

Rochester Conservation Commission
August 17, 2021

Present: Christopher Gerrior, Chairman
Daniel Gagne, Vice Chairman
Léna Bourque
Maggie Payne
Kevin Thompson
Bendrix Bailey
Matthew Bache

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 822 5934 2873. 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. Ms. Kelly shared pictures with the Board of the site. Ms. Bourque went to the site visit and stated that going forward, we need to make sure to let the owner know that we are going out for a site visit.

A motion was made by Kevin Thompson, seconded by Bendrix Bailey, to issue a complete Certificate of Compliance. The motion passes with a roll call vote of 7.

A Request for Determination of Applicability filed by property owner Douglas Rose, for property located at 89 Box Turtle Drive, Map 19A, Lot 75A. The applicant proposes the installation of a fence along with clearing fallen trees, and grading up to the 25-foot buffer zone.

Douglas Rose, the applicant, is present. Mr. Rose stated he would also like put up a fence to have privacy and for safety reasons and that are trees that were cut and were left behind that he would like to clear. Mr. Gerrior asked if they were in the 25 ft. buffer zone. Mr. Rose answered that he wasn't sure. Ms. Kelly stated that he should put the fence up to the 25 ft. buffer zone and then clear what he needs to clear before he puts the fence up. Mr. Gagne asked if there were wetland flags up. Ms. Kelly stated there are pink wetland flags in the trees. Ms. Payne expressed concern that the wetlands have not been flagged and would like to see a plan as to where the fence is going to go. Mr. Bailey stated that if you look at the plan there are wetland markers there. Mr. Gerrior stated that they will continue this and he will help Mr. Rose revise the plan.

A motion was made by Bendrix Bailey, seconded by Kevin Thompson, to continue to September 7th, 2021. The motion passes with a roll call vote of 7.

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.

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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.

(Dan Gagne recused himself from the hearing.)

The applicant requested a continuance to August September 7th, 2021 due to waiting for peer review.

A motion was made by Bendrix Bailey, seconded by Kevin Thompson, to continue the public hearing to September 7, 2021. The motion carries with six in favor, Dan Gagne recused.

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.

(Bendrix Bailey recused himself from the hearing.)

Chairman Gerrior stated that he received a letter from the Assessor's office regarding the lot number and it will be on file. It can be found on the Commission website under this meeting's packet.

Brian Grady, of G.A.F Engineering, was present to discuss the changes with the easements and that the waivers were approved at the Planning Board meeting last week. Mr. Grady stated that the easements are to grant access to the roads for the Fire Department and Emergency vehicles. Ms. Kelly asked if it was a private road and Mr. Grady said yes. Mr. Gagne asked about the drain line that drains into the catch basin, and he said it looks like he's going to be flooding out the neighbors. Mr. Grady had waivers approved that they requested from the Planning Board. Mr. Gagne asked about the existing concrete pipe across the road and what was going on with it. Mr. Grady said it's another drainage pipe. Mr. Gagne said that he's still concerned about the storm water basin and the neighbors. Mr. Grady said that this property is down low and the neighbor's properties are up high. Ms. Payne asked why they put the road where they did. Mr. Grady said there were certain circumstances like turn around for vehicles, etc... Ms. Payne asked if there is any further work to be done to the gravel road. Mr. Grady said no there is not and it's suitable for travel for now. Ms. Bourque asked if the road is okay for the Fire Department. Mr. Grady replied yes. Mr. Gerrior asked if the 50 feet is the amount for clearing. Mr. Grady said the 50 feet wide is the grading. Mr. Gerrior asked if it was a 20ft wide road. Mr. Grady said it is 18ft wide travel, 50 ft of clearing. Mr. Gerrior asked why such a wide road with all the concerns of the abutters. Mr. Grady said that after asking for waivers and getting approval from the Planning Board that's what could be done. Mr. Gagne is concerned about roadway runoff to the abutters. Mr. Grady said they are not concerned about that because they have done a peer review. Mr. Gerrior is interested in doing another onsite inspection.

Jeff Powers, 22 Bishop Road, asked if the peer review was included in this application. Mr. Grady said no it is not but he can get a copy. Mr. Powers asked if this is only a driveway then why are they building a road. Mr. Grady said they are building a road. Bob Mogilnicki, 20 Bishop Road asked how can you allow a road to be constructed and is the Conservation Commission aware of the consent agreement from Mr. Bailey. Mr. Mogilnicki asked that the Board be aware of this. Colman Lalli, 16 Bishop Road, took issue with the road.

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Mr. Thompson would like to know why this had to be done as a sub-division. Mr. Grady said it is a Form C process. Mr. Gagne asked what the plan is for razing the building. Mr. Grady said a concrete slab with sand around it. Mr. Gerrior said we are looking for a continuance to Sept. 21st.

A motion was made by Kevin Thompson, seconded by Léna Bourque, to continue the public hearing to September 21, 2021. The motion carries with six in favor, Bendrix Bailey recused.

(Continued from August 3, 2021) **DEP SE 272-0598 A Notice of Intent filed by property owners Carl and Jennifer Achorn, for property at 150 Snipatuit Road, Map 35, Lot 42F.** The applicant is proposing to construct a single-family home with a garage, inground pool, onsite well, and septic system. Erosion control measures have been shown on the plan in order to prevent the possibility of siltation migrating towards the resource areas.

Darren Michaelis, of Foresight Engineering, presented this single-family home project. Ms. Kelly showed the Board some pictures of the site. Ms. Bourque said she agrees that something should be used like a fence or stone along the 25-foot buffer zone. Mr. Gagne said if we want that to be on the Order of Conditions and it to stick then it would have to be on there for three years. Mr. Gerrior said that we would have to look in to that.

A motion was made by Bendrix Bailey, seconded by Kevin Thompson, to issue an approved Order of Conditions with the conditions that there is a pre-construction meeting, pool water is to be removed off site, a semi-permanent marker along the 25-foot buffer be installed, siltation control measures installed, and the lowest nitrate fertilizer be used on site. The motion carries unanimously.

Commission Business

For Signature – Permits

Ms. D’Antoni stated that there are no outstanding signatures.

For Signature - Minutes

A motion was made by Kevin Thompson, seconded by Maggie Payne to approve the August 17, 2021 meeting minutes with corrections. The motion carries unanimously.

New Business

Meeting Status – Discuss switching to hybrid meetings

Mr. Thompson stated he would like to go back in person. Ms. Bourque stated we should not jump the gun. Mr. Thompson suggested bringing this up again at the next meeting.

Mr. Gagne suggested thinking about adding something to the regulations to be further away than 25-feet from the wetlands.

Adjournment

A motion was made by Kevin Thompson, seconded by Léna Bourque, to adjourn the meeting at 8:48 p.m. The motion carries unanimously.