

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, December 5, 2017
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: January 2, 2018**

Present: Chair Arthur Page, Vice Chair Curt Turner, Judy Kehs (arrived 7:35 pm; left 9:40 pm), Daniel Shinnick, Sam Streiff, Howard Vogel
Absent: Robert Garner
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 November 14, 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 September 30, 2014, with edited as discussed. Kehs seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Streiff moved to accept the Minutes of October 21, 2014. Turner seconded the motion and the motion passed unanimously.

New Request for Determination of Applicability at 238 Boxford Road (Map 2, Parcel/Lot 11A) Tina Cole: Proposed construction of a subsurface sewage disposal system possibly within the 100' Buffer Zone to a Bordering Vegetated Wetlands and DEP Approved Groundwater Protection Area Zone II. Mr. Robert Grasso from Engineering Land Services was present to answer questions from the Commission. Agent Baeslack gave a verbal report and recommendations for project conditions which included a request to discontinue mowing within 25' of the flagged edge of wetlands.

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

New Request for Determination of Applicability at 548 Wethersfield Street (Map 11, Parcel/Lot 4) Tom Zarella, owner Lucia Herrick Realty Trust: Proposed soil evaluations possibly within the 200' Riverfront Area of the Mill River, Bank, 100' Buffer Zone of a Bordering Vegetated Wetlands, Bordering Vegetated Wetlands, and Bordering Land Subject to Flooding. Mr. Bill Manuell of Wetlands and Land Management was in attendance to

address any questions from the Commission. Agent Baeslack gave a verbal report with recommendations for project conditions.

Vogel moved to close the public hearing and issue a Negative Determination Option #3 and #5 with the conditions discussed. Streiff seconded the motion and the motion passed unanimously.

New Notice of Intent Application at land off and 623 Wethersfield Street (Map 11, Parcel/Lots 53, 54, 54-1, 56, 58) Rowley Solar, LLC, owner Maven Revocable Trust:

Proposed construction of a seven acre solar photovoltaic system, gravel access drive, stormwater facilities, utilities, and associated grading possibly within the 100' Buffer Zone to a Bordering Vegetated Wetlands. Mr. Robert Blanchette of Cammett Engineering, Ms. Bonni Berkowitz of Rowley Solar, Ms. Barbara Berkowitz were in attendance to answer questions from the Commission. Also in attendance was Mr. Dan Foley representing the Municipal Lighting Department. Agent Baeslack advised the Commission that the hearing could not be opened due to non-payment of the Wetlands Bylaw Fee. He read into record a letter from Ms. Bonni Berkowitz requesting a fee waiver in consideration of an off-site invasive species management plan on Town-owned conservation land. The Commission expressed the opinion that the presented proposal was too vague. Ms. Berkowitz proposed the payment fee be delayed until the application process had been completed. The Commission asked that a more specific proposal be presented which included the percentage of the fee to be waived. The hearing was not opened and will be re-advertised.

New Stormwater Permit Application SMP #30-2017 at land off and 623 Wethersfield Street (Map 11, Parcel/Lots 53, 54, 54-1, 56, 58) Rowley Solar, LLC, owner Maven Revocable Trust:

Proposed construction of a seven acre solar photovoltaic system, gravel access drive, stormwater facilities, utilities, and associated grading possibly within the 100' Buffer Zone to a Bordering Vegetated Wetland. Total site disturbance is approximately 450,000 square feet. Mr. Robert Blanchette of Cammett Engineering, Ms. Bonni Berkowitz of Rowley Solar, Ms. Barbara Berkowitz were in attendance to answer questions from the Commission. Also in attendance was Mr. Dan Foley representing the Municipal Lighting Department. Prior to opening the hearing, Agent Baeslack read into the record a letter received from Cammett Engineering requesting a waiver of the Stormwater Management Bylaw Fee until such time as an Order of Conditions was issued. The Commission declined this request. The applicant did not have a means to pay the fee at the meeting but stated a check would be delivered to the Commission's office the following day. The Chairman then opened the public hearing. Agent Baeslack gave a verbal report with recommendations for changes to the submitted plan.

Vogel moved to continue the public hearing with the applicant's permission to the meeting of January 2, 2018. Streiff seconded the motion and the motion passed unanimously.

Continued Notice of Intent application DEP #63-0666 at 191 Main Street (Map 25, Parcel/ Lot 40) Town of Rowley:

Proposed renovation of the existing Pine Grove Elementary School and associated site and utility improvements possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. John Richardson of Dore & Whittier and Mr. David Conway of Nitsch Engineering were in attendance to answer questions from the Commission. Town Administrator, Deborah Eagan was also in attendance. Mr. Conway

provided a brief summary of changes made during H.L. Graham Associates review. Agent Baeslack gave a verbal report with recommendations for project conditions. Since a positive report on stormwater facilities compliance with WPA and Stormwater Bylaw compliance had been received from the peer reviewer, H.L. Graham Associates, the Commission was able to proceed to closing the hearing.

Streiff moved to close the public hearing and issue an Order of Conditions. Turner seconded the motion and the motion passed unanimously.

Continued Stormwater Management Permit application SMP #28-2017 at 191 Main Street (Map 25, Parcel/Lot 40) Town of Rowley: Proposed renovation of the existing Pine Grove School and associated site improvements including the construction of a new septic disposal area, new site utilities including a new stormwater management system, and reconfiguration/ reconstruction of the drive areas, parking, walkways and play areas. Total site disturbance is approximately 363,834 square feet including approximately 16,079 square feet of new additional impervious area. Mr. John Richardson of Dore & Whittier and Mr. David Conway of Nitsch Engineering were in attendance to answer questions from the Commission. Town Administrator, Deborah Eagan was also in attendance. Mr. Conway provided a brief summary of changes made during H.L. Graham Associates review of the whole site stormwater facilities. Agent Baeslack gave a verbal report with recommendations for project conditions. Since a positive report on stormwater facilities compliance with WPA and Stormwater Bylaw compliance had been received from the peer reviewer, H.L. Graham Associates, the Commission was able to proceed to closing the hearing.

Vogel moved to close the public hearing and issue a Stormwater Management Permit for SMP #28-2017. Kehs seconded the motion and the motion passed unanimously.

Kehs left the meeting.

Turner recused himself for the following items due to his absence from the first public hearing when the matter was opened.

New Enforcement Order 95 Cross Street (Map 27, Parcel/Lot 13) James McKechnie joint owner Kristine Smiley: Mr. Greg Bernard was in attendance to represent the property owners and answer questions from the Commission. Attorney Thomas Beatrice was also in attendance to represent Scott Pine Realty Trust which owns an abutting property. Agent Baeslack presented to the Commission the Enforcement Order which had been authorized to be sent at the November 14, 2017, meeting. He requested that the Commission ratify and confirm the Enforcement Order.

Streiff moved to ratify and confirm the Enforcement Order as presented. Shinnick seconded the motion and the motion passed unanimously.

New Enforcement Directive 95 Cross Street (Map 27, Parcel/Lot 13) James McKechnie joint owner Kristine Smiley: Mr. Greg Bernard was in attendance to represent the property owners and answer questions from the Commission. Attorney Thomas Beatrice was also in attendance to represent Scott Pine Realty Trust which owns an abutting property. Agent

Baeslack presented to the Commission the Enforcement Directive for the Commission to review. He briefly outlined the corrective actions outlined in the Directive and requested that the Commission ratify and confirm the Enforcement Directive as written.

Shinnick moved to confirm and ratify the issued Enforcement Directive. Vogel seconded the motion and the motion passed unanimously.

Continued Notice of Intent Application at 95 Cross Street (Map 27, Parcel/Lot 13)

James McKechnie joint owner Kristine Smiley: Proposed construction of a detached 40' x 60' garage and two 30' x 70' greenhouses a portion of which is possibly located with the 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. Greg Bernard was in attendance to represent the property owners and answer questions from the Commission. Attorney Thomas Beatrice was also in attendance to represent Scott Pine Realty Trust which owns an abutting property. Agent Baeslack made a verbal report and recommendations for project conditions. He specified that no work could proceed until the Enforcement Order and Directive were substantially completed based on field verifications.

Vogel moved to close the public hearing and issue an Order of Conditions with discussed conditions. Streiff seconded the motion and the motion passed unanimously.

Turner returned to the meeting.

Certificate of Compliance Request(s):

New Certificate of Compliance Request for DEP #63-0644 at 124 Haverhill Street (Map 15, Parcel/Lot 97) Town of Rowley: No one was in attendance to represent the applicant or respond to questions. Agent Baeslack gave a brief review of present site conditions and recommended issuance of a complete Certificate of Compliance with ongoing-conditions.

Shinnick moved to issue a Certificate of Compliance for #63-0644 incorporating the listed on-going conditions. Streiff seconded the motion and the motion passed unanimously.

New Certificate of Completion Request for SMP #16-2016 at 124 Haverhill Street (Map 15, Parcel/Lot 97) Town of Rowley: No one was in attendance to represent the applicant or respond to questions. Agent Baeslack gave a brief review of present site conditions and recommended issuance of a complete Certificate of Completion with ongoing-conditions.

Vogel moved to issue a Certificate of Compliance for #SMP #16-2016 incorporating the listed on-going conditions. Turner seconded the motion and the motion passed unanimously.

New Certificate of Compliance Request for DEP #63-0662 at 548 Wethersfield Street (Map 11, Parcel/Lot 4) William Herrick, Lucia Herrick Realty Trust: No one was in attendance to represent the applicant or respond to questions. Agent Baeslack gave a brief review of present site conditions and recommended issuance of a complete Certificate of Compliance with ongoing-conditions.

Shinnick moved to issue a Certificate of Compliance for #63-0662 incorporating the listed on-going conditions. Streiff seconded the motion and the motion passed unanimously.

New Request for Return to Compliance Letter for the Enforcement Order dated November 17, 2017 at 548 Wethersfield Street (Map 11, Parcel/Lot 4) William Herrick, Lucia Herrick Realty Trust: No one was in attendance to represent the applicant or respond to questions. Agent Baeslack gave a brief review of present site conditions and recommended issuance of a Return to Compliance Letter.

Turner moved to direct the Agent to issue a Return to Compliance letter. Shinnick seconded the motion and the motion passed unanimously.

New Certificate of Compliance Request for DEP #63-0627 at 312 Haverhill Street (Map 14, Parcel/Lot 12) Institution for Savings: No one was in attendance to represent the applicant or respond to questions. Agent Baeslack gave a brief review of present site conditions and recommended issuance of a complete Certificate of Compliance with ongoing-conditions.

Vogel moved to issue a Certificate of Compliance for #63-0627 incorporating the listed on-going conditions. Shinnick seconded the motion and the motion passed unanimously.

New Certificate of Compliance Request for DEP #63-0650 at 414 Haverhill Street (Map 14, Parcel 34, Lot 1) Gateway Trust II of 1997: No one was in attendance to represent the applicant or respond to questions. Agent Baeslack advised that the site was not in compliance, and a request had been received by email from the applicant's representative April Ferraro of Meridian Associates to continue the item until the meeting of January 2, 2018.

Shinnick moved to continue this item as requested to the meeting of January 2, 2018. The motion was Streiff seconded the motion and the motion passed unanimously.

New Certificate of Completion Request for SMP #18-2016 at 414 Haverhill Street (Map 14, Parcel 34, Lot 1) Gateway Trust II of 1997: No one was in attendance to represent the applicant or respond to questions. Agent Baeslack advised that the site was not in compliance and a request had been received by email from the applicant's representative April Ferraro of Meridian Associates to continue the item until the January 2, 2018, meeting.

Shinnick moved to continue this item as requested to the meeting of January 2, 2018. Streiff seconded the motion and the motion passed unanimously.

New Certificate of Compliance Request for DEP #63-0654 at 689 Haverhill Street (Map 8, Parcel 28, Lot 1) Robert Corcoran of Boberin LLC: No one was in attendance to represent the applicant or respond to questions. Agent Baeslack advised that the site was not in compliance and requested that the item be continued to the January 2, 2018 meeting so he could contact the applicant or their representative for guidance as to corrective actions.

Vogel moved to continue this item as requested to the meeting of January 2, 2018. The motion was seconded by Shinnick and the motion passed unanimously.

Adjournment:

Accomplished at 10:24 PM by a motion made by Streiff. Vogel seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent