

**Rochester Conservation Commission
Minutes of June 21, 2022**

Present: Christopher Gerrior, Chairman
Bendrix Bailey, Vice Chairman
Matthew Bache
William Milka
William Clapp (non -voting Member)
Mike Gifford

Merilee Kelly, Conservation Agent
Dawn DeMaggio, Board Administrator
Lori Walsh, Recording Secretary

The meeting convened via Zoom video conference ID #872 7950 6596. Chairman Gerrior called the meeting to order at 7:00 p.m. and took attendance of Members, staff, applicants, and representatives. Chairman Gerrior read a message about remote participation and ground rules for the meeting. He stated the meeting was being recorded. Each presentation was limited to 10 minutes and 3 minutes were allowed for public comment. Chairman Gerrior stated that votes would be taken by roll call.

Public Meetings

Request for Determination of Applicability filed by Peter C. & Kristin M. Johnson, 23 Hiller Road, Rochester, MA 02770. The applicant proposes to construct a new septic system for existing use and proposed addition to residence. The parcel comprises 2.1 acres of land on the northerly side of Hiller Road, with isolated land subject to flooding in the rear half of the lot. Minimal disturbance located within outer half of the buffer zone, with erosion control to be provided.

Rick Charon from Charon Associates was present to discuss 23 Hiller Road that has a failed septic system which needs to be replaced. The septic repair must be done for the proposed addition. Agent Kelly said she doesn't see any issues with this. Mr. Thompson asked if they have any issues with the old leaching field that has failed, collapsing underneath the equipment being used to dig out the new one. Mr. Charon said they have access on Hiller Road and this is the entrance for emergency vehicles to use. They would be accessing the leaching field through the access road where the failed leaching field is now. Mr. Bailey said that they are asking for a request for determination and they need to file a Notice of Intent and get an Order of Conditions and it's clear to him that they are working in the wetlands, in the 100 ft. buffer zone, he asked on what basis does Mr. Charon think that they wouldn't have to file a Notice of Intent. Mr. Charon said that by working in Rochester and in other Towns, they technically always do septic system repairs in the 100 ft. buffer zone through an RDA as opposed to file a Notice of Intent but if it was a new house then they would definitely be filing a Notice of Intent. Mr. Gifford said that the old leaching field failed four years ago and the new system is going presumably right next to it and he asked if it was clear that the new system will last beyond four years. Mr. Charon said that in these types of systems when they are flooded like this one is, they dig them up and what they find is the stone at the edge of the leaching field, or gravel if that's what they use and this is where they find a black crud that's in there. Mr. Charon continued discussing the perc rate and the failure of the existing septic system. They know what the cause is of the failed septic system. Chairman Gerrior asked if he could explain how this system failed. Mr. Charon said that septic tank does not have the divider and it's a single compartment and what happens is that the outlet tee and the one they are putting in has an effluent filter.

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The existing septic tank does not have that, it has a plain sanitary tee at the outlet and a sanitary tee at the inlet and when the wastewater comes out of the house it goes into the tank and there are these floatables and then the crud adds up and what they want to do is to put in a new flow and then where the floatables are, a scum layer builds up and the about 48 inches up and what is happening is the scum layer is building up where the floatables are and the solids are building up at the bottom and when the pumpers come in to pump out the tank, they had sucked the tee right out and they thought it was an extra one but it wasn't and so the tee fell off. It is a result of a continuous flow of unrestrained solids coming out from the tank and running out and clogging things up. That is Mr. Charon's theory. Chairman Gerrior asked the difference in price. Mr. Charon said that they charge less than for an RDA. Mr. Thompson asked Mr. Charon if they are putting an outflow filter in this system. Mr. Charon said they are.

Mr. Bailey made a motion to issue a negative determination.

Mr. Bache seconded the motion.

Motion passes with a roll call vote of 6.

Commission Business

Minutes

June 7, 2022

The minutes need to be changed to add Mr. Bailey's motion that was made to charge them a fee for not filing on a daily basis.

Voucher(s)

The following vouchers were approved for payment:

Fileguard, Monthly Storage Fee, Invoice #80854,80973,80915, \$54.00

W.B. Mason, New Member Name Plates, Invoice #230244208, \$20.82 Baynet

Web Services, Monthly Hosting Fee, Invoice#7689, \$60.00

MACC, Seminar Unit 102&205 - Administrator, Invoice#2000 I0464, \$110.00

Chairman Gerrior asked that the website be updated to add some of the packets from previous meetings. Mr. Thompson said that they only need the one website that they will be using. He also said that they want to make sure that the existing domain that they have that points to the separate website, is re-directed into our page on the Town website so they don't lose any of the search engine history and the capabilities that have built up over the years. Mr. Bailey said that it depends on what the contract says and if we own our own domain then whoever owns the domain can then transfer any updates to the Town website. Mr. Thompson said that the existing domain we have that points to the separate website is directed to our page on the Town's website so we don't lose the search engine history or lose any capabilities that it has built over the years. Mr. Thompson said to register a website is only about \$10.00 a year so it should be very cheap to keep that website.

Mr. Bailey said that if we are already paying somebody to host a domain for us then it should be easy to

transfer the information over to the Town's website and this is assuming we own the domain. Mr. Bailey said we are going to terminate the contract and we are going to figure out what the cost is to transfer the

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information to our website if that's possible.

New Business

Easement Signage, Araujo- Mary's Pond Road

Rick Charon said that this was three or four years ago when the Jose and Elsie Araujo were building their home on the top of Leonard's Pond and they cleared too much at that time. It was decided that because the soils are all sandy out there, it would take a tanker of water to keep the trees alive. The Araujo's wrote up a conservation easement for the portion of land along Leonard's pond to retain the natural beauty of the area. One condition that the Commission had was the limits are to be marked out with posts and they are using the metal posts and they have to have a placard on them. Chairman Gerrior asked what is the size and how many are the planning to do. Mr. Charon said that he thinks they are required to put them every 50 feet just along that easement line and he believes they are in the vicinity of 5' by 8'.

Mr. Bailey made a motion to accept the signage.

Mr. Bache seconded the motion.

Motion passes with a roll call vote of 6.

Old Business

89 Box Turtle Drive - Enforcement Order

Conservation Agent Kelly said that she was waiting to hear before sending anything out from the Town Attorney and she did hear from him today and he said to use the tickets which are non-criminal disposition and the fines are \$50.00 for the first day, \$150.00 for the second day and \$300.00 for every day after that. She needs to know when is the first day of issuing the ticket and how are the tickets going to be delivered. Mr. Thompson asked if they could use the Town Constable. The Board said no. Mr. Bailey said that Atty Bailey got back to him and talked about the tickets and that they work on a scale. The tickets give him the ability to put a lean on the property and the idea is to issue the tickets. He said that you can leave the tickets on their front door but not in the mailbox. He also said that the police department could help in delivering them. Chairman Gerrior said that he did not want to put Merilee in charge of this. Mr. Bailey said that the tickets have to be delivered daily.

Conservation Agent Kelly said that she will be out the rest of the week from the 23rd to the 29th. Mr. Bailey said then someone else has to deliver them. The owner won't get fined on the weekend. Mr. Bailey said that the enforcement order has to go out first before the tickets go out to them. He said that he would contact the Town Attorney and ask him if they can use the constable but the enforcement order has to go out first and then they will have the tickets delivered.

Conservation Agent Updates

Old Middleboro Road update. Agent Kelly said that she was out there last week and they have been trenching it during the day and then covering it up at night.

Update at Plumb Corner pipe, they cleaned it out yesterday and she sent the Board the plan. And there is a note that says that 75% of the rip rap stone is 75 to 100 pounds and she was out there looking at it and

talked to the construction workers and she said that 75 to 100 pounds sounds unusual so Ben told her to cross it out and sign it and they are going to use the rip rap pad today.

Chairman Gerrior asked if she knows what the status of the Planning Board is. Conservation Agent Kelly said she doesn't know what the status is. Mr. Bailey said that the planning Board did not approve it

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because Kenny Motta had not yet seen the plan. Merilee sent a copy to Kenny today.

MBTA Field Change Request. Conservation Agent Kelly read the change to the Board.

Mr. Bailey made a motion to approve the field change as requested in the June 16th letter from MDOT addressed to the Conservation Agent Merilee Kelly, for the plans submitted today from MBTA.

Mr. Bache seconded the motion.

Motion passes with a roll call vote of 6.

Chapter 61B Featherbed Lane, 9 acres to be taken out of 61B for solar.

Mr. Bailey made a motion to recommend that the Selectmen do not buy it.

Chairman Gerrior said that he spoke to Maggie Payne and she has resigned from the position on the Board. She said she really enjoyed being on the Board. He also sent a letter to the Selectmen regarding notifying them that Maggie resigned and he also asked if they will make Bill Clapp a member.

Adjournment

Recommend that they postpone the next meeting at the beginning of July. Chairman Gerrior said that if there is not anything on the Agenda for that meeting then he said it will be ok to not meet.

Mr. Bailey made a motion to not have a meeting on July 5th.

Mr. Bache seconded the motion. Motion passes with a roll call vote of 6.

The next meeting is tentatively set for July 19th.


Mr. Bailey made a motion for the next meeting to be on July 19th

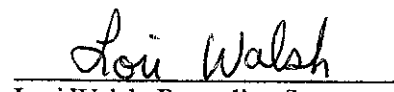
Mr. Thompson made a motion to adjourn at 8:03 p.m.

Mr. Bailey seconded the motion.

Motion passes with a roll call vote of 6.

Date: 7-19-22


~~Chairman, Christopher Gerrior~~
Ben Bailey


Lori Walsh, Recording Secretary