

Rochester Conservation Commission
September 7, 2021

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

Absent: Bendrix Bailey

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

Chairman Gerrior called the meeting to order at 7:00 p.m. Chairman Gerrior then read a message about remote participation and ground rules for the meeting. He stated the meeting was being recorded.

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 the next meeting due to waiting for peer review.

A motion was made by Kevin Thompson, seconded by Léna Bourque, to continue the public hearing to September 17, 2021. The motion carries with six in favor, Dan Gagne recused.

A motion was made by Kevin Thompson, seconded by Léna Bourque, to amend the previous motion to continue the public hearing to September 21, 2021. The motion carries with five in favor, Dan Gagne recused.

Public Meetings

DEP SE 272-0588 A Request for a Certificate of Compliance filed by Tess Paganelli (Massachusetts Bay Transportation Authority), for property located at 45 Kings Highway, Map 17, Lot 21. The is in reference to an Order of Conditions that was issued for buffer zone stabilization and restoration.

Jonathan Niro, of BETA Group, Inc., showed pictures of the site. Ms. Kelly stated it looked beautiful she would recommend giving them the Certificate of Compliance. Mr. Gagne had some questions about manicured lawn area. Mr. Niro replied there is not manicured lawn. Tess Paganelli was also present and stated that they do mow adjacent to the road but the buffer zone seed mix is not mowed. Mr. Gerrior asked if there is going to be any mowing along the fence. Ms. Paganelli replied no.

A motion was made by Kevin Thompson, seconded by Maggie Payne, to issue a complete Certificate of Compliance. The motion carries unanimously.

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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, was present and having trouble with audio. Mr. Gerrior spoke to the Board about the project. Ms. Kelly would like to make sure that the fence company knows that they can't go over the 25ft buffer zone. Mr. Gagne stated that this could be an approvable project with the proper conditions. Ms. Payne said that she would feel more comfortable with a Notice of Intent filing. Ms. Bourque said that she agrees.

A motion was made by Daniel Gagne, seconded by Maggie Payne, to issue a positive Determination of Applicability requiring the filing of a Notice of Intent. The motion carries unanimously.

A Request for Determination of Applicability filed by property owner Darrell Charron, for property located at 15 Wolf Island Road, Map 3, Lot 5C. The applicant proposes the installation of a storage shed up to the 25-foot buffer zone.

Darrell Charron, the applicant, was present. Ms. Kelly stated that Mr. Charon came into the office; she drew the 25ft buffer zone on the plans and this is the only place he can put the shed. Mr. Gerrior said that Mr. Charron needs to speak to the Building Inspector, Jim Buckles, about the Building Department requirements. Mr. Gagne said that he is requiring a further filing on this. Mr. Gagne made a recommendation for a continuance until Mr. Charron has more information.

A motion was made by Kevin Thompson, seconded by Léna Bourque, to continue to September 21, 2021. The motion carries unanimously.

Public Hearings

DEP SE 272-0610 A Notice of Intent filed by Renewable Energy Development Partners, LLC, for property located at 109 Neck Road, Map 40, Lot 3. The applicant proposes the construction of a dual use ground-mounted photovoltaic solar array and canal canopy solar array within the buffer zone to wetland resource areas. The applicant's representative is Beals & Thomas, Inc.

(Dan Gagne recused himself from this hearing.)

Sarah Stearns, from Beals and Thomas, was present to discuss this project. Ms. Stearns shared her screen with the Board and discussed the canal canopy. Ms. Kelly asked what they were planning to grow. Henry Ouimet stated they don't have a definitive plan yet and they are in contact with a number of interested parties. Mr. Gerrior asked Mr. Ouimet to give them an answer of what it might be. Mr. Ouimet stated it won't be livestock. Iain Ward said there are options. Ms. Stearns stated the green line on the plan is the proposed street line and the usage will be farmland as well as solar array. Ms. Payne asked about leaching from the pilings pressure treated with arsenic in it and why they chose this. Mr. Ouimet said that they did a leachability study and the immediate footprint of the piles is about 6-12 inches, there is a miniscule thread of migration and they are working with land owners that are concerned about that as a risk and they spent a better part of a year before the development of the project investigating this. Mr. Ouimet stated they would be happy to submit a report to the Board.

Michael Surace, 291 Neck Road, stated he does not have a problem with the proposed berm. Mr. Batch of Neck Road, spoke to the Board about a tree line. Mr. Ouimet said they need to clean up the trees that are there and that most of the clearing they are doing there is to address the pines.

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Maggie Shein from Save the Pines, is speaking for Residents in Rochester who contacted them and asked what is the agricultural use. Ms. Shein asked the Chairman if they could provide them with more information on farmland for that property.

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

Mr. Gerrior would like to set up a site visit for this property for September 13, 2021 at 1:00pm.

Commission Business

For Signature – Permits

Ms. D’Antoni stated that there are outstanding signatures for permits issued on August 17, 2021.

For Signature - Minutes

A motion was made by Kevin Thompson, seconded by Matthew Bache to approve the August 17, 2021 meeting minutes. The motion carries unanimously.

New Business

Meeting Status – Discuss switching to hybrid meetings

Mr. Gerrior stated that he has been in touch with Old Colony to see about doing hybrid meetings there.

Records Retention

Mr. Gerrior stated Ms. D’Antoni should check with Town Counsel about destroying of old files.

Ms. Bourque Stepping Down

Ms. Bourque stated she would like to step down as a member and stay on as an associate member.

A motion was made by Keven Thompson, seconded by Matthew Bache, to appoint Léna Bourque as an associate member. The motion carries unanimously.

A motion was made by Kevin Thompson, seconded by Maggie Payne, to recommend Bill Milka as a member. The motion carries unanimously.

Adjournment

A motion was made by Kevin Thompson, seconded by Maggie Payne, to adjourn the meeting at 8:35 p.m. The motion carries unanimously.

Lori Walsh, Recording Secretary

Christopher Gerrior, Chairman