

**Rochester Conservation Commission
Minutes
August 15, 2023**

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

Merilee Kelly, Conservation Agent
Danielle Craig, Recording Secretary

The meeting convened via Zoom video conference ID # 85773618418. 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 broadcasted on Zoom and was being recorded.

PUBLIC MEETINGS

SE 272-0584 A Request for a Certificate of Compliance, filed by Barrett Bilotta, Old Middleboro Road Solar, LLC, 401 Edgewater Place, Suite 570, Wakefield, MA 01880, for property located on Old Middleboro Road, identified as Lot(s) 33; 1, 3; 6, 6D, 7, 21, 23, 31 on Assessor's Map(s) 21; 22; 23. The applicant has completed the work regulated by the Order of Conditions. The applicant's representative is Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772.

A representative from the Solar Project was present for the meeting. He stated they have completed their work and are looking for a Certificate of Compliance. Agent Kelly stated that the project is very well done. Everything is in place and looks good. Chairman Gerrior asked if the silt fencing had been removed from the site. The representative stated they have not removed it yet, but plan to once they receive approval for the Certificate of Compliance. Chairman Gerrior also asked if there were any changes made to the project. The response was not other than the small change they presented for approval to the board about 8 months prior. The project has been performing very well. Wildlife is prominent on the property including deer and turkeys. There is an area around the fence to allow for free space to turtles. Chairman Gerrior stated he would like to be notified when the silt fencing is removed.

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

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

SE 272-0622 A Request for a Certificate of Compliance, filed by Jon N. Roth, 119 Dexter Lane, Rochester, MA 02770, for property located on 119 Dexter Lane, identified as Lot 16 on Assessor's Map 6. An Order of Conditions was issued to Jon N. Roth on March 7, 2023 under DEP SE 272-0622 allowing for the thinning of under and overgrowth on the non-wetland area of the property.

(Member MacDermott recused himself from this meeting)

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Agent Kelly stated she visited the site. Property owners did a great job clearing the vines and weak trees. There are animals on the property including horses and goats. Member Gifford asked if they had to do any plantings within the area of the river that sometimes floods. Agent Kelly stated they did not need to do any plantings.

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

Member Bailey seconded the motion.

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

(Member MacDermott resumed his role in the meeting)

PUBLIC HEARINGS

A Request for an Abbreviated Notice of Resource Area Delineation, filed by Old Tuck Bog Solar 1, LLC c/o New Leaf Energy, for a portion of Old Tuck Bog Road, Rochester, MA 02770, identified as Lot(s) 10, 11 & 12A; 20 & 21; 14 on Assessor's Map(s) 12;14;13. The applicant is seeking to confirm the limit and regulatory status of wetland resource areas. The applicant's representative is Andrew Gorman of Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772.

Andrew Gorman of Beals and Thomas Inc. was present for the meeting. He presented site plans to the board and described each section of the property in detail. His plans focused on the wetlands and vegetation. Agent Kelly stated she was impressed with the delineation from the flags she could see. The site is very large, so she suggests the Conservation Commission perform a site visit so they can get a better understanding of the site. Chairman Gerrior asked, since part of this property was a cranberry bog, how much of the property that was delineated was man made. Andrew Gorman responded saying their G series site plan holds the original farm plan as well as information on how the property has changed over the years.

Abutting property owners were present for the meeting as well. They stated that flags were placed on their property that they did not give permission to put there. This has happened in the past with this same property so they came to the Conservation Commission to request them to be removed from their property. Chairman Gerrior assured the abutters that work would not be approved to be done within their property lines. He asked Andrew Gorman to cooperate with the abutters and remove the flags from their property.

Another abutter was also present for the meeting. He stated that these property owners are not allowed to run any commercial businesses on their property. Chairman Gerrior asked Andrew Gorman if he was aware of this issue. Andrew Gorman stated his role is just to map the delineation lines on the property only.

Member Bache made a motion to accept the delineation.

Member Bailey seconded the motion.

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

A Request for Determination of Applicability filed by Jamie Tebon, 200 Elm Street, Bridgewater, MA 02324, for property located at 1087 Walnut Plain Road, Rochester, MA 02770, identified as Lot 12 on Assessor's Map 24. The applicant is seeking an upgrade of a residential septic system. The applicant's

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representative is George R. Collins of Collins Civil Engineering Group, Inc., 225 South Main Street, West Bridgewater, MA 02379.

David Klenert was present via zoom on behalf of George R. Collins of Collins Civil Engineering, Inc. He shared his screen to show the site plan of the new septic system. He gave a brief description of the property and where they plan to put the new septic system. The entire septic system will be outside of the buffer zone. The old septic tank will be filled in and abandoned in place. The only work within the buffer zone will be piping that runs from a pump chamber to the septic system. Silt fencing will be placed surrounding the new and old septic tanks while they perform the work. Some trees within the wooded area may need to be removed. Agent Kelly stated that it seems to be a straight forward project. The new system stays far away from the wooded area. Member Gifford asked if there was a plan for the old leaching field in the potential future issue of collapse. There is no plan to do anything to the leaching field.

Member Bache made a motion for a negative determination.

Member Bailey seconded the motion.

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

COMMISSION BUSINESS

Signature: Revised: Conservation Restriction

Agent Kelly stated the State decided that a Water Board should be the first co holder on the Conservation Restriction. They changed the Restriction stating that the Buzzard's Bay Coalition is not the primary co holder, but the Town of Fairhaven's Water Board is. Therefore, the Commission Members must re-sign the agreement.

Member Bailey made a motion to approve the signing of the revised Conservation Restriction.

Member Bache seconded the motion.

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

Review: Eversource Energy to selectively apply herbicides along the power line rights-of-way.

Agent Kelly stated that Eversource will be spraying herbicides along the power lines as they routinely do.

Minutes: July 18, 2023

Member Bailey made a motion to approve the minutes.

Member Bache seconded the motion.

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

Voucher(s): Fileguard, Monthly Storage, Invoice #81957, \$25.50

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)

OLD BUSINESS

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89 Box Turtle Drive - Buffer Zone Restoration Plan Submitted

Agent Kelly stated there has been a new restoration plan provided to the board. Board members have not yet had a chance to view it. Brad Holmes, of Environmental Consulting & Restoration LLC was present on behalf of the property owners. He presented the restoration plan and described the new vegetation that will be planted to replace what was removed. Member Bailey stated that there were a lot of large caliber trees that were unlawfully removed and there are no large trees listed on the restoration plan that is being presented. Based upon the plans, the board members requested that they add an additional 3 saplings to the restoration plan. Brad Holmes stated he will add these trees to the plan. The board members also agreed that they do not need to perform a site visit. Brad Holmes stated work will start by the end of September.

Member Bache made a motion to approve the Restoration Plan as shown plus the 3 additional trees as discussed.

Member MacDermott seconded the motion.

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

60 Clapp Road - 25' from the Buffer Zone - discussion of use of space for temporary structures

Agent Kelly stated the property owners are asking if they are allowed to do anything beyond the line of boulders placed within 200 feet of the river/stream. The property owners were present for the meeting. They stated they purchased their property from Long Built Homes. This portion of the property was full of cut down trees and stumps that they cleared when they purchased it. They currently have a dog kennel and small fire pit on this part of the property. They are trying to get their grass to grow so they removed these structures from their lawn to behind the boulders in the new cleared space and would like to plant grass and have these structures there permanently. They also plan to put a pool in their backyard, and asked if they could also potentially put a portion of the pool outside of the boulder line. They would like to know what steps they need to take going forward to obtain their Certificate of Compliance. Commission members stated that anything outside of the boulder line needs to be approved by the Conservation Commission first. Agent Kelly stated the property owners can ask for an amendment to the Notice of Intent.

AGENT UPDATES

Agent Kelly stated that Drew McManus is still seeking approval from the Select Board to become a member of the Conservation Commission. Select Board members will be reviewing his application during their next meeting.

Agent Kelly gave an update on the Snipatuit Pond hangar clean up. There was a fire within the hangar and the property owners are trying to clean it up. She visited the site the day after the fire. She sent them a letter stating they were in violation after cutting some of the brush within a buffer zone on the property in the process of clean up, and they should file a Notice of Intent with the Conservation Commission to create a legal clean up plan. She has since revisited the site and a lot has been cleaned up and put in the dumpster. Member Bailey stated there is also a house boat that was once floating but has now taken on water and is touching the bottom of Snipatuit Pond, therefore making it a "dock", which needs to be filed under a Chapter 91 license. Member Bache also stated that it is imperative that they place a sediment barrier to prevent anything more from washing into Snipatuit Pond. Agent Kelly was instructed to issue violations on these matters, as well as take pictures of the property.

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GENERAL DISCUSSION

Member Bailey stated that the Town of Mattapoisett responded saying they are not able to transfer the 13 acres back to the Town of Rochester. He stated they will have to rely on the Town Council to ensure that every measure was taken to try and make this happen.

Member Bailey also stated that per Town Counsel, he was informed that if a site visit is required, the Conservation Commission has no legal right to enter a property without the property owner's permission. However, the Commission may deny an application for lack of information if a member or members are not allowed to perform a site visit.

ADJOURNMENT

Next meeting will be held on September 5th, 2023.

Member Bailey made a motion to adjourn the meeting at 8:47pm.

Member MacDermott seconded the motion.

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

Date: 9/5/23



Christopher Gerrior, Chairman



Danielle Craig, Recording Secretary