

**Rochester Conservation Commission
Minutes
June 6, 2023**

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

Absent: Bill Clapp

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

The meeting convened via Zoom video conference ID #86541620285. Chairman Gerrior called the meeting to order at 7:00 P.m. The meeting started with everyone reciting the Pledge of Allegiance. He took attendance of members, staff, applicants and representatives and stated the meeting was being broadcast on Zoom and was being recorded.

Public Meeting

A request for a Determination of Applicability filed by Matthew Fernandes for property located on 570 New Bedford Road, Rochester, MA 02770, Lot 4 on Assessors Map 24. The applicant seeks to construct a 100' x 50' steel farm building within 70 feet from the shoreline.

Matthew Fernandes was present for the meeting. He stated he is planning to build a 100' x 50' steel farm building that is 69 feet from the pond on his property. The pond was existing when he purchased the property. There are some structures on the property that are closer to the pond that he plans to remove. Agent Kelly did a site check and stated that it is a flat field of grass and she has no issues with the project.

Member Bailey made a motion to issue a Negative Determination of Applicability.

Member Bache seconded the motion.

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

A Conservation Restriction on Red Brick Farm East, for property owned by the Mattapoisett Water and Sewer Department, located on the East Side of Long Plain Road and North Side of Wolf Island Road (Vacant Land) Mattapoisett and Rochester, MA.

Allen Decker was present on behalf of Buzzards Bay Coalition. He provided documents and information pertaining to the project to the board members. He stated this project is part of a multi-town drinking water aquifer protection project focused on the aquifer for the Mattapoisett River. The property in total is 241 acres, of which 13 are in Rochester. What is being proposed concern the lot located on Map 3 Lot 4 within the town of Rochester is acquisition by the Mattapoisett Water and Sewer department, and a Conservation Restriction to be co-held by the Conservation Commission of Rochester and Buzzards Bay

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Coalition, as well as the towns of Fairhaven and Marion. This project also will give "reserved rights" to the Mattapoisett Water and Sewer Department. They are reserving the ability to place up to four wells within a four-acre envelope. It is undetermined where on the property these wells will be placed at this point, if at all, but it is possible that they could be placed in the 13 acres located in Rochester. In addition, the property will be open for public access and passive recreation. The Coalition will be working to create walking trails that will connect to the abutting properties that are already existing Conservation land. He is seeking approval of the co-held Conservation Restriction from the Rochester Conservation Commission. He has already obtained approval from the Rochester Select Board. The Town of Rochester has applied and been awarded a Municipal Mini-Grant in the amount of \$70,000.00 as a contribution from the town to help fund this project. It is a reimbursable grant, where the Town of Rochester will first provide the \$70,000.00 to the Coalition, and then will be reimbursed by the Mini-Grant.

Member Bailey expressed concerns with Rochester not having any land ownership or water rights with this project. The group consensus with the Rochester Conservation members was that Rochester was once again losing its rights to its water supply. Although the well locations have not been decided yet, with the possibility of them being placed within the acres in Rochester the Conservation Commission needs more information and consultation from the Rochester Select Board and Rochester Water Commission before making any decisions on this matter. The Commission will gather more information to discuss and make their decision at the next Conservation meeting on June 20th, 2023. They also plan to attend the Water Commission meeting on June 14th, 2023 to discuss this project.

Public Hearings

DEP SE 272-0624 A Notice of Intent was filed by John & Stephanie Sullivan for property located on 485 Neck Road, Rochester, MA 02770, Lot 3 on Assessors Map 26. The applicant is proposing work related to the construction of a new residence that is not located within the buffer zone. Site work to include grading with a portion of the patio and landscaping within the buffer zone.

Rick Charon from Charon Associates was present on behalf of the applicants. He presented a site map of the property that detailed the lot that borders Snipatuit Pond. There is Priority Habitat by the Natural Heritage and Endangered Species Program in a portion of the property near the pond, but this project will not interfere with this portion of the property. There will be a 2,000 square foot area that will have some re-grading and landscaping done, as well as a section of a patio. This area falls within the jurisdiction of the Conservation Commission, which is why they are seeking approval. The new house and septic system will be outside of the buffer zone.

Member Bache made a motion to approve the Notice of Intent with an Order 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)

Commission Business

Vouchers: W.B. Mason / Name Plate / Invoice #238549383 / \$6.94
W.B. Mason / Office Supplies / Invoice #238522344 / \$7.82

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Member Bailey made a motion to approve the vouchers.

Member Bache seconded the motion.

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

New Business

William Clapp – Conservation Commission resignation

Chairman Gerrior stated that Member Clapp has moved out of the Town of Rochester and has since submitted his resignation letter to the Conservation Commission. There are now two openings on the Commission, one for an acting member, as well as an Associate Member.

Notice of Intent to Convert Chapter 61A Agricultural and Horticultural Land with the intention of the owner, Fruit d'Or Real Estate USA Corp., to convert approximately 7.1 acres of property to Commercial Use, 109 Neck Road

The property owners are looking to pull this piece of property out of Chapter 61A. This will not convert the zoning laws for this property or turn it into "commercial use". It will just not receive the tax breaks that properties filed under Chapter 61A generally receive.

Member Bache made a motion to send a letter to the Select Board recommending the town NOT exercise its right of first refusal on this property.

Member Bailey seconded the motion.

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

Summit Ridge Energy letter to Trustees of Reservations with an interest in discussing a potential option to lease land

Agent Kelly stated they were sent this letter because the Conservation Restriction located on this property, which is Eastover Farms, is co-held with the Conservation Commission. She thinks this is the initial process to place possible solar panels on this property. Member Bailey stated that the Conservation Restriction should be read to see if solar panels would be an allowed use.

Old Business

89 Box Turtle Drive

The attorney representing 89 Box Turtle Drive was not able to attend this meeting but has confirmed availability for the Conservation meeting on June 20th, 2023. Town Counsel has advised the Conservation Commission to hold off on fining them until the next meeting.

Member Bailey made a motion to approve not resuming fines until the next Conservation meeting. Member Bache seconded the motion.

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

Agent Update

Agent Kelly stated that the MBTA has finished the replication areas and has all the plantings in and is wondering if the Commission members want to perform a site visit to the property. Board members planned to meet at the MBTA facility on Kings Highway at 6:00 p.m. on June 20th, 2023.

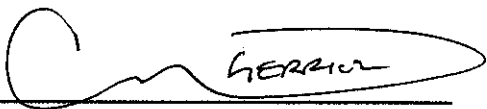
Adjournment

Member Bache made a motion to adjourn the meeting at 8:10 p.m.

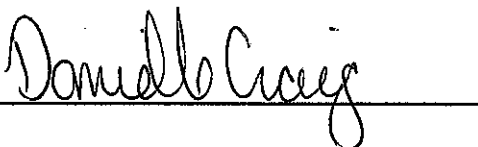
Member Milka seconded the motion.

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

Date: 20 JUN 2023

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 "Danielle Craig", written over a horizontal line.

Danielle Craig, Recording Secretary