

**Rochester Conservation Commission
November 16, 2021**

Present: Christopher Gerrior, Chairman
Daniel Gagne, Vice Chairman
Maggie Payne
Bendrix Bailey
Matthew Bache
Bill Milka

Absent: Kevin Thompson

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.

Bill Madden, from G.A.F. Engineering, is present. Mr. Madden said that they provided responses to the first peer review report that LEC Environmental prepared and as a result they filed a notice of intent and they came up with several comments and GAF answered back. Mark Manganello, of LEC Environmental, said that overall, they've addressed the bulk of the comments that he had and that if they want to get the large piles of sand out of there by winter then they need to start now. Mr. Madden spoke to the Board and said that they have put together a step by step plan that addresses each one of the resource areas which are one, the inland bank to the pond reservoir, and the bordering vegetated wetland in the buffer zone. Mr. Madden said that they also included a maintenance and monitoring program so that the Commission is aware of the work.

A motion was made by Matthew Bache, seconded by Maggie Payne, to approve the plan with oversight. The motion carries with five in favor, Dan Gagne recused.

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.

A motion was made by Bendrix Bailey, seconded by Matt Bache, to continue the public hearing to December 7th, 2021. The motion carries with five in favor, Dan Gagne recused.

DEP SE 272-0611 A Notice of Intent filed by Tess Paganelli, Massachusetts Bay Transportation Authority, for property located at 45 Kings Highway, Map 17, Lot 21. The applicant proposes the construction of a secondary access road, retaining wall, and utilities as well as repaving, establishing storage

**Rochester Conservation Commission
November 16, 2021**

tracks/areas, construction of wetland and stream replication areas, and implementing stormwater best management practices. The applicant's representative is BETA Group, Inc.

Tess Paganelli, from the MBTA and Jonathan Niro, from BETA Group was present. There was some discussion about whether this site qualified as a LUHPPL. Peter Cruz, from Jacobs, stated that the 30-foot roadway is needed to get the vehicles out of the driveway so the roadway needs to be wider to get the vehicles out of the property and that this is just a second means of egress. Mr. Gagne said that this is not a means of egress then if you need a 30-foot driveway when the requirement for emergency vehicles is 16 feet. Edward Pontes of Jacobs, and Chris Ross, of Ross Consulting, spoke to Mr. Gagne about the roadway. Mr. Gagne stated he thinks they are not meeting the standards. Dylan O'Donnell, of Environmental Partners Group, spoke on this issue. Ms. Payne said that the main access is still the existing road. Mr. Pontes said that the new road is the secondary means of emergency egress. Mr. Niro said that the existing driveway is on another property and there is an easement there which is why they need a secondary means of egress. Mr. Bache asked how wide the driveway is now. Mr. Pontes said it is 25 feet. Matthew Bache said that he feels that it is a work in progress and that they just need time to work on it.

A motion was made by Bendrix Bailey, seconded by Matthew Bache, to continue the public hearing to December 7, 2021. The motion carries unanimously.

Commission Business

For Signature - Minutes

A motion was made by Maggie Payne, seconded by Matthew Bache to approve the November 3, 2021 meeting minutes. The motion carries unanimously.

For Signature – Vouchers

A motion was made by Bendrix Bailey, seconded by Matthew Bache, to approve the Fileguard voucher. The motion carries unanimously.

New Business

Emergency Certification – 0 Old Middleboro Road, Installation of Culvert

Tom Gadomski, from Agilitas, is present. Mr. Gadomski stated they took immediate action and started pumping the excess water immediately. Mr. Gadomski stated he is seeking the Commission's approval to install a new culvert and to remove the old culvert. Conservation Agent Kelly asked if the water is completely gone. Mr. Gadomski said that there is still some water especially due to some rain over the weekend. Mr. Gagne said that the plan doesn't show any elevations. Mr. Gadomski said that there is a 3-foot separation on both sides. Mr. Gagne asked where he is planning to put the pipe. Mr. Gadomski said the left. Mr. Gagne said a 12-inch pipe and they propose HDPE but the planning wants them to put steel pipe so they are working on that with the Planning Board. Mr. Gagne asked what they think the reason is for the flooding on that road. Mr. Gadomski said he's not sure. Chairman Gerrior said that he believes that this falls under special conditions number 29. Chairman Gerrior said that he has concerns about this and wants him to send out some letters to the abutters who use that road about what he's going to be doing on the road.

A motion was made by Bendrix Bailey, seconded by Matthew Bache, to approve the construction of a new culvert. The motion carries unanimously.

Adjournment

Rochester Conservation Commission
November 16, 2021

A motion was made by Bendrix Bailey, seconded by Matthew Bache, to adjourn the meeting at 8:09 p.m. The motion carries unanimously.

Lori Walsh, Recording Secretary

Christopher Gerrior, Chairman