

Rochester Conservation Commission
March 21, 2023

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

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

The meeting convened via Zoom video conference ID #86203390700. Chairman Gerrior called the meeting to order at 7:00 p.m. and took attendance of members, staff, applicants and representatives. He stated the meeting was being broadcasted on Zoom and was being recorded.

PUBLIC HEARINGS

Dep File #SE 272-055 A Request for a Certificate of Compliance by Robert and Nancy Barboza for property located at 226 Alley Road, Rochester, MA, 02770, designated as Lot 21 on Assessor's Map 15. The applicant has completed the construction of a single-family dwelling, on-site sewage disposal system, driveway, utility installation and site grading.

Bob Barboza, owner and representative stated he filed the application to get the compliance certificate. He believes everything is done as required, and hopefully the Conservation Commission's site visit confirmed it.

Merilee Kelly, Conservation Agent, stated she went for a site visit the week prior and everything looked good. The wetlands are marked with stone markers making it very clear where the wetlands are. Otherwise everything is all settled in and cleaned up.

Christopher Gerrior stated he walked the field back when the application was first filed. Over the last few years Mr. Barboza has turned the field into a very nice house lot.

Bendrix Bailey made a motion to approve the Certificate of Compliance.
Matthew Bache seconded the motion.

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

COMMISSION BUSINESS

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Minutes

No changes to the minutes from February 7th, 2023

Matthew Bache made a motion to approve the minutes from February 7, 2023.

William Clapp seconded the motion.

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

Voucher(s):

MACC, Mike Gifford- Fundamentals Workshop, Invoice #2000011638, \$55.00
Baynet Web Services, Website Oct-Dec, Invoice #7737, \$60.00
Baynet Web Services, Website Jan-Mar, Invoice #7781, \$60.00
Fileguard Monthly Storage/Retrieval, Invoice #81458, \$34.25
Fileguard Monthly Storage, Invoice #81520, \$19.20
MACC, Merilee Kelly, Annual Conference Workshop, Invoice #200011940, \$150.00

Bendrix Bailey made a motion to approve the Vouchers.

Matthew Bache seconded the motion.

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

OLD BUSINESS

89 Box Turtle Drive

Christopher Gerrior stated there are no new updates, but they are now in contact with the lawyer representing 89 Box Turtle Drive. Fines were halted to give the owner time to uphold their previous agreement, but that agreement has not yet been met. He wants to have better communication with the owner as to why they haven't complied so the Conservation Commission can decide on what the next step will be.

Bendrix Bailey asked Merilee Kelly if she has been by the site to make sure no work has been done. Merilee Kelly stated the site has been checked and no work has been done. Bendrix Bailey requested weekly site checks to occur, and if any work on the property continues, fines should be immediately given. He also wants to obtain paperwork on what exactly has been done on the property. A Restoration Plan was supposed to be given, but was not.

Mike Gifford asked if legal counsel was necessary.

Christopher Gerrior stated he wants the Conservation Commission to make the decision. He will send out another letter to the lawyer representing 89 Box Turtle Drive, and at that point the Conservation Commission can then take action.

NEW BUSINESS

Notice of License Application Pursuant to M.G.I, Chapter 91 Waterways License
Application Number 22-WW01-0152-APP Applicant: Morris Trust. Waterways application to maintain an existing dam and water control structures for a cranberry bog operation at 52 Wolf Island Road in the Municipality of Rochester.

Christopher Gerrior stated this issue has been ongoing with Mr. Morris and the downstream users of the water supply. Mr. Morris's structure was an unlicensed structure and Mr. Morris is now trying to make it a licensed structure. No action is needed on behalf on the Conservation Commission.

Reappointments / Kevin Thompson, Associate Member / Bill Clapp, Member

Dawn DeMaggio stated in regards to Bill Clapp, he took over the remaining term of a member that resigned. Due to this, he needs to be reappointed for a full 3- year term. In regards to Kevin Thompson, he is still unavailable due to personal reasons, but would like to remain an associate member.

Christopher Gerrior stated he received a letter today from Michelle Kirby. She expressed interest in being a member. She is currently living outside of the country 6 months out of the year. He also stated that he would like to leave a position open to attract a resident to take the position or possibly have Michelle Kirby become an associate member.

Bendrix Bailey stated he is opposed to having someone that is not present full time in the town that cannot fulfill duties such as site visits, etc. He would like an associate member be someone who is present in the town.

Christopher Gerrior agreed and stated he would like to keep the position open for a new member.

Matthew Bache made a motion to re-elect Bill Clapp.

Carl McDermott seconded the motion.

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

Matthew Bache made a motion to not re-elect Kevin Thompson, but to have him rejoin once he is ready to be back fulltime. Letter will be sent.

Carl McDermott seconded the motion.

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

CONSERVATION AGENT UPDATES

Merliee Kelly stated she spoke with Mrs. Hartley in regards to "Earth Day". The sign in front of the annex building had the incorrect date, which has been fixed. They talked about how to get

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more word out to the community, Mrs. Hartley offered using Facebook to spread awareness. Merilee Kelly stated she could offer plastic bags and gloves for the volunteers who help clean up that day. Flyers have been sent out to the local schools.

Christopher Gerrier stated that "Earth Day" has been traditionally run and led by the Women's Club. He would like the Conservation Commission to remain a supporting role and help get the word out. On, April 5th the Women's Club has a meeting, which he will attend to show support.

Review Access to Town Counsel Policy – Revised

Bendrix Bailey gives clarification on the legal counsel aspect. The state laws provide relief over the language of the new policy and town by-laws. Most towns adopt the state law (Chapter 258 Section 9) language so that way it is more clear. The towns are bound by that state law. The town must provide up to \$1,000,000 in legal and attorney fees.

Bendrix Bailey- Great Ponds

Bendrix Bailey brings up a discussion about Snow's Pond. 310 CMR are the DEP regulations that classify a body of water as a "Great Pond". Although Snow's Pond qualifies and meets the requirements of a "Great Pond" it is not labeled as such by the State. He would like the Conservation Agent to reach out to the DEP to get Snow's Pond on the list of "Great Ponds" within the state. There are advantages, such as not being able to impede public use of the pond. Access to the pond must be provided by the state. There is a piece of conservation property that abuts the pond that would allow the state to provide public access.

ADJOURNMENT

Bendrix Bailey made a motion to adjourn the meeting at 7:41pm.

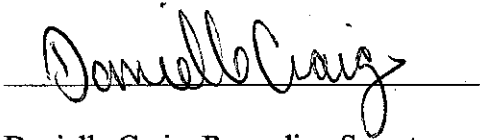
Carl McDermott seconded the motion.

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

Date: 04 APR 2023



Christopher Gerrier, Chairman



Danielle Craig, Recording Secretary