrior and seconded by Member Bourque. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to refund the Eldredge Bogs – Pierce Street DEP SE 272-591 account the amount of \$500.99 was made by Member Gerrior 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 motion to refund the Navisun – Sarah Sherman Road DEP SE 272-590 account the amount of \$1,503.79 was made by Member Gerrior 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 motion to refund the Steen Realty – Cranberry Hwy DEP SE 272-587 account in the amount of \$1,267.31 was made by Member Gerrior 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 motion to refund the CVE North America – Neck Rd DEP SE 272-600 account in the amount of \$2,835.48 was made by Member Gerrior 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**

**A.D. Makepeace Enforcement Order**

*(Vice Chairman Gagne recused himself.)*

William Madden of G.A.F. Engineering, Inc. reported he spoke with James F. Kane, President & Chief Executive Officer at A.D. Makepeace who requested documentation on how the \$15,000 peer review fee was derived. He noted they will file a Notice of Intent application by May 14, 2021.

Agent Farinon explained she estimated the peer review fee based on the magnitude of bank, bordering vegetated wetland, riverfront area, and land under waterbody resource areas impacted. She noted that a requested peer review fee for a solar project without any alterations in the Buffer Zone is typically \$5,000.00. Agent Farinon added that the Commission is still awaiting a list of consultants utilized by A.D. Makepeace. Chairman Conway commented that he hoped the back and forth would not delay the filing and Mr. Madden said it would not.

*(Vice Chairman Gagne resumed his role in the meeting.)*

**New Business**

**Update on Flood Plain Bylaw Changes for May Annual Town Meeting**

Agent Farinon explained the changes to the Flood Plain By-law required by the state were moving along in the process to go to the May Town Meeting. The changes involve updating the flood insurance rate maps and adopting the state's model bylaw.

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**Discuss Conservation Agent Position**

Chairman Conway thanked Agent Farinon for her 27 years of dedicated service to the Town and its residents.

A motion to publicly thank Mrs. Farinon for her 27 years and for giving her Tuesdays and Saturday and Sundays was made by Chairman Conway and seconded by Member Payne. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Agent Farinon said she had thoroughly enjoyed her time working with the Commission Members and the residents. She reported that the Board of Selectmen will meet with Chairman Conway to discuss next steps. She noted there will be a hiring subcommittee of interested Members to review resumes and identify candidates to interview. She added that they aim to hire someone by her July 1, 2021 departure date.

Chairman Conway reported he was moving to California soon and there will be another opening on the Commission.

**2021 Reappointments: Léna Bourque and Kevin Thompson**

Member Thompson stated he was interested in reappointment. Member Bourque explained she intends to step down, however, with Agent Farinon and Chairman Conway leaving she does not want to leave the Commission shorthanded. Chairman Conway suggested that Member Bourque stay until a new agent was hired. Member Bourque agreed.

A motion to recommend reappointment Member Thompson and Member Bourque, as long as she would like to serve, was made by Member Gerrior and seconded by Member Payne. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**2021 MACC Annual Conference**

Agent Farinon reported there is information in Members' packets about virtual workshops taking place instead of the in-person MACC conference. She encouraged members to register for any workshops if interested and the Commission would reimburse them.

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

Members confirmed they were available for the next meeting on April 20, 2021. Chairman Conway noted he might be late. Agent Farinon mentioned the Commission received two new filings and suggested the Commission open the hearings and she could share photos of the sites. Members could then decide if they would like to visit.

**Adjournment**

The meeting adjourned at 8:28 p.m. on a motion made by Member Bourque and seconded by Member Gerrior. Vice Chairman Gagne was opposed. **The motion passed in a roll call vote of 5 in favor, 1 opposed, 0 abstained (5-1-0).**