

**Rochester Conservation Commission**  
**July 1, 2019**  
**Special Meeting**

**Present:** Michael Conway, Chairman  
Daniel Gagne, Vice Chairman  
Léna Bourque  
Christopher Gerrior  
Maggie Payne  
Kevin Thompson

**Absent:** Chris Post

Blair Bailey, Town Counsel  
Laurell J. Farinon, Conservation Agent

The meeting was held in the Police Station conference room, and was called to order at 7:00 p.m.

Potential Conflict of Interest on Eagle Scout application at YMCA property

Discussion ensued about the Eagle Scout RDA filing for work at the YMCA property. Kevin Thompson disclosed that he is Boy Scout Troop 31 scout leader; Léna Bourque disclosed that she is a property abutter, and Dan Gagne disclosed that he is on the Boy Scout committee (which consists of 14 members). Attorney Bailey recommended that Members Bourque and Thompson abstain from participation on the RDA application, and that Member Gagne disclose that he is on the Boy Scout committee and make his role clear. He is not required to abstain.

Discuss 25-Foot No Disturb Zone Provision of Wetland Bylaw

Agent Farinon distributed copies of the Rochester Wetlands Protection Bylaw and pamphlets entitled “*25-foot No-Disturb Zone: Protecting Rochester’s Wetlands*”. She explained that she has been getting feedback from people that have watched the Commission meetings on television that they are concerned about regulation of work within the 25-foot No-Disturb zone. Discussion ensued about differentiating between maintenance work vs. new projects in the no-disturb zone. Attorney Bailey cautioned that it is not appropriate to issue a “variance” for work in the 25-foot No-Disturb Zone, but should more appropriately be considered a “waiver”. It is the responsibility of the applicant to demonstrate that no practicable alternative exists.

Discussion Regarding Waiving of Fees

Discussion ensued about whether the Commission has the ability to waive wetland bylaw fees under special circumstances. Town Counsel Bailey stated that the Commission has the ability to waive or modify filing fees, however cautioned about the importance of being consistent. He recommended that the Commission deal with each request on a case by case basis. Commission members would like the ability to waive filing fees for non-profit organizations: Attorney Bailey advised that the Commission stipulate a threshold limit on project cost, so that a non-profit would not have the ability to have a waived fee on a \$200,000 project. Regarding waiving or paying for advertising fees for non-profits, Attorney Bailey said this is against “Anti-Aid” provisions, which states that the town cannot take any action that benefits a private individual. He recommended

Roberts Rules of Order – Commission Meetings

Discussion ensued about meeting protocol and making of motions. Attorney Bailey explained that there is a Board and Commission handbook with information on ethics laws and meeting protocol, as well as Roberts Rules of Order “cheat sheets”. Attorney Bailey committed to forward a packet of information to the Commission.

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Commission Policies

Discussion ensued about policies vs. regulations, and the proper protocol for adoption of each. Commission members would like to see a set of guidelines for applications. Said guidelines should state that for work in wetland resource areas, applicants shall submit a narrative showing how the project meets the Wetlands Protection Act performance standards. Commission policies need to be formally noticed, reviewed and adopted at a public meeting.

Discussion ensued about the Commission's ability to take enforcement action, ticketing, and fines. It was noted that applicants often do work first then ask for forgiveness later. Commission members discussed options for gaining cooperation prior to having to take enforcement action.

The meeting was adjourned at 9:20 p.m. on a motion made by Vice Chairman Gagne and seconded by Member Gerrior. The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).

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Laurell J. Farinon, Conservation Agent

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Michael Conway, Chairman