

**Rochester Conservation Commission
Minutes
April 18, 2023**

Present: Christopher Gerrior, Chairman
Member Bailey, Vice Chairman
Matthew Bache
Bill Clapp
Mike Gifford
Member MacDermott
Bill Milka

Absent:

Merilee Kelly, Conservation Agent
Dawn DeMaggio, Board Administrator
Danielle Craig, Recording Secretary

Pledge of Allegiance

Public Meeting

A Request for a Determination of Applicability filed by Daniel L. & Deborah C. Clark for property located on 228 Mary's Pond Road, Rochester, MA 02770, Lot 1.C on Assessor's Map 9. The applicant seeks to install a new leaching field with a portion of the field and 62 feet of effluent pipe located within the buffer zone to the wetlands. The applicant's representative is Rick Charon of Charon Associates, Inc., 323 Neck Road, Rochester, MA 02770.

Rick Charon was present on behalf of the applicant. He stated this lot was on four and half acres but had quite a bit of wetlands. He described the lot in detail explaining where the wetlands are located. A 15-year-old septic seems to be failing, so the owner is looking to repair it. Due to the asphalt driveway, a way to access would put them into a buffer zone. To avoid the buffer zone, the owner's asphalt driveway, as well as, a tree would have to be removed, so they are looking for permission to enter the buffer zone. They have submitted a request to the Board of Health in order to access the septic within 100ft of wetlands. They are looking to minimize disturbance as much as possible in order to repair the septic.

Chairman Gerrior asked if there was an alternative plan. Rick Charon stated that digging up the asphalt and removing the tree was the second option.

Member Bailey made a motion for a negative Determination of Applicability.
Member Bache seconded the motion.

The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained. (7-0-0)

DEP SE 272-0569 A Request for a Certificate of Compliance file by Jose & Elise C. Araujo for property located on 417 Mary's Pond Road, Rochester, MA 02770, Lot 1B on Assessor's Map 12. The applicant has completed the construction of a new house, private well, septic system, private dock and associated work. The applicant's representative is Rick Charon of Charon Associates, Inc., 323 Neck Road, Rochester, MA 02770.

Rick Charon was present on behalf of the applicant requesting a Certificate of Compliance. With this project, some things were done without proper permits. Extra work has been done to the property to make up for this fact, including proper signage indicating conservation areas, sandy soil, and shrubbery along the shore line.

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The house and garage have been constructed. There is an area that was stripped to top soil. This area of the property was supposed to have fruit trees planted but that has not been done.

Chairman Gerrior stated he had visited this property. There were unpermitted cuttings resulting in a wetland violation. The owner needed to do substantial plantings to rectify that violation. Chairman Gerrior asked if there were permits for the dock and if the owner needed a Chapter 91 permit. Rick Charon stated the dock has been installed and he did not believe the dock fell under the Chapter 91 criteria. Member Bailey asked if the owner was intending to get a Chapter 91 permit. Rick Charron stated the process for that permit application takes well over a year to obtain. He does not believe the owner has intentions to file for a Chapter 91 permit, however the Conservation Commission "permitted" the dock during a previous meeting on an Order of Conditions. Chairman Gerrior stated he did not believe that the dock is under the Board's authority to officially permit, so the applicant may still need to apply for a Chapter 91. Member Bailey added that even if Leonard's Pond is not designated as a Great Pond the dock may need to be permitted at a town level. Because of the history with this property, he doesn't want something left out that may cause more issues for the owner in the future if the dock is unlawfully unpermitted. Rick Charron stated he will advise the applicant to investigate the need for a Chapter 91 permit for the dock.

Member Bache made a motion for approval of a Certificate of Compliance.

Member Milka seconded the motion.

The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained. (7-0-0)

Public Hearings

DEP SE 272-0623 A Notice of Intent filed by Member Bache for property located on 536 Snipatuit Road, Rochester, MA 02770, Lot 3 on Assessor's Map 41. The applicant is proposing to install a seasonal aluminum dock on Snipatuit Pond. The applicant's representative is Brian Grady of G.A.F. Engineering, Inc, 266 Main street, Wareham, MA 02571.

(Board member, Matthew Bache, recused himself from this hearing)

Brian Grady was present on behalf of the applicant. He stated Matthew Bache was filing for a Notice of Intent and if approved they will move forward in acquiring a Chapter 91 state license for the dock. The dock is a roll in aluminum dock in 16ft sections under 400 sq ft. The board was provided with a simplified license template that the state requires for licensing. The dock meets all of the state requirements.

Agent Kelly had a chance to visit the dock site. She stated the dock seemed safe and she had no problems with it.

Chairman Gerrior read the Order of Conditions.

Member Bailey made a motion for approval of a Notice of Intent with Orders of Conditions.

Member Milka seconded the motion.

The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)

(Member Bache resumed his role in the meeting)

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Commission Business

For Signature

Minutes: April 4, 2023 (*voting quorum: Chairman, Ben, Matt, Bill M., Mike, Bill C., Member*)

Member Bailey made a motion to approve the minutes from April 4th, 2023.

Member MacDermott seconded the motion.

The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained. (7-0-0)

Vouchers: Fileguard / March Storage / Invoice 81642 \$19.50
Fileguard / December Storage / Invoice 81398 \$18.00

Member Bailey made a motion to approve the vouchers.

Member Bache seconded the motion.

The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained. (7-0-0)

New Business

Reappointment / John Divorski / Conservation Commission Representative to the Soil Board

Chairman Gerrior stated that John Divorski is a former member of the Conservation Commission and had moved to the soil board. He is a valuable person to have as a resource to the Conservation Commission as the soil board representative.

Member Bailey made a motion to approve a 3-year reappointment to John Divorski as the Conservation Commission Representative to the Soil Board.

Member Bache seconded the motion.

The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained. (7-0-0)

Member Bailey- SRPEDD Snipatuit Study

Member Bailey stated that within the packet the board members received is a letter from the Conservation Commission to the Rochester Select Board. This letter states that the Conservation Commission is in full support of the SEMass funding proposal for the Hydrological Study on the Snipatuit Pond area. This study will provide field data and monitoring opportunities for the town in its efforts to better understand the groundwater and surface flow dynamics between Snipatuit Pond and the Great Quittacus Ponds and what that means to the watershed boundaries and ground water supply. Long ago Rochester lots its rights to its water to the City of New Bedford. It appears that the way the water is being managed in Lakeville may be causing a constant draw from Snipatuit Pond. If this is happening, the agreement with the towns utilizing this water supply may need to change. As of now, this data is anecdotal, but with this Hydrological Study, they will be able to obtain factual data to prove this change. Historically, Snipatuit Brook maintained a net flow, but now it appears that it's no longer returning the water in both directions as it once was.

Member Bailey made a motion to approve letter of support be sent to the Select Board.

Member Gifford seconded the motion.

The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained. (7-0-0)

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Old Business

89 Box Turtle Drive – A Buffer Zone Restoration Plan has been submitted for review

Chairman Gerrior stated he consulted with the town's lawyer for updates on this plan. The board is requiring a Notice of Intent and a Restoration Plan from the owners which has still not been provided.

Member Bailey made a motion to approve reinstating fines pending a receipt of a Notice of Intent, Restoration Plan and Restoration Narrative.

Member Bache seconded the motion.

The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained. (7-0-0)

Conservation Agent Updates

Member Bailey asked Agent Kelly for the status of the Great Pond application of Mary's Pond. Merilee Kelly stated she received an email with instructions on how to list a body of water as a Great Pond. It is extensive but it is possible to do. Member Bailey requested that she also file an application for Leonard's Pond at the same time.

Chairman Gerrior reminded the Board of Earth Day on April 22nd at 9 am at the Rochester Women's Club for those that want to volunteer.

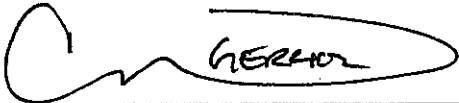
Adjournment

Member Bailey made a motion to adjourn the meeting at 7:51pm.

Member Milka seconded the motion.

The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained. (7-0-0)

Date: 2 MAY 2023



Chairman Gerrior, Chairman



Danielle Craig, Recording Secretary