

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, August 22, 2017
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: September 12, 2017**

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Judy Kehs (arrived 7:35 pm), Daniel Shinnick, Sam Streiff and Howard Vogel
Absent: NA
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, Vogel moved to accept the Minutes of August 1, 2017. Streiff seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Garner moved to accept the Minutes of March 4, 2014. Turner seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Streiff moved to accept the Minutes of March 25, 2014. Kehs seconded the motion and the motion passed unanimously.

Introduction of Open Space Committee Candidate: Ms. Jena Haag, 179 Hillside Street, was introduced to the Commission as a Candidate for the Open Space Committee. The Commission discussed the work of the Open Space Committee and Ms. Haag's interests and qualifications.

Vogel moved to send a letter of recommendation to the Board of Selectmen. Turner seconded the motion and the motion passed unanimously

New Notice of Intent Application at 42 Newbury Road (Map 5, Parcel 40) John Sullivan, Jr.: Proposed demolition of an existing building, construction of a portion of subdivision roadway and installation of an infiltration basin possibly with 100' of Bordering Vegetated Wetlands and DEP Approved Groundwater Protection Area Zone II. Owner John Sullivan and Mr. Greg Hochmuth of Williams & Sparages, LLC, were present to present the project and answer questions for the Commission. The project is still under review by the Planning Board's peer reviewer, Larry Graham for stormwater compliance. Agent Baeslack explained that there is no fee for surface disturbance for a multi-unit dwelling unlike the commercial building project category on the Bylaw Fee Calculation Sheet. This was mentioned

since it appeared to be inconsistent. The Commission reviewed Agent Baeslack's memo dated August 22, 2107 noting various issues. The Commission discussed open space public access, which would be placed under a Conservation Restriction. The applicant is researching options. Mr. Jim Foley of Haverhill Street and Mr. Keith Gagne of 60 Newbury Road asked for clarification on the septic systems being used. The applicant asked to continue the public hearing to allow the Conservation office's comments to be addressed.

Turner moved to continue the public hearing with the applicant's permission to the meeting of September 12, 2017. The motion was seconded by Streiff and the motion passed unanimously.

New Stormwater Management Permit application for 42 Newbury Road (Map 5, Parcel 40)

John Sullivan, Jr.: Proposed demolition of an existing barn and portions of another building, removal of existing driveway, construction of a subdivision roadway, 2 unit dwelling, maintenance building, and stormwater facilities. Owner John Sullivan and Mr. Greg Hochmuth of Williams & Sparages, LLC, were present to present the project and answer questions from the Commission. The Commission reviewed Agent Baeslack's memo dated August 22, 2017. Agent Baeslack explained to the Commission why the Stormwater Management Permit Application was required and the different extent of jurisdiction. The applicant asked for a continuance to allow time to address the comments of the Commission's office.

Turner moved to continue the public hearing with the applicant's permission to the meeting of September 12, 2017. The motion was seconded by Garner and the motion passed unanimously.

Certificate of Compliance Request(s):

New Certificate of Compliance Request #63-0183 150 Newburyport Turnpike (fka 144 Newburyport Turnpike) (Map 14, Parcel/Lot 31) Tony Annis, Spirit Realty Trust: Agent Baeslack gave a verbal report on this 1995 installation and recommended the issuance of a complete Certificate of Compliance.

Vogel moved to issue a complete Certificate of Compliance for #63-0183. Streiff seconded the motion and the motion passed unanimously.

New Certificate of Compliance Request #63-0616 151 Hillside Street (Map 19, Parcel/Lot 1)

Michael McCay: Agent Baeslack gave a verbal report on his site inspection and recommendations for ongoing conditions. Baeslack noted the need to install boundary markers on the common boundary with the conservation area and McCay property. He recommended the Commission issue a complete Certificate of Compliance.

Kehs moved to issue a complete Certificate of Compliance for #63-0616 incorporating the listed on-going conditions and contingent on the installation of the boundary markers. Garner seconded the motion and the motion passed unanimously.

New Certificate of Completion Request SMP #06-2012 151 Hillside Street (Map 19, Parcel/Lot 1) Michael McCay:

Agent Baeslack gave a verbal report on his site inspection and recommendations for ongoing conditions. He recommended the Commission issue the Certificate of Completion.

Streiff moved to issue a Certificate of Compliance for #06-2012. Shinnick seconded the motion and the motion passed unanimously.

Status Reports: Permits & Enforcement

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

Cutting, clearing, and grading (altering), and placement of fill (filling) in the 100' Buffer Zone to Bordering Vegetated Wetlands (BVW) 310 CMR 10.02 of approx. 10,000 square feet (state & local) without application or an issued permit. Owners Eugene and Joan Wear were in attendance to discuss the issues addressed in the Enforcement Order. Agent Baeslack gave a verbal report to the Commission on the site conditions he had observed. Mr. Wear will advise the Commission when he has retained a professional wetlands scientist.

Turner moved to confirm and ratify the issued Enforcement Order. Vogel seconded the motion and the motion passed unanimously.

Adjournment:

Accomplished at 9:18 PM by a motion made by Vogel. Kehs seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent