

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, April 18, 2017
TOWN HALL ANNEX, 39 CENTRAL STREET
Approved: May 10, 2017**

Present: Chair Arthur Page, Robert Garner, Judy Kehs, and Sam Streiff
Absent: David DelMonico, Vice Chair Curt Turner and Howard Vogel
Attending: Brent Baeslack, Conservation Agent

Opening Statement: Authorized by Wetlands Protection Act, Town of Rowley Wetlands Protection Bylaw, and the Stormwater Management and Erosion Control Bylaw. Meeting convened 7:30 PM (all Legal ads were read to open new agenda items at time noticed).

Administrative: Commissioners reviewed and authorized the payroll and reimbursement of various Vendor Bill requests.

Acceptance of Minutes: After the Commission reviewed the minutes, Garner moved to accept the Minutes of March 28, 2017. Streiff seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Streiff moved to accept the Minutes of August 18, 2015. Kehs seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Garner moved to accept the Minutes of July 28, 2015. Kehs seconded the motion and the motion passed unanimously.

Status Report - Prospect Hill Access Roadway Project

Agent Baeslack updated the Commission on damage done to the Prospect Hill Access Roadway over the weekend of April 1 and 2, 2017. Appropriate departments were not notified about the damage until Monday, April 3, and it was subsequently determined that a Water Department communications failure had caused an overflow of the water storage tank. Tata and Howard, the engineering firm working with the Town and the contractor, prepared a plan to correct the overflow discharge outlet location to avoid future roadway damage. The site was stabilized and the damage repaired by the time of this meeting.

Mr. Stephen Comley Sr. asked the Chairman if he could address the Commission. The Chairman recognized Mr. Comley. Mr. Comley questioned if the Commission had received a copy of the Police Report initiated when he observed the damage at Prospect Hill. Agent Baeslack advised that a copy had been received by the Conservation Department. Mr. Comley tried to stress the lack of communication by the Conservation Dept. with the DEP prior to his call in January. Agent Baeslack explained that the Conservation Office, the Water Department, and the Board of Selectmen had been working with the contractor to try and resolve the Prospect Hill construction site stability issues prior to Mr. Comley's call to DEP.

When they visited the site in January, DEP personnel had offered guidance on suggested construction site actions and steps to take in the office. Enforcement Orders had been issued to allow the revised plans to be incorporated into the public record to address necessary changes. Agent Baeslack reminded Mr. Comley that the DEP had requested he contact the Conservation Commission Dept. directly with any concerns regarding the Prospect Hill project. Page asked Mr. Comley that if he observed any problems on Prospect Hill he call either the Conservation Dept. during regular office hours or himself directly so that matters could be addressed as soon as possible. Page then closed the discussion on this matter and moved on to the next agenda item.

Status Report - Smith Lane Conservation Area power outage to cell tower

Agent Baeslack updated the Commission on the power outage to the cell tower on the Smith Lane Conservation Area. He explained that a pole had been shattered and power lines to the cell tower severed by a fallen dead tree. This resulted in the same type of communications failure which caused the water tank overflow on Prospect Hill. Agent Baeslack advised that the pole had been replaced and service restored within four hours of the problem being discovered.

New Request for Determination of Applicability at 285 Newburyport Turnpike

(Map 16, Parcel 4) owned by GTS Realty LLC: Proposed site work including grading at existing commercial building possibly within the 100' Buffer Zone to Bordering Vegetated Wetland. Mr. Jonathan MacPhee, the project architect, was present to represent the property owner and answer questions from the Commission. Agent Baeslack presented an overview of the application which had been filed at the Commission's request in response to an issued Notice of Violation. This would document the work done on site. The Commission reviewed Agent Baeslack's memo dated April 18, 2017. The Commission was satisfied with the project as conditioned and the recommendations presented in Agent Baeslack's memo.

Streiff moved close the public hearing and to issue a Negative Determination Option #3 with the special conditions as discussed. Garner seconded the motion and the motion passed unanimously.

New Request for Determination of Applicability at 531 Newburyport Turnpike (Map

22, Lot 35) owned by William N. and Cheryl L. Dumaine: Proposed soil evaluations for a subsurface sewage disposal system design possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. William Dumaine, property owner, was in attendance to answer questions from the Commission. The Commission reviewed Agent Baeslack's memo dated April 18, 2017. The Commission was satisfied with the project as presented with special conditions.

Kehs moved to close the public hearing and to issue a Negative Determination Option #3 with the special conditions as discussed. Garner seconded the motion and the motion passed unanimously.

Continued Notice of Intent DEP #63-658 at 305 Newburyport Turnpike (Map 17, Parcel 20, Lot 47) filed by Edward Surette, Trustee of Prime Realty Trust: Proposed

construction of a 3,640 sq. ft. commercial building, 11,400 sq. ft. expanded parking area, grading, utilities, stormwater facilities, and 3,800 sq. ft. wetlands filling with replication possibly within Bordering Vegetated Wetlands and the 100' Buffer Zone of Bordering Vegetated Wetlands. Trustee Edward Surette, Attorney Matthew Caffrey, and Mr. William Manuell of Wetlands and Land Management Inc. were present to answer questions from the Commission. Mr. Manuell provided revised project plans as well as the revised evasive species eradication plan incorporating suggestions made at the last meeting. Mr. Manuell briefly covered the minor changes made to the plans. Agent Baeslack reported that the Planning Board's technical review of the stormwater drainage facilities had concluded with a positive endorsement.

Garner moved to close the public hearing contingent on allowing the Conservation Office five (5) business days to review the revised plans and issue an Order of Conditions. Streiff seconded the motion and the motion passed unanimously.

Discussion(s)

Bradstreet Farm Conservation Area Farming Request – Mr. Mario Marini of Marini Farm in Ipswich had submitted a letter requesting to farm row crops and utilize the Bradstreet Farm Conservation Area pond for irrigation. The Commission was advised that the request from Marini Farm had been withdrawn by the Marini's.

Dodge Reservation Project Request – A proposal had been received from the Ipswich Family YMCA, Camp Cider Mill to resurface the basketball court. Mr. Chris Bevilacqua of the YMCA was in attendance. The Commission reviewed the request from the YMCA Camp, agreed to support the project, and to communicate the approval to the Board of Selectmen.

Garner made a motion to support the basketball court surfacing proposal at Dodge Reservation and advise the Board of Selectmen of the Commission's support. Kehs seconded the motion and the motion passed unanimously.

Adjournment:

Accomplished at 8:45 PM by a motion made by Streiff. Garner seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent