

Rochester Conservation Commission
October 19, 2021

Present: Christopher Gerrior, Chairman
Daniel Gagne, Vice Chairman
Maggie Payne
Bendrix Bailey
Matthew Bache
Kevin Thompson
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 7:00 p.m. Chairman Gerrior then read a message about remote participation and ground rules for the meeting. He stated the meeting was being recorded.

New Business

Doggett Brook Farm – Presentation by Alan Decker on Conservation Restrictions

Alan Decker, from the Buzzards Bay Coalition, explained the proposed Conservation Restrictions on the Doggett Brook Farm property. Mr. Decker told the Board that the Buzzards Bay Coalition acquired this property with the intention to find a farmer to keep the property in agricultural production. They have found someone and have the property under agreement. As a part of the transaction, they are requiring at closing that the farmer convey a conservation restriction over the majority of the property intended to keep the agricultural portion of the property where the best soils are, in agricultural production. Also, at the same time, a second conservation restriction is going to be acquired by Rochester Land Trust and Buzzards Bay Coalition to buffer Doggett Brook 1725 feet of Doggett Brook that make up the southern boundary of this property. They would like to protect the brooks natural resources and the riparian frontage there so they have created a buffer area of approximately 300 feet inland where agricultural activities will not be allowed but habitat restoration would be allowed and there will be a connection along the western boundary of the property that enables the public to access the brook once they establish a trail that does so and work out where that trail will actually be located with the new owner. Natural resources are important on this property. Mr. Decker is here for the Conservation Commission's support. If the Board supports and signs these plans, then they would take them to the Board of Selectmen for approval.

Conservation Agent Kelly said she thinks it is a great project. Ms. Payne has a question as to how they determine how the line between the agricultural use and the non-agricultural use was done, and did they take into consideration how the wetland delineation was done out there. She also said that she is concerned about the area that is marked as agricultural but is mapped as a wetland area. Mr. Decker said that they are aware of the wetland areas and there is drainage ditches that run up into the property and he said that the area inside the farming CR, and because it is a farming activity, they are going to maintain those drainage ditches and if they are doing work in the delineated wetland area for which the Conservation Commission holds authority, then they will come before the Commission. Ms. Payne was wondering about that buffer area and asked if the owner will be able to maintain that area. Mr. Decker said that they will.

Mr. Thompson asked about the access to the brook. Mr. Decker showed the area where the public would have access to the brook on the plan to the Board. Mr. Decker also began showing future access areas that could become available. Chairman Gerrior asked about the farmer they have and what they expect to grow there. Mr.

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Decker said that they have a farm in Lakeville, MA however he doesn't know what they plan to grow on this property. Mr. Decker said they have a plan and one, they can't plant near the road, they are not allowed to use synthetic fertilizer. Chairman Gerrior asked about the river access and what kind of access it is for. Mr. Decker said it would be for fishing, etc. Chairman Gerrior also said that they did a great job on the plan. Mr. Thompson asked how wide do they expect the trail to be and how do they expect to maintain it. Mr. Decker said it will be a trail easement and it will be 10 feet wide and they will maintain the property. Mr. Bailey asked if this is going to be one big house lot. Mr. Decker said no. Mr. Bailey asked if there is a requirement that it be cultivated. Mr. Decker said that the Conservation Commission restriction is that it eliminates all other uses for this property. Mr. Bailey said that a house could be put on that lot. Mr. Decker said yes but it is not a house lot.

A motion was made by Kevin Thompson, seconded by Maggie Payne, to send a letter of support from the Commission for this project. The motion carries unanimously.

A motion was made by Maggie Payne, seconded by Matt Bache, to support and sign the municipal certifications for this project. The motion carries unanimously.

Public Meetings

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.

A motion was made by Kevin Thompson, seconded by Matt Bache, to continue the request for determination to January 4, 2022. 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.)

A motion was made by Kevin Thompson, seconded by Matt Bache to continue the public hearing to November 2, 2021. The motion carries with six in favor, Dan Gagne recused.

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.

(Dan Gagne recused himself from this hearing.)

A motion was made by Kevin Thompson, seconded by Matt Bache, to continue the public hearing to November 2, 2021. The motion carries with six in favor, Dan Gagne recused.

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Chairman Gerrior opened up the hearing with Brad Holmes present from A.D. Makepeace. Mr. Holmes said that he came to the meeting to let them know that they are still working on it and would like a continuance. They received LEC's review letter and they are reviewing it and finishing up their requests to come before the Board.

A motion was made by Kevin Thompson, seconded by Matt Bache, to continue the public hearing to November 2, 2021. The motion carries with six in favor, Dan Gagne recused.

DEP SE 272-0613 A Notice of Intent filed by Lee Castignetti, Long Built Homes, for property located at 0 Neck Road, Map 40, Lot 3E. The applicant proposes the construction of a single-family home with associated septic system and well. The applicant's representative is W Engineering, LLC.

(Bill Milka recused himself from this hearing.)

Evan Watson, from W. Engineering, stated he added the features to the plan that the Board requested.

A motion was made by Bendrix Bailey, seconded by Kevin Thompson, to issue an order of conditions with the special condition that the Conservation Commission be contacted to inspect marked trees prior to removal. The motion carries with six in favor, Bill Milka recused.

DEP SE 272-0612 A Notice of Intent filed by Lee Castignetti, Long Built Homes, for property located at 0 Neck Road, Map 40, Lot 3D. The applicant proposes the construction of a single-family home with associated septic system and well. The applicant's representative is W Engineering, LLC.

(Bill Milka recused himself from this hearing.)

Evan Watson, from W. Engineering, stated he added the features to the plan that the Board requested.

A motion was made by Bendrix Bailey, seconded by Kevin Thompson, to issue an order of conditions with the special condition that the Conservation Commission be contacted to inspect marked trees prior to removal. The motion carries with six in favor, Bill Milka recused.

DEP SE 272-0614 A Notice of Intent filed by Lee Castignetti, Long Built Homes, for property located at 0 Neck Road, Map 40, Lot 3F. The applicant proposes the construction of a single-family home with associated septic system and well. The applicant's representative is W Engineering, LLC.

(Bill Milka recused himself from this hearing.)

Evan Watson, from W. Engineering, stated he added the features to the plan that the Board requested. Mr. Thompson that if there are trees that need to be cleared that in the future that they fill out the form for permission to clear the trees. Chairman Gerrior asked what they are doing in the center left side, if there are boulders going in there. Lee Castignetti, said that they can do some plantings to privatize the yard. Chairman Gerrior said he is thinking of some of the abutters and the questions they have had. Mr. Castignetti stated they can provide a tree line that would be more appropriate. Trent Blanchard, of 128 Neck Road, asked about the tree lines in the front that abut neck road, is there anything that is being placed on the tree lines in the front to avoid clear cutting to neck road. Mr. Watson said that they are putting stakes in the field where the cutting is going to go but there is no plan to place a restriction on further cutting, it'll be at the purview of the homeowner at that

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point and if they did want to do cutting and it's within a regulated area, they would have to file a permit and go before the Commission at that time. Mr. Blanchard asked if those areas delineated to the left of the driveway in the front right in restricted areas. Mr. Watson pointed out on the map which areas were restricted and which areas were not.

Rachael Batchelder, of 155 Neck Road, Rachael spoke regarding the lots being built on Neck Road and she is close to Lot D and she was discussing the solar project. Chairman Gerrior asked her to discuss the project that is on the Agenda tonight and not the solar project. Ms. Batchelder said that there seems to be significant cutting on these lots as well as the solar project lot and wetlands that are already being impacted by another project. Mr. Watson said that everything that they have done has been in respect to the wetlands resource. Ms. Payne said she is responding to the Chairman and they do consider when they have multiple projects. Mr. Thompson said there is not clearing in the wetland area there is clearing in the buffer zone.

A motion was made by Bendrix Bailey to issue an order of conditions with no conditions. Bendrix Bailey withdrew his motion.

A motion was made by Maggie Payne, seconded by Matt Bache, to issue an order of conditions with the special condition that the Conservation Commission be contacted to inspect marked trees prior to removal. The motion carries with six in favor, Bill Milka recused.

Commission Business

Chairman Gerrior stated that associate member Léna Bourque will be taking a leave of absence.

For Signature – Permits

Ms. D'Antoni stated that there are no outstanding signatures for permits issued on October 5, 2021.

For Signature - Minutes

A motion was made by Bendrix Bailey, seconded by Kevin Thompson, to approve the October 5, 2021 meeting minutes. The motion carries unanimously.

For Signature – Vouchers

Fileguard, Monthly Fee, Invoice 80445, \$9

A motion was made by Kevin Thompson, seconded by Matt Bache, to approve the above listed voucher. The motion carries unanimously.

LEC Environmental Consultants, 0 County Road Peer Review, Invoice 146113, \$1922.42

A motion was made by Kevin Thompson, seconded by Matt Bache, to approve the above listed voucher. The motion carries unanimously.

Old Business

Meeting Status – Discuss switching to hybrid meetings

Chairman Gerrior asked if Ms. D'Antoni if she could reach out to Old Colony to see if we could do the hybrid meetings there.

Records Retention – Discuss destroying of old RDA files

A motion was made by Kevin Thompson, seconded by Matt Bache, to store files with Fileguard. The motion carries unanimously.

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A motion was made by Kevin Thompson, seconded by Matt Bache, to store RDA files with Fileguard ten years and older. The motion carries unanimously.

New Business

Website Updates – Discuss whether or not to add abutter letters to website

Mr. Thompson said he does not believe that its part of the process to put them on the website. Abutter letters are public record once they come to the Board. Mr. Bailey said as part of the Planning Board they do not put abutter letters on the website and if someone wants a copy of that letter they can fill out a public records request form.

A motion was made by Dan Gagne, seconded by Kevin Thompson, for the packets to remain the same. The motion carries unanimously.

Peer Review Proposal – Proposal by Environmental Partners Group for 45 Kings Highway

Conservation Agent Kelly spoke regarding the Peer Review Proposal and said they added delineation as well and one commission hearing. Mr. Gagne said it looks like a lot of money.

A motion was made by Matt Bache, seconded by Bendrix Bailey, to approve the additional funds. The motion carries unanimously.

Accounts – Review which funds should be deposited into which accounts

Conservation Agent Kelly explained to the Board about where the fees get deposited.

Adjournment

A motion was made by Kevin Thompson, seconded by Matt Bache, to adjourn the meeting at 9:00 p.m. The motion carries unanimously.

Lori Walsh, Recording Secretary

Christopher Gerrior, Chairman