

**Rochester Conservation Commission
Minutes
February 7, 2023**

Present Christopher Gerrior, Chairman
Matthew Bache
William Clapp
Mike Gifford
Carl McDermott

Absent

Bendrix Bailey, Vice Chairman
William Milka

Merilee Kelly, Conservation Agent
Dawn Demaggio, Board Administrator

The meeting convened via Zoom video conference ID #894 1180 1612. 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 is being broadcast on Zoom as well as being Recorded.

Public Hearings

(continued from January 3, 2023)

DEP SE272-0622 A Request for an Extension, Notice of Intent filed by property owner Jon Roth, for property located at 119 Dexter Lane, Map 6, Lot 16. The applicant is proposing to thin out the under and overgrowth on the non-wetland area of the parcel at 119 Dexter Lane.

Owner, Jon Roth, was present and explained that Natural Heritage has given him permission to proceed so long as the work is done by March 31st in order to avoid adverse effects to the Resource Area Habitats. The clearing of an acre and a half has already been done, the pool has been filled and they are picking the barn apart right now. They are ready to commence with the thinning of non-indigenous plants and trees.

Chairman Gerrior asked if light machinery would be used. Roth explained that he is hiring a professional using a skid steer excavator and heavy equipment will not be necessary.

Member Clapp made a motion to approve the Order of Conditions with Special Conditions.
Member Bache seconded the motion.

The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)

DEP SE272-0585 A Request for a Certificate of Compliance by Ryan Correia, Potential Properties, LLC, for property located at 1008 Walnut Plain Road, Map 23, Lot 18A. The applicant has reconstructed a single-family home on an existing foundation and decommissioned the existing failed septic system.

Ryan Correia from Potential Properties LLC was present. The house was built in 2020 and he was looking for a partial release for the grass to be stabilized. Nyles Zager with Zenith Consulting Engineers was sent to do the as-built and due to a disturbance with the trees it was not granted.

Chairman Gerrior stated there is a lot of water at the front of the property and then stated there always has been. It is an area that was always trying to be a vernal pool. He is very interested in issuing a certificate but was not sure what the Order of Conditions were for the building. Chairman Gerrior asked agent Kelly if during her site visit if the things that they usually look for and require during the build were done. The

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front puddle had nothing to do with those orders. Agent Kelly stated that is correct, they were just standard orders and requirements were met for the build.

Member Bache made a motion to approve the Certificate of Compliance.

Member Gifford seconded the motion.

The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0)

Chairman Gerrior read the Order of Conditions.

DEP SE272-0603 A Request for a Certificate of Compliance by Ryan Correia, Potential Properties, LLC, for property located at 114 Mendell Road, Map 30, Lot 2E. The applicant has completed construction of a single-family house with associated grading, landscaping and utilities within 100' of a bordering vegetated wetland.

Ryan Correia with Potential Properties LLC was present. Nyles Zager with Zenith Consulting Engineers did go out to the property and complete the as-built. In compliance with the Order of Conditions a split rail fence and silt fence were put up and the driveway is in. The grading has not been done yet because the seeding has not happened due to the time of the year and so for this reason he is hoping to get a partial release for a closing and then seed in the spring.

Chairman Gerrior explained that Ryan will be responsible to revisit this again when the weather changes and the seed goes down.

Agent Kelly stated that the board can add a condition on the Certificate of Compliance that Ryan will come back and seed in the spring. Agent Kelly took some pictures at the site and said he did a good job with the property. The fence is up and does not touch the 25 -foot buffer zone.

Member Bache inquired if the barrier will remain up until they seed. Ryan Correia explained that the silt fence will remain up until that is complete.

Member Bache made a motion to approve a Partial Certificate of Compliance with the added condition.

Member Gifford seconded the motion.

The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0)

DEP SE272-0226 A Request for a Certificate of Compliance by Robert A. Lawrence and Gilmore Cranberry Co., for property located off Hartley Road, Map 39, Lots 19A & 22. The applicant has completed construction and associated grading of a road and appurtenances within the 100 feet buffer zone to a bank of cranberry bog and bordering vegetated wetland.

Chairman Gerrior explained that this a road going out to a bog area and looks like it has been there now going on thirty years.

Agent Kelly did a site visit and said it is meticulous and in extremely good condition.

Chairman Gerrior asked if there was a reason why they are asking for a Certificate of Compliance in 2023. Agent Kelly stated she believes they just want to clear it off the deed.

Member Bache made a motion to issue the Certificate of Compliance for off Hartley Road, Map 39, Lot 19A & 22.

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Member Gifford seconded the motion.

The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)

A Request for a Determination of Applicability filed by MHC Gateway to Cape Cod, LLC, for property located at 90 Stevens Road, Map 12, Lots 9. The applicant proposes to upgrade an existing pump house. Work within the 100' wetland setback will include demolition of the existing pump house to the foundation, with a new structure constructed on the existing 12'x12' foundation.

Dan Flores with SFC Engineering Partnership, Inc, is representing the campground. Tom Lehn, campground manager, is present via Zoom. Mass DEP did a survey of the water system and is requiring an upgrade to the pump house. The existing 12'x12' pump house is below grade with buried tanks. They will be creating a new pump house on the same foundation but above grade with the seasonal tanks being outside onto a gravel pad outside the 100 foot with minimum trenching. A wetland scientist flagged the wetlands and Dan staked out 100 feet from the wetland flagging. The southeast corner of the pump house is about 80 feet from the wetlands. The work being done on the pump house will be within the buffer.

Member Clapp inquired what prompted the DEP coming out to the campground to do the survey. Dan Flores explained that the campground falls under public water and a survey is done periodically and it was just time for this one to be done.

Agent Kelly added that she visited the site and her impression is the pump house does need to be rebuilt.

Chairman Gerrior inquired what size machinery will be used for this project and asked if there will be an actual structure built and not just a roof. Dan Flores explained that smaller excavators and a skid steer will most likely be used and the structure will be a 12'x12' garden shed type structure with a typical peak roof.

Member Bache made a motion to issue the negative Determination of Applicability for 90 Stevens Road, Map 12, Lot 9 and close the public hearing.

Member Clapp seconded the motion.

The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)

Commission Business

For Signature

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No changes were needed for the January 3, 2023 draft minutes.

Vouchers

MACC, Fundamental Training, Invoice #200011384, \$110.00

MACC, Fundamental Training, Invoice #200011097, \$55.00

MACC, Fundamental Training, Invoice #200011199, \$55.00

MACC, Fundamental Training, Invoice #200011389, \$110.00

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Old Business

89 Box Turtle Drive – Chairman Gerrior gave the update that Blair Bailey will be turning the case over to the new Town Council with an update on his departure at the end of the month. A negotiation was made with Town Council for a Notice of Intent and Restoration Plan and was due back in December and has yet to be submitted.

Chapter 61A Notice of Intent

Agent Kelly explained there is a property off High Street coming out of Chapter 61A where the wireless tower will be going. An administrative measure is being made to the change of use to remove it from Chapter 61A.

Member Gifford made a motion to approve the Notice of Intent and convert land off High Street.

Member Clapp seconded the motion.

The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)

Agent Update

Agent Kelly then discussed the annual budget that was submitted. She added some funds to the budget for membership and dues as new members are taking fundamental training courses. No other action is required.

Agent Kelly mentioned a letter that Eversource sent to the commission about the yearly right away clearing at the water works.

Chairman Gerrior thought they benefited greatly by walking with the MBTA when they did their clearing and he would like to do the same with Eversource. He suggested Agent Kelly contact them to let them know the commission would like to participate.

Agent Kelly also shared a letter from the Selectmen to DEP in regards to Title 5.

Chairman Gerrior asked Agent Kelly if she has heard any feedback in regards to Title 5. Agent Kelly explained there is a lot of push back on this due to the cost. The nitrogen systems cost more than a regular septic system with a higher maintenance cost and according to the regulations they are only giving five years to replace. They are focusing on high nitrogen sensitive areas first. The regulation has a second option which is for the town to come up with a 20-year watershed management plan to remove the nitrogen from all the sources in town. There is legislation being proposed that they cannot put this through unless they provide money to the town to upgrade.

Member Clapp shared a conversation he had with the Rochester Woman's Club in regards to the town clean up on Earth Day. He is suggesting exploring ways to get more participation from the community.

Chairman Gerrior stated he would like to help promote awareness to the community and have more volunteers on Earth Day.

Member Bach asked Mike, the reporter that was present with The Wanderer, if he could mention that the Rochester Conservation Commission is asking the community to consider volunteering for Earth Day clean up.

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Adjournment

Member Clapp made a motion to adjourn at 7:50 p.m.
Member MacDermott seconded the motion.

Date: March 21, 2023



Christopher Gerrior, Chairman



Dawn DeMaggio, Recording Secretary