

**Rochester Conservation Commission  
July 6, 2021**

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

**Absent:** None

Merilee Kelly, Conservation Agent  
Victoria D'Antoni, Board Administrator  
Lori Walsh, Recording Secretary

The meeting convened by telephone and video conference via Zoom Meeting ID: 836 5927 1893. Chairman Gerrior called the meeting to order at 7:00 p.m. and took attendance of members, staff, applicants, and representatives. Chairman Gerrior 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 Gerrior stated that votes would be taken by roll call.

**Public Meetings**

**Request for Determination of Non-significance**, Matthew Magalhaes & Bethany McMeekin, 443 Neck Road, DEP SE 272-0581, Minor changes to porch, grading. New garage outside buffer zone.

Rick Charon, from Charon Associates, was present to discuss a minor change to the porch and grading.

A motion was made by Maggie Payne, seconded by Kevin Thompson, that this change does not require an Amended Order of Conditions. The motion carries unanimously.

**DEP SE# 272-0530 A Request for Certificate of Compliance filed by Rochester MA 2, LLC for property on 268 Mattapoissett Road, designated as Lots, 1, 1A, & 7 on Map 4.** This project was for the installation of a ground mounted solar array. The applicant's representative is Prime Engineering, Inc.

Spencer Lynds, from Prime Engineering, Inc., was present. Mr. Gagne stated the plan lacks limit of tree clearing, wetland buffers, and solar panel footings. Ms. Bourque and Ms. Payne also agreed that the plan needed more detail.

A motion was made by Kevin Thompson, seconded by Léna Bourque, to continue until July 20, 2021. The motion carries unanimously.

**A Request for Determination of Applicability filed by Massachusetts Bay Transportation Authority for property on 45 Kings Highway, designated as Lot 17 on Map 21.** The applicant is proposing the installation of two tracks with bumping posts out of the back of the building to the edge of the fenced area.

Tess Paganelli, from the MBTA, was present. Ms. Paganelli stated that they are looking to expand their scope of work that was originally approved in 2019 to extend track one by 35 feet and track two by 110 feet to allow for storage of two additional train cars resulting in a total of 9,358 square

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feet of disturbance. Mr. Gagne stated that the 25-foot buffer is not on the plan and there is no stormwater report. Ms. Paganelli replied that the MBTA is exempt from that buffer zone because it is a town bylaw and there is no change to the stormwater. Mr. Gagne believes there is a change to the stormwater due to the changes in slope. Mr. Gerrior stated that he would like the 25-foot buffer added to the plan because the Commission members like to see it on the plan. Mr. Gagne stated that the MBTA has led them astray before and cleared more than approved in the past. Ms. Paganelli apologized although it happened before she was working with the MBTA. Mr. Gagne stated that this filing requires a Notice of Intent.

A motion was made by Dan Gagne, seconded by Kevin Thompson, to issue a positive determination requiring a full Notice of Intent filing. The motion carries unanimously.

**A Request for Determination of Applicability filed by Long Built Homes for property located on 0 Walnut Plain Road, designated as Lot 2F on Map 27.** The applicant proposes the construction of a single-family home with associated septic, driveway, and grading. The applicant's representative is Evan Watson of W Engineering, LLC.

Evan Watson, from W Engineering, was present. Mr. Watson screen-shared the plan and stated he was looking for a negative determination. Mr. Gagne asked if the gravel removal will extend to the western edge of the property. Lee Castignetti, from Long Built Homes, stated that outside of the lawn area nothing will be disturbed. Mr. Gagne mentioned that the erosion control barriers and limit of the gravel road should be shown on the plan.

A motion was made by Kevin Thompson, seconded by Maggie Payne, to issue a negative determination with the condition that the applicant submit a revised plan clearly showing erosion control barriers and limits of work. The motion carries unanimously.

**Public Hearings**

**DEP SE# 272-0607 A Notice of Intent filed by property owner DBT Investments, LLC, 556 Center Street, Suite D, Middleborough, MA 02346 property located at 22 High Street, designated as Lot 9 on Rochester Assessors' Map 14.** The applicant proposes grading and landscaping associated with construction of a single-family home. Work is proposed within 100 feet of a Bordering Vegetated Wetland as well as Bordering Land Subject to Flooding (Flood Zone A). Existing debris within the 25 Foot No Disturb Zone shall be removed from the property. The applicant's representative is Zenith Consulting Engineers, LLC.

Bob Forbes, from Zenith Consulting Engineers, screen-shared the plans and explained that the wetlands will not be impacted. Dave Madigan, from Madigan Excavating, stated that according to the deed, the upland area is the property line which they have stayed away from. Ms. Kelly asked if they have heard back from Natural Heritage. Bo McMahan, the applicant, replied yes, that they have received a negative determination. Kimberly Ashley, from Old Tuck Cranberry Corp., and an abutter to this project, expressed concerns with where the property line is shown on the plan. Ms. Ashley asked if the owners could reach out to reach to discuss this matter outside of the meeting. Mr. McMahan replied that he would be glad to do so.

A motion was made by Dan Gagne, seconded by Kevin Thompson, to issue a positive order of conditions. The motion carries unanimously.

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A motion was made by Dan Gagne, seconded by Kevin Thompson, to amend the previous motion to include a preconstruction meeting with Merilee Kelly and siltation barriers in place prior to meeting. The motion carries unanimously.

**DEP SE# 272-0606 A Notice of Intent filed by Bendrix Bailey, 34 Gerrish Road, Rochester, MA 02770, for property located at 0 Gerrish Road, designated as Lot 29F on Rochester Assessors Map 43A.** The applicant seeks approval to construct a 700-foot long roadway to access a single-family house lot. Proposed work within the 100 Foot Buffer Zone to a bordering vegetated wetland consists of site clearing, construction of a 20' wide 700-foot long recycled asphalt roadway, site grading and construction of a water quality basin. The property owner of record is Edgewater Bog Realty Trust, 34 Gerrish Road, Rochester, MA 02770. The applicant's representative is Brian Grady of G.A.F. Engineering, Inc., 266 Main Street, Wareham, MA 02571.

A motion was made by Kevin Thompson, seconded by Léna Bourque, to continue the public hearing to July 20, 2021. The motion carries unanimously.

**DEP SE# 272-0597 A Notice of Intent filed by Snipatuit Road Solar, LLC, P.O. Box 1320, Portsmouth, NH 03801, for property on 0 Snipatuit Road, designated as Lots 26, 27 on Rochester Assessors Map 46 and Lots 1, 4, 9, and 9A on Rochester Assessors Map 47.** The applicant proposes construction of a perimeter access roadway, stormwater collection system and installation of portions of a 4.6 MW DC ground-mounted solar photovoltaic array within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. Road improvements will include widening the access road and upgrading the existing 18" metal culvert to a new timber span bridge crossing, which will result in the alteration of 4,570 square feet of Bordering Vegetated Wetland, 22 linear feet of Bank, 33 square feet of Land Under Waterbodies and Waterways, and 9,800 square feet of Riverfront Area. The applicant's representative is Beals and Thomas.

*Dan Gagne recused himself from the hearing.*

A motion was made by Maggie Payne, seconded by Kevin Thompson, to continue the public hearing to July 20, 2021. The motion carries unanimously.

**DEP SE# 272-0609 A Notice of Intent filed by Long Built Homes for property on 223 Burgess Ave designated as Lot 16 on Map 27.** The applicant proposes the construction of a single-family home with associated septic, driveway, and grading. The applicant's representative is Evan Watson of W Engineering, LLC.

Evan Watson, from W Engineering, LLC, was present. Mr. Watson stated that the USGS Maps show an intermittent stream however it is just a ditch and there is no BVW associated with it. Mr. Thompson suggested it would be in the client's best interest to get the stream declassified.

A motion was made by Dan Gagne, seconded by Kevin Thompson, to issue a positive order of conditions with the condition that there be a preconstruction meeting and siltation measures installed prior to the meeting. The motion carries unanimously.

**Commission Business**

**For Signature - Minutes:** (voting quorum: *Lena, Maggie, Kevin, & Christopher*)

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A motion was made by Kevin Thompson, seconded by Léna Bourque to approve the June 1, 2021 meeting minutes.

**New Business**

**Discuss potential new members interested in being appointed by the BOS**

Mathew Bache spoke to the Board of his interest to join the Commission. He said that he knows a lot about codes, he holds four Mass. Licenses, oil burner license, Contractor License, etc. He said he would like to help protect the wetlands.

Bendrix Bailey also spoke to the Board of his interest to be on the Board. Mr. Bailey has been a Resident of Rochester since 1985. He said he's been active in farming and he is on the Planning Board and Planning and Conservation go together. His primary reason for wanting to be on the Conservation Board is to be able to work closely with both Boards. He said he is also an outdoor enthusiast.

Bill Milka was present to discuss his interest on being on the Board. He said he is a site Contractor and also has owned a Cranberry Bog. He has dealt with a lot of different Conservation Agents.

**Discuss status of future meetings after Covid State of Emergency**

Chairman Gerrior said that at some point the Board will need to go back to in person meetings. Maggie Payne said that she would like to still have the option of going hybrid. Dan Gagne would like to be in person. Kevin Thompson would like to be in person. Chairman Gerrior said that they have a temporary order right now with the option of hybrid meetings so they need to decide and make a goal date. Kevin Thompson recommended the first week in September. Mr. Gagne agreed with Kevin. Chairman Gerrior asked Ben Bailey what the Planning Board is doing. Ben Bailey said that their goal is to get back to the Town Hall. Kevin Thompson said that when they send a memo around they can ask Kevin for more technical input.

**Vote to appoint Chairman Gerrior designated signatory on Commission vouchers**

A motion was made by Dan Gagne, seconded by Kevin Thompson, to make Christopher Gerrior the designated signatory for vouchers. The motion carries unanimously.

**Adjournment**

A motion was made by Kevin Thompson, seconded by Léna Bourque, to adjourn the meeting at 9:20 p.m. The motion carries unanimously.

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Lori Walsh, Recording Secretary

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Christopher Gerrior, Chairman