

**Rochester Conservation Commission
May 4, 2021**

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

Absent: Léna Bourque

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

The meeting convened by telephone and video conference via Zoom Meeting ID: 832 0328 8293. 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.

Request for Approval of Minor Changes, JC Engineering, Plumb Corner Drainage, DEP SE 272-565, Minor Changes to Site Plan/Drainage Improvements, 565 & 0 Rounseville Road, Map 30, Lots 24, 25, 25D

Brian Wallace of J.C. Engineering, Inc. reported the following minor changes were made to the approved site plan:

- A notation was added to remove the existing leaching catch basin in the parking lot;
- The property lines were updated to reflect the transfer of property between the owner of the plaza and the property where they were constructing the Village at Plumb Corner;
- An error was corrected regarding the overall length of the chambers; and
- The model of the hydrodynamic separator was changed to one manufactured by the same company. He noted it had a slightly better Total Suspended Solids (TSS) removal rate.

The plan was updated to reflect the above referenced changes. Mr. Wallace stated he did not think the changes warranted issuance of an amended Order of Conditions.

Chairman Conway asked why they were removing the catch basin. Mr. Wallace responded that it was a condition for approval and it was on the line where they were running a drain pipe. Chairman Conway asked Mr. Wallace to show where the property lines had changed. Mr. Wallace shared his screen showing the Approval Not Required (ANR) plan. Chairman Conway asked what had changed with the property lines. Mr. Wallace responded that it allowed enough room on the parcel with the commercial building and allowed room for the playground. He noted it was a land swap. Chairman Conway asked how the hydrodynamic separator worked. Mr. Wallace explained the process for separating the oil and sediment from stormwater.

Agent Farinon stated the Planning Board and its consulting engineer reviewed the changes and had no objections. She recommended that the Commission deem the changes minor and not require an amended Order of Conditions.

**Rochester Conservation Commission
May 4, 2021**

A motion by Member Gerrior was made that the Commission determine that the changes are minor and do not warrant an amended Order or Conditions, and seconded by Member Thompson. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Tree Removal Request Application, David & Jacqueline Eckert, 15 Briarwood Lane

*(Chairman Conway recused himself from the Public Meeting.
Vice Chairman Gagne took over running the meeting.)*

Rick Charon of Charon Associates, Inc. explained the property owner is looking to remove what remained of a tree that blew down in a prior wind storm. The stump is proposed to be ground in place. Mr. Charon stated the tree was rotted on the inside and has an eighteen (18) inch diameter void in the middle.

Agent Farinon shared her screen showing photos of the tree and the site. Part of the tree had fallen on an outdoor fireplace. She stated that it can be cut and removed without adverse impacts to the wetland resource area and noted the project was within the 25 Foot No Disturb Zone of the bank to Snipatuit Pond. Agent Farinon recommended that the Commission approve the request to remove the remainder of the tree and the large piece that fell on the fireplace.

Member Payne asked what type of equipment will be used to grind the stump. Mr. Charon responded that they will use a walk-behind gas powered stump grinder. Member Payne asked if they would use any larger equipment, and Mr. Charon responded no.

A motion to approve the request 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 resumed running the meeting.)

Public Meeting

(Continued from April 20, 2021) A Request for Determination of Applicability was filed by Thomas Lewis of TEC Associates, 46 Sawyer Street, South Portland, ME 04106 for property designated as 0 County Road, Rochester Assessors Map 17, Lot 7. The applicant seeks to confirm the extent of wetland boundaries along the Massachusetts Coastal Right-of-Way in Rochester from Middleborough to Wareham. The property owner of record is Massachusetts Coastal Railroad, 12 Harding Street, Suite 201, Lakeville, MA 02347.

Thomas Lewis of TEC Associates reported he had submitted the revised map based on changes made by Agent Farinon and Member Gerrior on their site visit on April 16, 2021. He stated he was asking the Commission to review and approve the changes.

Chairman Conway asked if he was seeking to confirm the wetlands boundary and Mr. Lewis responded yes.

Agent Farinon reported that Vice Chairman Gagne had brought up concerns at the previous meeting about using a Request for Determination of Applicability (RDA) to confirm a delineation. She

**Rochester Conservation Commission
May 4, 2021**

looked into it further. She stated that pesticide management and work in the 100 feet buffer could be included in an RDA form. She explained the Commission usually required an Abbreviated Notice of Resource Area Delineation (ANRAD) filing for confirmation of a wetland delineation, which includes abutter notification, a Public Hearing, and peer review. The Commission has never allowed confirmation of a delineation under an RDA, but there was a provision for doing so in the RDA form. She contacted the Massachusetts Department of Environmental Protection (MassDEP) because of the concern that there was not sufficient information. She explained that on the RDA form there was a box 2a that could be checked off for delineations that the Commission confirmed as accurate. By checking off box 2a, it implied that the Commission had gone through the process to confirm the delineation. Agent Farinon stated she spoke with Mr. Lewis about instead recommending that the Commission approve the request and check off the negative determination boxes 3 & 5, but not box 2a. Agent Farinon suggested putting in the minutes or writing a separate letter that the Commission agreed with the delineation.

Chairman Conway asked what MassDEP recommended for the process. Agent Farinon responded that there was no recommendation. Mr. Lewis made it clear that they were only seeking the delineation for the purpose of vegetation management. He noted Commissions in other communities completed the form in a variety of ways since there was no guidance from MassDEP. Chairman Conway suggested asking the petitioner to replace the RDA with an ANRAD. Agent Farinon responded that it was not needed. Vice Chairman Gagne stated he still stood by his point of view. He noted the referenced Superseding Determination was for a jurisdiction that did not have a municipal wetlands bylaw.

Agent Farinon recommended that the Commission issue a negative Determination of Applicability checking off box 3 for work within the buffer zone that would not alter the area, and box 5 for work meeting the requirements for an exemption for a Riverfront area. She also suggested a notation that the extent of wetlands has been reviewed and approved as shown on the revised map. Member Thompson recommended writing a letter memorializing agreement with the delineation, and the Commission agreed.

A motion for a negative Determination of Applicability as stated by Agent Farinon checking boxes 3 and 5 on the RDA form with a letter with the verbiage as stated was made by Member Gerrior and seconded by Member Thompson. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Commission Business

**For Signature
Minutes**

A motion to accept the minutes from the previous meeting was made by Member Thompson and seconded by Member Gerrior. **The motion passed in a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Chairman Conway asked about letters Agent Farinon wrote to the Zoning Board of Appeals (ZBA) regarding Mendell Road and Snipatuit Road. Agent Farinon explained that David Arancio, Chairman of the ZBA, had asked for comments from all departments on any applications filed with the ZBA. For 0 Mendell Rd, she made note of the wetlands on the property. The project for 0

Rochester Conservation Commission

May 4, 2021

Snipatuit Road had already been filed with the Commission. They were waiting until the ZBA process was complete. Chairman Conway reported there was a letter from the Board of Selectmen verifying that Member Bourque and Member Thompson were reappointed to the Commission. He also mentioned three letters from the Massachusetts Division of Fisheries & Wildlife citing takes on three projects.

Old Business

Discuss Board Administrator and Recording Secretary Positions

Agent Farinon reported that both positions were advertised. Town Planner Starrett and herself had done preliminary interviews for the Board Administrator position and scheduled several in-person interviews. Agent Farinon mentioned that a few applications had come in for the Recording Secretary position.

Discuss Conservation Agent Position

Agent Farinon reported that several resumes had been submitted for the position and the deadline is May 14, 2021. She stated she will provide the cover letters and resumes to the four Members and Selectman Ciaburri who make up the hiring committee. Chairman Conway noted that any meetings will need to be posted since the four Commission Members make a quorum.

New Business

Confirm member availability for future site visits and meetings

All Members present except Vice Chairman Gagne stated they were available to attend the next meeting.

Adjournment

The meeting adjourned at 7:50 p.m. on a motion made by Member Thompson and seconded by Chairman Conway. Vice Chairman Gagne was opposed. **The motion passed in a roll call vote of 4 in favor, 1 opposed, 0 abstained (4-1-0).**

Marissa Perez-Dormitzer, Recording Secretary

Michael Conway, Chairman