

**Rochester Conservation Commission**  
**November 2, 2021**

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

**Absent:** Daniel Gagne, Vice Chairman

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, was present. Mr. Madden stated that they are moving slower than anticipated. The response letter to the peer review was forwarded today to the Board. Mr. Madden said that part of this work is the removal of the aggregate that was dredged and more organic material that was dredged from the site and was deposited in areas that weren't really suited to be deposited. The goal is to remove that material out and the mineral material that was in those two large piles more to the north and east of the site. They are going to use that material to stabilize the existing dike roads that are immediately adjacent to the reservoirs to provide a little area lineage with the truck route. There is about two miles of cranberry bog around the system and there is a fair amount of pot holes so it could use an upgrade. Mr. Madden said that in the letter they also talk about the organic material that was cast that they are going to remove and use for odd maintenance. Chairman Gerrior asked when they will be starting. Mr. Madden said they will continue during the winter and the planting would begin next spring.

A motion was made by Kevin Thompson, seconded by Bendrix Bailey, to continue the public hearing to November 16, 2021. The motion carries unanimously.

**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.

Conservation Agent Kelly stated that she was under the impression that the solar panels were spread farther apart than normal on the ground-mounted array because of the agricultural project underneath and asked if that is still happening. Hank Ouimet, the applicant, said that is correct. The project is designed and will be constructed with the States dual use program however since they don't have that approval yet, the plan is laid

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out to meet the requirements of the dual use program should the State approve it. Mr. Bailey said on the first sheet labeled C101, that says see sheet C201 but we weren't provided with sheet C201. Sarah Stearns, of Beals and Thomas, said that it was submitted with the originals. Mr. Bailey said going to L1, that the note has to be changed to rather than optimize the screening affect to provide a complete screening from the pond so the array can't be seen from the pond. Chairman Gerrior asked Mr. Bailey what his definition of complete screening. Mr. Bailey said so you can't see the solar arrays from the pond. Mr. Bailey said he suggests plastic trees.

Chairman Gerrior talked about the tree line, will the trees take and hold in that location of the wind. Ms. Stearns said that it is their best plans for the layout right now and they would like the Commission to approve this plan right now and they do think that this plan will be successful. Chairman asked if they have discussed using the plastic trees. Ms. Stearns replied no. Mr. Bailey said that the solar by-law talks about the screening and the planning Board is anticipating beefing up the by-laws. Chairman asked about the telephone poles. There were four scattered on the other plan and now there are five poles together on this plan. Mr. Ouimet said that they will be coordinating with Eversource about the utility poles. Mr. Thompson recommends looking at some screening near the array because in order to plan sufficient screening at the water's edge, he feels that there would be disturbance at that area for large scale plantings versus something near the array, but the area between the main roadway and the water is very narrow for the vast majority at the edge especially at long pond and there are not very many trees there now at all. Ms. Stearns said they would add some evergreens where they would make the most impact.

Trenton Blanchard, 128 Neck Road, brought up that before the four poles that were supposed to come out and now today there are five utility poles are going on Neck Road right near a big beautiful tree. Mr. Blanchard asked if the poles can be back by the solar fields so that they're not on Neck Road. Mr. Ouimet said he doesn't think so because it is Eversource's equipment and they are responsible for the poles. Mr. Blanchard asked if there are any new structures going in place and he sees on 201 there is a 10 X 20 concrete pad going in on the end of the berm. Mr. Ouimet said it is for electrical equipment that will service the array and that is more schematic than anything and they intend to screen it with the berm and they might put a fence around it.

Zach Souza, 118 Neck Road, said the poles will be right in his view and it will be disgusting to look at. Mr. Souza asked who owns the poles. Mr. Ouimet said that Eversource is granted access to the poles and the poles are theirs. Mr. Ouimet said they will follow up with Mr. Souza and Mr. Blanchard.

A motion was made by Mr. Thompson, seconded by Matt Bache, to continue the public hearing to November 16<sup>th</sup>, 2021. The motion carries unanimously.

**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.

A motion was made by Bendrix Bailey, seconded by Kevin Thompson, to continue the public hearing to November 16, 2021. The motion carries unanimously.

**DEP SE 272-0615 A Notice of Intent filed by Kristen and Matthew Costa, for property located at 70 Ryder Road, Map 23, Lot 1 & 28.** The applicant proposes a garage addition with attendant site work. The applicant's representative is Lockwood Architects.

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Kristen Costa, the applicant and owner, stated this was a proposed garage with office space above and a breezeway. Ms. Payne asked for erosion control measures to be included on the plan. Bill Lockwood, from Lockwood Architecture, said there is a letter in the packet stating that there is a haybale siltation barrier in between the resource area and the project about 10 ft. off the project for erosion control. There is a separate letter included with the plan. Mr. Bailey said that the regulations don't allow for that grooming area but it's their yard and if they don't have any use of it they won't have any yard at all so he's wondering if it's something the Board can remedy with the documents that their doing right now to make it in use. Chairman Gerrior said they could do something with the as-built and he calls them ¼ acre lots and they could put something with the order of conditions or the as-built.

A motion was made by Matt Bache, seconded by Kevin Thompson, to issue a positive order of conditions with the special conditions to include erosion control and a siltation fence. The motion carries unanimously.

**Commission Business**  
**For Signature - Minutes**

A motion was made by Bendrix Bailey, seconded by Kevin Thompson, to approve the October 19, 2021 meeting minutes. The motion carries unanimously.

**New Business**  
**Old Middleboro Road**

Chairman Gerrior stated that there was site damage from the storm on Old Middleboro Road, on the west side of Ryder Road. Numerous erosion control fences have been damaged due to the storm. The erosion control is acting like a dam and is not letting any water through. Pines are falling into the woods. A culvert will be installed. Mr. Thompson stated the water could wash the road out which will cause a serious problem.

A motion was made by Bendrix Bailey, seconded by Kevin Thompson, to send them an order to install a culvert under the road. The motion carries unanimously.

An amended motion was made by Bendrix Bailey, seconded by Kevin Thompson, to repair the erosion control and restoration to the area. The motion carries unanimously.

Mr. Thompson would like to open the order of conditions for Old Middleboro Road at the next meeting.

**Hybrid Meetings**

Chairman Gerrior stated meetings will now be hybrid and the next meeting, November 16<sup>th</sup>, is scheduled at Old Colony.

**Adjournment**

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

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Lori Walsh, Recording Secretary

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Christopher Gerrior, Chairman