

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, August 1, 2017
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: August 22, 2017**

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Judy Kehs (arrived 7:35 pm), Daniel Shinnick and Sam Streiff (arrived 7:40 pm)
Absent: 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, Streiff moved to accept the Minutes of July 11, 2017. 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 January 28, 2014. Streiff seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Kehs moved to accept the Minutes of February 11, 2014. Garner seconded the motion and the motion passed unanimously.

Pingree Farm Conservation Area East Baseline Report – The Commission reviewed the Baseline Report prepared for the Pingree Farm East Conservation Area. Agent Baeslack advised he had participated in the field evaluation, reviewed the report, and believed it was complete and accurate. He recommended the Commissioners authorize Chairman Page to sign the report on behalf of the Conservation Commission.

Turner moved to accept Agent Baeslack's recommendation that the complete Baseline Report was accurate and authorize the Chairman to sign the document on behalf of the Conservation Commission. Garner seconded the motion and the motion passed unanimously.

30 Rocky Lane (Map 5, Parcel 81, Lot 1) Eugene Pelletier – Agent Baeslack reported on car parts and other debris he discovered and believes is located on part of the Pingree Farm Conservation Area crossing the common boundary line. The Commission authorized Agent Baeslack to finalize the draft letter he presented requesting removal and restoration of the area and send it to Owner Eugene Pelletier by first class and certified mail/return receipt requested.

Turner moved to send a letter to Mr. Eugene Pelletier as discussed. Kehs seconded the motion and the motion passed unanimously.

In connection with the above matter, Agent Baeslack requested that the Commission authorize him to monitor the Police and Building Inspector's review under the Town's "Junk Law By-law" to determine if the cars on this lot should be removed. The Commission authorized the follow-up.

Emily Lane Tompkins (Map 9, Parcel 23, Lots 25, 26 & 27) – Agent Baeslack presented the Chap. 61 Removal Notice received from the Emily Lane property owners. The Commission reviewed the property to determine if there was any open space potential. Baeslack advised the land was not contiguous to other conservation areas and was not listed in the Open Space Plan as desirous for open space use. The Commission authorized Baeslack to notify the Board of Selectmen that it did not recommend using Town resources to acquire this property.

Request Emergency Certificate for 144-150 Newburyport Turnpike (Map 14, Parcel 31) Spirit Realty Trust, Rupert Annis III et al Trustees – Agent Baeslack presented an Emergency Certificate Request from Spirit Realty Trust for repair of a failed septic system. The Commission was satisfied with the request and agreed that an Emergency Certificate should be issued.

Turner moved to confirm the issuance of the Emergency Certificate. Garner seconded the motion and the motion passed unanimously.

New Request for Determination of Applicability at 156 Leslie Road (Map 7, Parcel/Lot 20) Derek Ward: Proposed paving of 515' existing gravel driveway possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Property owner Derek Ward was in attendance to present the project and answer questions from the Commission. The Commission reviewed and discussed Agent Baeslack's memo and recommendations dated August 1, 2017. Mr. Ward agreed to the condition to pitch the driveway in order to direct stormwater away from the forested wetlands and prevent forming a gully.

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

Continued Notice of Intent application DEP #63-659 at 101 Main Street (Map 25, Parcel 92) Gerald Fandetti, owned by Firehouse Inn, LLC: Proposed construction of a 3,150 sq. ft. commercial building, parking area, access drive(s), patio, walkways, utilities, grading, and stormwater facilities possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and the 100' Vernal Pool Habitat. Mr. John Morin of The Morin-Cameron Group, Inc. was in attendance to update the Commission on revisions made to the plan based on recommendations made by Peer Reviewer Larry Graham of Graham Associates. He explained the majority of the concerns addressed were related to parking space layout and sizing. He advised that the Commission's requested changes had been incorporated into the plan. Agent Baeslack presented the Commission with his

recommendations for special conditions including requiring revised plans to reflect the parking changes.

Garner moved to close the public hearing and issue an Order of Conditions contingent upon receipt of a revised plan with conditions as discussed. Streiff seconded the motion and the motion passed unanimously.

Continued Stormwater Management Permit application SMP# 21-2017 at 101 Main Street (Map 25, Parcel 92) Gerald Fandetti, Firehouse Inn, LLC: Proposed demolition of various existing buildings and proposed construction of various commercial buildings including, but not limited to, a 3,150 sq. ft. restaurant and a 8,700 sq. ft. inn, parking areas, access ways, patios, walkways, utilities, site grading and stormwater facilities. Mr. John Morin of The Morin-Cameron Group, Inc. was in attendance to update the Commission on plan revisions based on recommendations made by Peer Reviewer Larry Graham of Graham Associates. He explained the majority of the concerns addressed were related to parking space layout and sizing. He advised that the changes requested by the Commission had been incorporated into the plan. Agent Baeslack presented the Commission with his recommendations for conditions.

Streiff moved to close the public hearing and issue the Stormwater Management Permit SMP#21-2017 with discussed conditions. Kehs seconded the motion and the motion passed unanimously.

Certificate of Compliance Request:

New Certificate of Compliance Request DEP #63-202 at 35 Saunders Lane (Map 17, Parcel 35, Lot 5) Joseph & Diane Hickey: The Commission reviewed and discussed Agent Baeslack's memo and recommendations dated August 1, 2017, in which he advised this lot was part of a larger subdivision that had an Order of Conditions the developer had not closed out when construction was completed. Since this lot had no resource area concerns or storm water facilities, Agent Baeslack recommended the issuance of a Partial Certificate of Compliance.

Garner moved to issue a Partial Certificate of Compliance with ongoing condition as discussed. Turner seconded the motion and the motion passed unanimously.

Status Reports: Permits & Enforcement

Notice of Violation DEP #63-655 at 151 Boxford Road (Map 2, Parcel/Lot 28) Rodger D. LeBlanc: Failure to follow Order of Conditions numbers 34, 36, 38, and other conditions as applicable. Property Owner Rodger LeBlanc and Mr. William Manuell of Wetlands and Land Management, Inc. were in attendance to address the Commission and answer questions. Agent Baeslack reported on the pre-activity meeting and addressed issues that were not in compliance with the issued Order of Conditions. He recommended the Commission consider the Notice of Violation appropriately responded to by the owner, the site back in compliance, and the Cease and Desist Order should be lifted.

Turner moved to lift the Cease and Desist Order #63-655. Kehs seconded the motion and the motion passed unanimously.

Enforcement Order at 142 Leslie Road (Map 7, Parcel 19, Lot 1) Eugene F. Wear:

Alleged cutting, clearing, and grading (altering), and placement of fill (filling) in the 100' Buffer Zone to Bordering Vegetated Wetlands 310 CMR 10.02 of approximately 10,000 square feet (state and local) without application or an issued permit. Agent Baeslack reported to the Commission the conditions he had observed on-site and reviewed the Town's pictometry which showed the alterations over time. The Commission agreed to continue this item to allow the property owners time to contact the Conservation Office.

Discussion:

Reorganization of Commission – The Commission discussed possible reorganization with the beginning of the 2018 Fiscal Year. The Commission was satisfied with the current organization.

Adjournment:

Accomplished at 9:30 PM by a motion made by Streiff. Garner seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent