

Rochester Conservation Commission
July 20, 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 880 5293 5331. Chairman Gerrior called the meeting to order at 7:00 p.m. Chairman Gerrior read a message about remote participation and ground rules for the meeting. He stated the meeting was being recorded.

Public Meetings

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 said that it looks like they went into the 25 ft. no-touch zone and wanted to know why. Mr. Lynds said that they did not do any clearing outside of what was on the design. Mr. Gagne also said that he believes there were some approved plantings and they are not shown on the plan. Mr. Lynds said as far as he's aware those plantings did take place. Chairman Gerrior said that he can confirm that there are plantings there because he drives by there. Mr. Gagne said his concern is that it's not on the approved plan. Mr. Gagne said that until they have clarification if they cleared beyond the approved limits of clearing, then he is not in favor of moving forward and signing off on the Certificate of Compliance.

A motion was made by Kevin Thompson, seconded by Léna Bourque, to continue until August 3, 2021. The motion carries unanimously.

Public Hearings

DEP SE 272-0608 A Notice of Intent filed by A.D. Makepeace Company, Inc., for property located at the Morse Swamp Reservoir, 0 County Road Map 17, Lots 9 and 13. The applicant filed a Notice of Intent in response to an Enforcement Order issued by the Rochester Conservation Commission on December 16, 2020. Proposed work involves restoration and replication of the following wetland resource areas: 1,458 linear feet of Bank, 17,001 square feet of Bordering Vegetated Wetland, 200,376 square feet of Land Under Waterbody, 29,305 square feet of Bordering Land Subject to Flooding, and 2,737 square feet of Riverfront Area. The applicant's representative is G.A.F. Engineering, Inc.

The applicant requested a continuance to August 3rd, 2021.

A motion was made by Maggie Payne, seconded by Kevin Thompson, to continue the public hearing to August 3, 2021. The motion carries with four in favor, Dan Gagne recused.

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DEP SE 272-0606 A Notice of Intent filed by Bendrix Bailey for property located at 0 Gerrish Road, Map 43A Lot 29F. 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. The applicant's representative is Brian Grady of G.A.F. Engineering, Inc.

The applicant requested a continuance to August 17, 2021 to readvertise and renotify abutters.

A motion was made by Kevin Thompson, seconded by Léna Bourque, to continue the public hearing to August 17, 2021. The motion carries unanimously.

DEP SE 272-0597 A Notice of Intent filed by Snipatuit Road Solar, LLC for property on 0 Snipatuit Road, Map 46, Lots 26, 27 and Map 47, Lots 1, 4, 9, and 9A. 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.)

Eric Las and Caroline Booth, from Beals and Thomas, were present. Letter dated June 30, 2021 peer review from BSC Group. Chairman Gerrior asked if Agent Kelly had any comments. Ms. Kelly had asked questions regarding the peer review letter from BSC Group, dated June 30, 2021. Ms. Kelly asked about what is being done to prevent the coffer dam from causing flooding. Mr. Las stated that they are going to use sand bags to temporarily block the flow. Mr. Kelly asked about one of the notes on the plan that said that the stream restoration would be checked after the first year for 7% overall coverage of the disturbed area. Mr. Las replied that it should say 75% because that is the absolute minimum. Ms. Kelly asked if a pollinator seed mix is being considered. Mr. Las stated he applicant may be open to that. Maggie Payne thinks it would be nice to see some plantings in that area, and monitoring of the restoration area for five years. Ms. Booth spoke to the Board regarding this project and screen-shared the plan. Matt Creighton, from BSC Group, spoke about conversations with Natural Heritage. Mr. Creighton stated that the majority of the projects do not close without an answer from Natural Heritage and the Conservation Restriction has to be registered with the Registry of Deeds before any work can be done. Mr. Creighton explained that the Commission can move forward with certain conditions and no work can be done until they hear from Natural Heritage. Ms. Kelly read the list of special conditions from the BSC Group peer review letter, dated June 30, 2021.

A motion was made by Kevin Thompson, seconded by Léna Bourque, to close the public hearing and issue an approved Order of Conditions with the aforementioned conditions. The motion carries with four in favor, Dan Gagne recused.

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A motion was made by Kevin Thompson, seconded by Léna Bourque, to amend the previous motion to include the special conditions used from the Featherbed Lane Solar project. The motion carries with four in favor, Dan Gagne recused.

(Dan Gagne resumed his role in the meeting.)

Commission Business

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

A motion was made by Kevin Thompson, seconded by Léna Bourque to approve the July 6, 2021 meeting minutes. The motion carried with four in favor, Maggie Payne abstained.

New Business

Ms. Bourque, Mr. Gerrior, and Ms. Kelly would all like to do a site visit to 268 Mattapoissett Road next week.

Adjournment

A motion was made by Maggie Payne seconded by Kevin Thompson, to adjourn the meeting at 8:30 p.m. The motion carries unanimously.

Lori Walsh, Recording Secretary

Christopher Gerrior, Chairman