

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, January 3, 2017
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: Jan. 24, 2017**

Present: David DelMonico, Robert Garner, Judy Kehs, Chair Arthur Page,
Vice Chair Curt Turner and Howard Vogel
Absent: Sam Streiff
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 at 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, Vice Chair Turner moved to accept the Minutes of March 29, 2016. DelMonico seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, DelMonico moved to accept the Minutes of April 19, 2016. Garner seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Vogel moved to accept the Minutes of December 6, 2016. Garner seconded the motion and the motion passed unanimously.

FY17 Conservation Meeting Schedule Revision: The Commission discussed the need to change the FY17 Conservation Meeting Schedule because of a submittal date falling on Monday, President's Day, February 20, 2017. The schedule was updated to reflect a submittal date of Tuesday, February 21st.

Garner moved to change the scheduled submittal date from Monday, February 20, 2017, to Tuesday, February 21st. Kehs seconded the motion and the motion passed unanimously.

Summary of Conflict of Interest Law: Agent Baeslack presented the "Acknowledgement of Receipt" forms for the Summary of Conflict of Interest Law for the Commissioners to sign. The Summary was previously sent by email to each Commissioner.

New Request for Determination of Applicability for 46 Leslie Road (Map 7, Parcel 18, Lot 3) Stephen Hayes: Proposed soil evaluations for a subsurface sewage disposal system upgrade possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Owner representative Tom Mannetta of Thomas Mannetta, Inc. was present to answer any questions or

concerns of the Commission. The Commission reviewed and discussed Agent Baeslack's memo dated January 3, 2017. The Commission was satisfied with the project as presented and the conditions recommended by Agent Baeslack.

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

Status Reports: Permits & Enforcement

548 Wethersfield Street, Lucia Herrick Realty Trust, William H. Herrick III, Trustee (Map 11, Parcel/Lot 4): Violation of Wetlands Protection Act and Wetlands Protection By-law. Trustee William H. Herrick was not in attendance. Agent Baeslack updated the Commission on this agenda item. He advised that Mr. Herrick had been in contact with the Commission's office and a site visit had been conducted on December 28, 2017. Mr. Herrick had provided written confirmation of his plans to resolve the concerns of the Commission. The matter will be added to a future agenda when there are further developments.

Prospect Hill Access Road Project, 124 Haverhill Street: Agent Baeslack reported on the progress being made on the access road to stabilize the site and complete installation of the redesigned swale.

Land off of Central Street and 163 Central Street (Map 28, Parcel/Lot 50) and 163 Central Street (Map 28 Parcel/Lot 49) Brightergy, owned by William Freitag: Construction of a 4.3 acre 650 kW solar photovoltaic system, expansion of gravel access drive, utilities, and grading possibly within the 100' Buffer Zones to Bordering Vegetated Wetlands and Isolated Vegetated Wetlands. Agent Baeslack presented a request from Brightergy to start site work during the winter time period (Nov – Mar) which required a written request to the Commission. The Commission considered granting this request contingent on site conditions allowing for the proper and effective installation of the erosion controls. He explained the same conditions in the Order would apply for a pre-construction site visit to confirm that the erosion control was correctly installed and would work effectively. The Commission agreed to approve the request.

Project Comment Requests:

40 Dodge Road and 2 Mill Road (Map 5, Lot 104 and 105) William Herrick, Jr.: Proposed common driveway submitted by ASB Design Group, LLC. Agent Baeslack advised the Commission that a Planning Board request had been received for comments on this project. He advised an ORAD had been issued for the area in question and that the common driveway was being planned to avoid the area of a vernal pool. The work would likely fall under the Stormwater Management Bylaw and require a permit.

104 Newburyport Turnpike (Map 14, Lot 14-2) Charles Peabody on behalf of Mark Bernhardt: Proposed building and parking area for the operation of a dog kennel. Agent Baeslack provided the Commission with an overview of the site conditions. This

project had come to his attention due to a request to the Board of Selectmen for the placement of a temporary storage trailer and a discussion with Town Planner Kirk Baker. There is a violation under the Town's Stormwater Management Bylaw. Under the Bylaw, property owners are responsible for any issues. Agent Baeslack requested the Commission authorize issuance of a Notice of Violation to business owners, Mark Bernhardt and Charles Peabody, and to the property owner, Mr. Clark L'Abée. A plan on file showed the proposed new building and Agent Baeslack recommended erosion controls be put in place to handle an already blocked catch basin. He asked that the Commission authorize the issuances of Notices of Violation Letters to both the business owners and the property owner with a comment memo to the Planning Board addressing the Commission's concerns.

Vice Chair Turner moved to authorize Agent Baeslack to issue Notices of Violation letters to the applicants and property owner with a comment memo to the Planning Board. Delmonico seconded the motion and the motion passed unanimously.

Bachelder Brook Beaver Dam: Vice Chair Turner requested regulations be checked concerning breaching of a beaver dam causing Bachelder Brook to overflow. Agent Baeslack advised that from November 15th to April 15th the beaver dams cannot be breached per Mass Fisheries & Wildlife. Agent Baeslack will research alternatives to control flooding until the dam can be breached.

Adjournment:

Accomplished at 8:50 PM by a motion made by DelMonico. The motion was seconded by Garner and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent