

**Rochester Conservation Commission
Meeting Minutes
November 1, 2022**

Present: Christopher Gerrior, Chairman
Bendrix Bailey
Matthew Bache
William Milka
William Clapp
Mike Gifford
Carl MacDermott

Absent:

Merilee Kelly, Conservation Agent
Dawn DeMaggio, Board Administrator
Lori Walsh, Recording Clerk
Blair Bailey, Town Counsel

The meeting convened via Zoom video conference ID #820 3543 3613, 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.

COMMISSION BUSINESS

MINUTES

October 18, 2022

Member Bache made a motion to approve with one correction.

Member Milka seconded the motion.

Motion passes with a roll call vote of 7.

NEW BUSINESS

Bradford and Ruth Correia, Land Donation – Map 46, Lot 35 on Featherbed Lane

Discussion about a letter the Board received regarding land donation on Featherbed Lane, Map 46, Lot 35. Chairman Gerrior asked Agent Kelly if she went out to the property. She said that she hadn't, that Mr. Correia came into the office and said that it had rained and it would be difficult to go out there. She said that it is all priority habitat and it's very wet, from looking at the GIS.

Member Bailey said it's nice of them to give the land to us; it will take it off the tax rolls so we don't get any more revenue from it, but it was very generous of them to give the land to us. Chairman Gerrior

**Rochester Conservation Commission
Meeting Minutes
November 1, 2022**

asked if they know if it has either an access and/or any abutting pieces that any other conservation known such as a land trust. Member Bailey said he can show him on map-geo, the town's GIS site, that he pulled up on his iPad. He showed Chairman Gerrior the lot on Featherbed Lane. After looking at the abutters to the Featherbed Lane lot, Member Bailey said that it's actually land- locked.

Member Gifford talked about Land Trusts and asked if this is where they come when they have land trusts. Chairman Gerrior said that this one is a little different and he thinks that what Member Gifford is talking about is when people take things out of chapter or something like that and they would have to have some sort of reason. This one is a donation and he said that if someone just wants to give us the land, Member Bailey is right, it's nice and it makes green space. Member Gifford said that it does appear to be land locked; he's not even sure if Brad has any access to it. Agent Kelly said he put in a 6- foot walkway easement so that you can get into it.

Member Clapp said that it's on the plan at the Registry of Deeds and he did put an easement on the plan. Member Clapp said he believes he goes through Zachary Soucy's property and he said that it is land locked. Chairman Gerrior said that he thinks it comes down to taxes and green space and those are the real two sides of it. Member Clapp asked if there was a template in the Town; if he looks at Eastover Farm, it's a different parcel and a parking lot where people can park off the street, and he asked does this have that. He said that it's a little bit better for Eastover Farms because there is parking there. He doesn't think there is parking on this lot and he didn't see any off- street parking there.

Atty Bailey was on Zoom; he said to the Chairman that there are a couple things that they have to remember. One is that it is green space, but you also have to consider the possibility that somebody could buy up land that does have access and combine it to develop in the future; it does lock land up to not be developed in the future, combined with other land that might have access to it. It is green space, don't sell short the amount of clearing we've been doing for solar arrays. Atty Bailey said the answer to their question is that there is a procedure when there is a donation involved and that is the Selectmen put it out to the various boards and commissions to ask if there is a reason to accept it, just asking their opinion. He said at the end of the day, it is the Selectmen's final decision but they would like to know the Conservation Commission's opinion one way or another. He said having said that there is a proposal, just so they know, that it be held by the Conservation Commission so that's the mechanism to limit development because if the Selectmen hold a piece of property then it's open to any kind of development for the Town in the future.

Chairman Gerrior asked the Board if that clarified any questions that they have.

Member Gifford said yes it does and that means they can look at it from a Conservation perspective strictly. He thinks it's good if they have land to do that and they also don't have to worry about the finance part.

Member Bailey made a motion to accept the donation to the Conservation Commission and hold the land as Mr. Correia requests.

Member Bache seconded the motion.

Motion passes with a roll call vote of 7.

**Rochester Conservation Commission
Meeting Minutes
November 1, 2022**

Agent Kelly asked the Chairman if he would like her to draw up a letter to send to the Selectmen. Chairman Gerrior said yes and he will send her his thoughts on that.

RESPONDING TO THE BOARD ADMINISTRATOR ABOUT ATTENDING MEETINGS

Member Bailey talked about a mandatory response for the meetings. Chairman Gerrior said that he would not like to make it mandatory, they are all volunteers. He said that if they make it mandatory then they have to have a consequence. Member Bailey said he disagrees with the Chairman because it's not just about them, it's about the expense that people go to, to advertise the meetings and to have Engineers here to show up on their own time; and it's about the Board Members' time and if they show up for a meeting and then they are short a quorum, then all those people are out. If that could have been known and told them ahead of time, then folks wouldn't have gotten in their cars and he thinks it's phenomenally discourteous. Member Bailey also said he doesn't know who is hurt among them by requiring that they respond to a request to whether or not you're going to attend a meeting by Monday of the day before the meeting, and he doesn't know anybody who is put out by that. Chairman Gerrior said he doesn't know whether or not that someone is not getting in touch with someone to say that they're not coming to the meeting or not, that's why he said that they don't need to make it mandatory if there's not an issue. Member Bailey said he asked Dawn and people don't always respond. Chairman Gerrior said he is looking at a whole lot of people that are assuming that it should be a yes but maybe we should be assuming a response. There could be people wanting to come to the meeting and they get told at the last minute that it was canceled.

Chairman Gerrior said he would be concerned also about nobody showing up. Members have until Monday to get back to Dawn about whether they are going to the meeting or not. Member Clapp said that they could always say that they have to give an answer by Monday whether they are coming or not.

Member Bailey made a motion for all Board Members to respond to the Board Administrator's emails by Monday as to whether they are coming to a meeting or not.

Member Bache seconded the motion.

Motion passes with a roll call vote of 6 in favor, 1 opposed.

OLD BUSINESS

89 Box Turtle Drive – Enforcement Order

Atty Bailey said he had some extensive conversations with their Attorney and if the Board recalls, they had a date at district court about the fines. He said that he is very upbeat and positive about the conversations and they are working towards getting the Commission what they have been asking for. He said that his last conversation with them was that they are almost complete with the plan that the Commission had asked for but he will hold off on reporting that everything is resolved until they get that final plan. As far as all of the litigation including the Superior Court action and the District Court action, that's all on hold and there's nothing going on with that until they decide whether they have resolved it

**Rochester Conservation Commission
Meeting Minutes
November 1, 2022**

or not. Atty Bailey said that some of the Members were concerned when they were named in a law suit so maybe he will give all the new members a quick primer on the way it works. He said he knows that none of them realized they were getting into something like that.

CONSERVATION AGENT UPDATES

Agent Kelly said that there is an Interdepartmental meeting tomorrow night that the Planning Board would like to welcome anyone that's available to go to. Member Bailey asked if there was a posting for the Interdepartmental Meeting and Agent Kelly said it has been posted.


AJOURNMENT

Member Milka made a motion to adjourn at 7:21 P.M.

Member Clapp seconded the motion.

Motion passes with a roll call vote of 6 in favor, 1 opposed.

Date: 15 NOV 2022

A handwritten signature in black ink, appearing to read "Gerrior", written over a horizontal line.

Christopher Gerrior, Chairman

A handwritten signature in black ink, appearing to read "Lori Walsh", written over a horizontal line.

Lori Walsh, Recording Secretary