

Rochester Conservation Commission
Minutes of October 3, 2023

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

Absent: Drew McManus

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

The meeting convened via Zoom video conference ID # 88552025043. 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 Hearings

DEP File #SE 272-0513

A Request for an Abbreviated Notice of Resource Area Delineation application, filed by JPF Development, LLC, for property located at Kings Highway and Route 28, Rochester, MA 02770, identified as Map 17, Lots 30, 31A, 55, & 56. The purpose of the filing is to review and confirm 2,700 linear feet of bordering vegetated wetland boundary.

Bob Rogers from GAF Engineering on behalf of JPF Development, LLC was present at the meeting. He stated the original delineation for the wetlands on this property was completed in 2015. A Notice of Intent was submitted in 2017, which means the delineation line has since expired. They are reapplying for approval of the delineation. Because the original delineation is roughly 8 years old, the flags that were placed on the line are very hard to locate. They plan to "re-hang" the flags. He has highlighted the wetland lines that are closer to the limit of work on site plans that he presented to the Commission members. He asked for a continuance to give them time to re-hang the flags. Agent Kelly performed a site visit and reiterated that she could not locate any flags. She agrees that they need to re-hang the flags. Member Bailey stated that the plan for this property was presented to the Planning Board, and the Planning Board had stated they wanted the approval from the Conservation Commission on this project before proceeding with their votes.

Member Bache made a motion to approve a two-week continuance.

Member Bailey seconded the motion.

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

**Rochester Conservation Commission
Minutes of October 3, 2023**

2

Commission Business

Minutes: September 19, 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)

Vouchers: W.B. Mason, Office Supplies, Invoice 241093572, \$61.12

Member Bache made a motion to approve the vouchers.

Member MacDermott seconded the motion.

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

Old Business

532 Snipatuit Road

Agent Kelly stated there has been a second Enforcement Order created for the Conservation members to sign. Work has not continued at the site. This new Enforcement Order asks for a Notice of Intent by Oct 1, 2023. Agent Kelly reached out to the state to see how to require someone to stop illegal work in wetlands if the property owner does not comply with an Enforcement Order. She was informed that the Conservation Department can request a local police officer to accompany the Conservation Agent to a property if the property owner does not comply. Chairman Gerrior stated he is concerned with water pollution that may be happening from debris from the burned building leaking into Snipatuit Pond. There is also an old houseboat located in the water on the property that has sunk and is now touching the bottom of Snipatuit Pond, which may be a Chapter 91 violation.

89 Box Turtle Drive

Agent Kelly stated that she was informed they are still acquiring the plants. All of the prep work is done and the property is ready for planting.

Conservation Restriction: Red Brick Farm East

The agreement between the Town of Mattapoisett with the Rochester Conservation Commission for the 13 acres on Red Brick Farm East has not been met. The Conservation Commission was informed by the Town of Mattapoisett that they are no longer seeking the possibility to sell the 13 acres of land back to the Town of Rochester. In a letter signed by all parties, it stated that "every effort" would be made to complete the agreement, and those efforts have not been made. Conservation members reached out to Town Counsel for advice, and they were told there was nothing that could be done, and had the Conservation Commission reached out to Town Counsel prior to signing this letter, they could have provided more support. Email correspondence showed that Town Counsel was in fact given a copy of this letter from the Conservation Commission for their approval prior to signing. Town Counsel responded saying the letter was satisfactory. After further research by Member Bailey, the term "every effort" does seem to have legal binding that can be enforced due to Massachusetts Law. The Chairman said he would draft a letter to the Select Board to ask for their support in

**Rochester Conservation Commission
Minutes of October 3, 2023**

3

encouraging Town Counsel to pursue a follow up on this agreement and to ensure that "every effort" is made to complete this agreement. Member MacDermott asked if the Rochester Water Commission could also be involved and sign this letter in support. Chairman Gerrior agreed and stated the Water Commission would be contacted.

Member Bache made a motion to send a letter to the Select Board, as well as include email correspondence showing Town Counsel's approval of the agreement.

Member MacDermott seconded the motion.

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

Agent Updates

Agent Kelly stated there are grants available from the state. It was requested by the Conservation Commission that she ask the state for funds to reestablish the water course from Mattapoissett River through to abandoned Hartley Pond. Due to the overgrown vegetation, the herring population is diminishing.

Adjournment

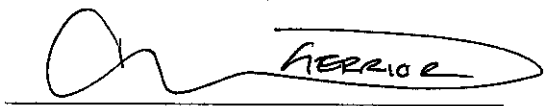
Next meeting will be held on October 17th, 2023.

Member Bache made a motion to adjourn the meeting at 7:58pm.

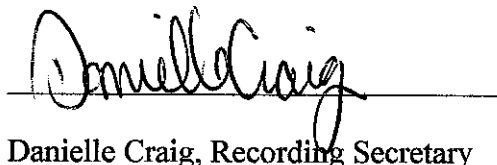
Member Bailey seconded the motion.

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

Date: 17 OCT 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