

**Rochester Conservation Commission
Minutes of October 17, 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 # 84583855957. 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

(continued from October 3, 2023) 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 Lots 30, 31A, 55, & 56 on Assessor's Map 17. The purpose of the filing is to review and confirm 2,700 linear feet of bordering vegetated wetland boundary.

Bob Rogers with GAF Engineering was present on behalf of the applicant. He stated that the Surveyor located some of the old flags and was able to complete the delineation on the property. Agent Kelly stated she was pleased with the delineation based upon her site visit.

Member Bailey made a motion to approve the delineation.

Member Bache seconded the motion.

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

A Notice of Intent filed by Nathaniel & Jeanne Reece for property located on 31 Hiller Road, Rochester, MA, 02770, Lot 1K on Assessor's Map 11. The applicant is proposing a single-family home backyard expansion and leveling the area with fill addition. The yard will extend into the buffer zone and will be no closer than 25 feet to the wetland.

Nathaniel Reece, property owner, was present for the meeting. He explained that they plan to extend their rear yard. They plan to clear and add dirt to match the grade of the yard to their home. Agent Kelly stated she stopped the applicants from spreading fill they had trucked in. The homeowners placed silt fencing and boulders outside of the 25ft buffer zone. Member Bailey asked if the wetlands had been delineated. Agent Kelly stated the wetlands have not been marked, therefore there is no exact footage known between the boulders and the wetlands. Carrie Glenn, who is an abutter, was also present for the meeting and stated she has concerns with water run-off. Member Bache stated he would like to see a delineation done of the wetlands, Member Gifford concurred. Chairman Gerrior stated the home owners need to get the wetlands delineated in order to approve the Notice of Intent and issue an Order of Conditions.

Hearing will be continued at the next meeting.

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Commission Business

For Signature

Minutes: October 3, 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: Falmouth Printing and Copy Center, Inc., Notice of Violation Tickets, Invoice 00596, \$200.00
Fileguard, September Storage, Invoice 82085, \$19.50

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

532 Snipatuit Road – Walter Faria

(Member Bache recused himself from the meeting.)

Rick Charon with Charon Associates was present for the meeting on behalf of Walter Faria. He presented a set of plans of the property. He explained their first area of focus is to remove the "house boat" that has sunk off the edge of the shore line of Snipatuit Pond. He explained in detail the plan to elevate and remove the structure and that there may be two to three 6 inch caliber trees that will be removed to make room for the excavator they want to use to remove the structure. He stated that work needs to be done entirely within the buffer zone, however, all work that will be done will be in already trafficked areas due to the Hangar and the "house boat". There is an old bog that they plan to place silt fencing along to protect. Natural Heritage also has "Priority Habitat" along the wooded areas. They will also focus on cleaning up the hangar that caught fire on the property. He stated the property owners are proactive in getting this cleaned up due to their future plans of expanding the property. Member Bailey asked if the wetlands had been delineated. Rick Charron stated that a delineation had been done in the past, but part of their plan is to have them re-flagged. Member Bailey also asked if the state needed to be involved since Snipatuit Pond is a "Great Pond". Rick Charon stated that the state did not need to be involved to his knowledge. Rick Charon also stated that if the Conservation Commission was willing to wait 3 to 4 weeks for the proper site plan and delineation, he would be happy to provide it. Property owner, Walter Faria, was also present for the meeting. He stated that "no work has been done" to the property. He stated that he is actively trying to work with the Commission to follow the necessary steps to restore the property.

Member Bailey made a motion to stop fines, and rescind all fines to date on the condition that no work be done until there is an approved NOI and wetlands delineation. If work starts before approval, the existing fines will continue.

Member MacDermott seconded the motion.

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

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(Member Bache resumed his role in the meeting.)

89 Box Turtle Drive

Agent Kelly stated all the plantings are in. She will perform a site visit and take some pictures. She stated she received correspondence from Town Counsel regarding the fines that were issued. Town Counsel stated that during the court hearing, the fines were dropped. The Commission members were not consulted before this decision. Member Gifford stated he wants to consult with Town Counsel to make sure that this does not happen in the future.

Conservation Restriction: Red Brick Farm East

Chairman Gerrior spoke directly to the press from the Wanderer and explained that they are not "against" the Conservation Restriction. Only that they are trying to hold the Town of Mattapoisett accountable for the agreement that was made. Agent Kelly received and read out loud correspondence directly from Town Counsel on the matter. Chairman Gerrior stated that he attended the Rochester Water Board meeting, and members from the Water Board were interested in hearing more about this. This subject will be discussed during the next Select Board meeting.

Agent Updates

Agent Kelly stated the Rochester Historical Commission is looking to place a sign, similar to the Annex building, on the Town Pound. She put an example of the sign in the drop box for the members to view. Chairman Gerrior also stated he wants to get some volunteers to fix up the landscaping on that property.

Member Bailey requested that Agent Kelly forward all emails from Town Counsel to all Conservation members upon receipt.

Adjournment

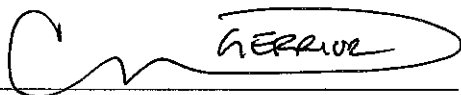
Next meeting will be held on November 7, 2023.

Member Bache made a motion to adjourn the meeting at 8:00 p.m.

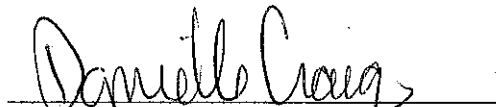
Member MacDermott seconded the motion.

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

Date: 07 NOV 2023



Christopher Gerrior, Chairman



Danielle Craig, Recording Secretary