

**Rochester Conservation Commission  
Minutes  
May 2, 2023**

**Present:** Christopher Gerrior, Chairman  
Bendrix Bailey, Vice Chairman  
Matthew Bache  
Bill Clapp  
Mike Gifford  
Carl MacDermott  
William Milka  
  
Merilee Kelly, Conservation Agent  
Dawn DeMaggio, Board Administrator  
Danielle Craig, Recording Secretary

The meeting convened via Zoom video conference ID #87527032424. Chairman Gerrior called the meeting to order at 7:00 p.m. and took attendance of members, staff, applicants and representatives. The meeting started with everyone reciting the Pledge of Allegiance. He stated the meeting was being broadcast on Zoom and was being recorded.

**Public Meeting**

**A Request for a Determination of Applicability filed by John & Stephanie Sullivan for property located on 485 Neck Road, Rochester, MA 02770, Lot(s) 3 & 4 on Assessor's Map 26.** The applicant seeks to construct a new single-family residence attached to existing garage and a new septic system and site grading. The applicant's representative is Rick Charon of Charon Associates, Inc., 323 Neck Road, Rochester, MA 02770.

Carmelo Nicolosi was present on behalf of the applicant. This request is being submitted for the demolition of an existing house with a proposed new 3-bedroom house attached to an existing garage. This will also include a new septic system and some grading around the site. There are resource areas abutting the property, such as Snipatuit Pond and wetlands. The wetlands and NHESP priority habitat have been marked and flagged. The proposed house will be located outside of the buffer zone, but some work will be taking place within the buffer zone. Silt fencing will be placed along the priority habitat line.

Conservation Agent Kelly asked why they did not reposition the house to avoid the buffer zone. Carmelo Nicolosi stated that it was the owners' wishes to place the house in this way. Agent Kelly stated that it was a straight forward project. The new house will be built on an existing lawn. Member Clapp asked for clarification on the distance between the flagged wetlands and the vegetated slope located on the side of the property; also, how long the land has been an existing lawn. Mr. Nicolosi responded saying that the distance is between 20-25 ft, and as far back as they could research that area has been an existing lawn. Due to the slope it became hard to mow and keep up that area, which is why it is now overgrown. Chairman Gerrior asked how old the septic system on the property was. Mr. Nicolosi stated that they plan to completely pump

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and fill in the old septic and install a new one adjacent to the old one. Member Bailey moved for a positive determination, with a request that the applicant submit a Notice of Intent to explain the type of work being done within the buffer zone. Chairman Gerrior asked how much grading would be done inside of the buffer zone. Mr. Nicolosi responded saying roughly about 400 sq. ft of grading would occur. Member Bailey stated that because of this, the Board would want to file an Order of Conditions.

Member Bailey made a motion to issue a positive 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)**

**Commission Business**

**Signature:** Thank you letter to Old Colony for use of building

Each Member signed a letter thanking Old Colony Regional Vocational Technical High School for the use of their library.

**Minutes:** April 18, 2023 (*voting quorum: Christopher, Ben, Matt, Bill M., Mike, Bill C., Carl*)

Member Bailey made a motion to approve the minutes from April 18<sup>th</sup>, 2023.  
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**

Massachusetts Coastal Railroad (MCRR) 2023 Vegetation Control Program / Yearly Operational Plan

Agent Kelly stated that vegetation will be sprayed with herbicide on and along the railroad that runs through Rochester.

**Old Business**

89 Box Turtle Drive

Chairman Gerrior stated he finally obtained a "Restoration Plan" from the owners. The plan that was provided is not sufficient in showing the actual work that needs to be, and hopefully will be done in the affected areas. The fines will continue daily until the owners provide a more detailed plan to restore the area that was unlawfully cleared in wetland and buffer zone. The owners need to provide a "legitimate Restoration Plan" and the ability for the Conservation Members and Agent to visit the site.

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**Agent Update**

Tree Removal Request Application filed by Tyler Tavares for property located at 114 Mendell Road, Rochester, MA.

Tyler Tavares along with Ryan Correia, the property builder, were present for the meeting. Chairman Gerrior read out loud the Tree Removal Application explanation that the applicant previously filed. After reviewing the details of this project more thoroughly, it is the Board's opinion that due to the extent of work that needs to be done, it is beyond the scope of this Tree Removal Application. The applicant must file a Notice of Intent for the Board to review. Due to the size and the number of trees that need to be taken down, it is nearly impossible to not disrupt the wetlands surrounding them. Member Bailey stated that once the applicant files the Notice of Intent, the Board will present an Order of Conditions specifying the type of equipment to be used that will cause the least amount of disturbance to cut down the trees.

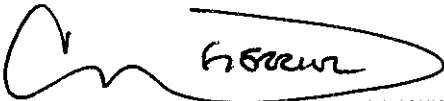
**Adjournment**

Member Bache made a motion to adjourn the meeting at 7:52pm.

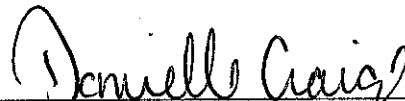
Member Bailey seconded the motion.

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

Date: 16 MAY 2023



Chairman Gerrior, Chairman



Danielle Craig, Recording Secretary