

Rochester Conservation Commission

January 4, 2022

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

Absent: None

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

Chairman Gerrior called the meeting to order at 7:05 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 Meetings

A Request for Determination of Applicability filed by Industrial Tower and Wireless, LLC, for property located at 0 High Street, Map 19 Lot 5. The owner of record is A.D. Makepeace Co., 158 Tihonet Road, Wareham, MA 02571. The applicant is proposing underground utility work in the shoulder of the existing drive on the opposite side of the wetlands.

(Dan Gagne is recused from this item.)

Shayna Galinat, of Industrial Communications, was present to discuss the project. Chairman Gerrior asked what the plan is for the drilling. Rick Voci, of Industrial Communications, said that it is just a regular foundation. Chairman Gerrior asked how big the layout is. Mr. Voci said 35 X 35 or 40 X 40 and anywhere between 6-8 feet deep. Chairman Gerrior asked if there is going to be any back up power or fuel located anywhere on site. Mr. Voci replied not now. Chairman Gerrior asked why was this site picked to be used. Mrs. Galinat said that this site was picked due to it meeting the regulations that are very strict.

A motion was made by Bendrix Bailey, seconded by Matthew Bache, to issue a negative determination of applicability. The motion carries with six in favor, Dan Gagne recused.

DEP SE 272-0546 A Request for Certificate of Compliance filed by property owner Michael Santos, for property located at 8 Thistle Lane, Map 21 Lot 19G. This is in reference to an Order of Conditions for an approved addition onto existing single-family home and tree clearing.

Michael Santos, the applicant and owner, was present to discuss. Mr. Gagne asked what was constructed that is not constructed according to plan. They have removed the trees and the addition is built on the outside. Mr. Gagne asked if the Board has a letter from the Engineer certifying the work that was done in compliance. Mr. Santos said they are representing themselves and there is no Engineer. Mr. Gagne said that, that is one of their conditions. Chairman Gerrior said there is no engineer involved and asked Mr. Gagne if one of the Board members should inspect if the trees have been removed. Mr. Gagne will get back to the Chairman. Ms. Payne asked if they had an as-built of what the current conditions are on the property. Chairman Gerrior said that the best thing is to continue this until the Board can go out for a site visit.

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A motion was made by Bendrix Bailey, seconded by Matthew Bache, to continue the request for certificate of compliance to January 18, 2022. The motion carries unanimously.

DEP SE 272-0541 A Request for Certificate of Compliance filed by property owner Norene Hartley Trustee, Hartley Beach Trust, for property located at 90 Snows Pond Road, Map 39 Lot 3C. This is in reference to an Order of Conditions for an approved vegetative restoration project.

Noreen Hartley was present to discuss the status of the project. Conservation Agent Kelly said that she was out there today and everything has grown back and everything is in good shape. Mr. Gagne said that he doesn't see an as-built or a certificate of compliance that things were completed. Mr. Gagne also asked what the status of the restoration areas was. Chairman Gerrior said that the Conservation Agent was out there today and she saw the fence posts and said that everything on the wetlands side of the fence posts is about waist high and coming back strong. Mr. Gagne said that the design plan does not show a fence post from what he can see. Mr. Gagne said there are three restoration areas and he would like to know the status of them.

A motion was made by Bendrix Bailey, seconded by Matthew Bache, to issue a certificate of compliance. The motion carried with six in favor, Dan Gagne opposed.

DEP SE 272-0392 A Request for Certificate of Compliance filed by representative Schneider, Davignon, & Leone, Inc., for property owner DIGI-MAC, LLC c/o Andrew Diagammo and Donald Look, for property located at 15 Elizabeth Drive, Map 30 Lot 17. This is in reference to an Order of Conditions for removal of tire piles and the construction of a single-family home with associated site work.

A motion was made by Bendrix Bailey, seconded by Matthew Bache, to continue the request for the certificate of compliance to January 18, 2022. The motion carries with six in favor, Dan Gagne opposed.

Public Hearings

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 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, of the MBTA, was present. Scott Turner, of Environmental Partners Group, went down a list of items he found concerns with. Mr. Gagne had a question on the drain piping where they say that they are going to surcharge or may overflow. Ed Pontes, of Jacobs, said that once the water rises above the structure, it tends to rise over and above the rim of the catch basins, so you would eventually see in the peak hour of a storm event, a ten year storm event, that you will see a little bit of ponding around top of the grate of the catch basin and then it will slowly recede within hours of that window or past the peak hour of that storm. Mr. Gagne asked what about a 25 and a 50-year storm event. Mr. Pontes replied the design standard for MassDOT is a 10-year density design rate and when we get to the 25 to 50-year events we certainly will prove that we can contain that within a storage basin but as far as collection in a system, typically we design a basin in a ten year because that is MassDOT standard. Mr. Gagne asked that in a situation with a 100-year storm, what happens with the water. Mr. Pontes stated the high points surrounding each catch basin and that's only for a 25-minute period of time within a 24-hour event which occurs once in a century. Mr. Gagne asked during the 100-year storm, how deep is

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the pavement, does it leave the pavement and go off site and cause off site flooding. Mr. Pontes said no because it falls under elevation 76.10 in the pavement. They have an analysis that shows this. Mr. Gagne said that they are dictated by the storm water handbook and it says that you can't cause off site flooding during a 100-year storm and you haven't demonstrated what your depth of water is going to be in this parking lot. If the parking lot holds water higher than your curb height it's leaving your site.

Mr. Thompson said it looks like on the lower side of the building that it's a single 6 from drainage man hole 1 heading left and he's not sure if Scott Turner saw that or not and that's his concern. Mr. Ponte said that they really only need a 4-inch pipe but they gave them a 6-inch pipe. Chairman Gerrior said that he would like to ask how does the pipe sizing agree with or disagree with TR16. Mr. Pontes said that they get their information from Mass DOT 2006 Design Guidelines Chapter 8 as an appropriate source to get those calculations and they follow the mass storm water guideline manual and DEP standards. Mr. Gagne said he has no problem using the MassDOT standard however, the Board needs to have the calculations that show all of the pipes provide the flushing velocity that he's talking about, the Board doesn't have the calculations for the 6-inch pipes and they don't have it from the pipes to the catch basins to the manholes either. Chairman Gerrior said that at the last meeting they talked about the 10,000 gallons a day and they said that the water would run the bathrooms, the kitchen, and any other water that they need for the facilities. In the future, will there be the need to use the 10,000 gallons of water per day? Mr. Pontes said for a fire-fighting event. Chairman Gerrior read the special order of conditions. Mr. Gagne has a concern about the assumptions for the basin and if it doesn't hold true, it will have significant changes. Mr. Gagne said that there should be a replication timeline before they move on to the next phase.

A motion was made by Bendrix Bailey, seconded by Matthew Bache, to issue the order of conditions. The motion carries unanimously.

A motion was made by Bendrix bailey, seconded by Matthew Bache, to close the public hearing. The motion carries unanimously.

Commission Business

For Signature – Vouchers

A motion was made by Bendrix Bailey, seconded by Matthew Bache, to approve the Environmental Partners Group voucher for 45 Kings Highway. The motion carries unanimously.


New Business

Review – Commission Policies

A motion was made by Bendrix Bailey, seconded by Matthew Bache, to reinstate the tree removal policy for one year from today's date. The motion carries unanimously.

Adjournment

A motion was made by Bendrix Bailey, seconded by Matthew Bache, to adjourn the meeting at 8:35 p.m. The motion carries unanimously.



Lori Walsh, Recording Secretary



Christopher Gerrior, Chairman

