

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, June 20, 2017
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 7/11/2017**

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Judy Kehs (arrived 7:32 pm), Sam Streiff and Howard Vogel (arrived 7:56 pm)

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, Streiff moved to accept the Minutes of May 30, 2017. Garner seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Turner moved to accept the Minutes of October 20, 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 November 10, 2015. Streiff seconded the motion and the motion passed unanimously.

Discussions:

Mehaffey Farm Protection Project - Ms. Vanessa Johnson-Hall of Essex County Greenbelt was present to update the Mehaffey property fundraising efforts and advise on Grant Applications such as the Conservation Partnership Land Grant Trust to add to the funds being raised for the project. She explained that Greenbelt was looking into reapplying on behalf of the Town for the LAND Grant which was denied last year. The Selectmen initially rejected this new Grant application due to an Article wording error voted on at the May Town Meeting. The Article set aside the full \$450,000 of the project cost from Community Preservation funds when only \$100,000 of the purchase price would be from Community Preservation funds. Ms. Johnson-Hall was working with Deborah Eagan, Town Administrator, to revise the language for a vote at the Fall Town Meeting so the Selectmen can approve moving forward with the LAND Grant Application. She asked that the Commission support the revised language for the vote and the use of the \$100,000 from the Community Preservation funds subject to CPA Committee and Board of Selectmen authorization.

Streiff moved to recommend that the Town pursue the LAND Grant contingent upon only \$100,000 being required from the Community Preservation funds. Turner seconded the motion and the motion passed unanimously.

Bradstreet Farm Conservation Area - The Commission reviewed the one proposal to farm from Chickadee Hill Farm and the license issuance for the Bradstreet Farm Conservation area. The Commission agreed to enter into a License Agreement with Mr. Jeff Head of Chickadee Hill Farm, Rowley.

Vogel moved that the Town enter into a Farming Agreement with Mr. Jeff Head of Chickadee Hill Farm. Garner seconded the motion and the motion passed unanimously.

Dodge Reservation, 390 Wethersfield Street - The Commission was given the most recent draft of the proposed Conservation Restriction for review. Agent Baeslack noted that a meeting was planned with the Ipswich YMCA and that Town Counsel was reviewing the document. The Commission will discuss this at the next meeting.

New Request for Determination of Applicability at 226 Haverhill Street (Map 14, Parcel/Lot 2)

Alfreda Amaral: Proposed soil evaluations for subsurface sewage disposal system design and installation possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Ms. Cindy Amaral, representing her mother Alfreda, and Mr. Ed Boyle, contractor, were in attendance to present the project and answer the Commission's questions. Agent Baeslack explained the request covered both the soil testing and the tank installation because it was believed the new system would be in the same place as the old failed system. He explained that this project was covered under the Request for Determination because the area is already disturbed. If the system site has to be moved to another area, an additional application would need to be filed because it would be impacting an undisturbed area. Agent Baeslack asked the Commission to consider a vote to issue a Determination that has the discussed special conditions and will take into account the possible installation of a Board of Health approved septic field with plan within the previously disturbed and altered maintained lawn area. There would be a return inspection visit for the erosion control.

Turner moved to close the public hearing and issue a Negative Determination Option #3 incorporating special conditions as discussed and including possible system installation. Garner seconded the motion and the motion passed unanimously.

New Request for Determination of Applicability at 453 Newburyport Turnpike (Map 23,

Parcel/Lot 32) Michael Pimental: Proposed regrading and expansion of existing parking and materials storage area possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. Owner Michael Pimental was in attendance to present the project and answer questions from the Commission. Agent Baeslack gave an overview of the property history and advised that the previous owner had encroached upon a restricted area. The plan called for this area to be restored and a No Cut/No Disturb Area be put in place. Mr. Pimental explained the area would be used for storage of his service trucks when they were not in use and no work would be done on site. A chain link fence would be installed for safety and security reasons along the boundary of the No Cut/No Disturb Zone.

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

New Notice of Intent at 548 Wethersfield Street (Map 11, Parcel/Lot 4) William Herrick, Lucia

Herrick Realty Trust: Proposed upgrade of an existing bridge (after the fact) possibly within the 200' Riverfront Area of the Mill River, Bank, 100' Buffer Zone of a Bordering Vegetated Wetland and Bordering Land Subject to Flooding. Trustees William and Susan Herrick, Owner Representative William Manuell of Wetlands and Land Management, Inc. were in attendance to present the project and answer questions from the Commission. Mr. Manuell explained that the bridge had been washed out and replaced, but no filing had been submitted. The plan included the replacement of the flood storage area and changes to correct an erosion gully. Ms. Deborah Rosse, 532 Wethersfield Street, expressed concerns about her property which is at a lower elevation and had been flooded when the bridge washed out. Agent Baeslack advised that when the application was completed and the work finished, all steps would be taken to insure the Herrick property was in compliance. The Commission

asked to have the hearing continued to allow time to review the plans which had just been received the morning of the meeting.

Turner moved to continue the hearing with permission of the applicant to the meeting of July 11, 2017. Garner seconded the motion and the motion passed unanimously.

Continued Request for Determination of Applicability at land off Daniels Road (Map 9, Parcel/Lot 23) Bruce Tompkins, The Tompkins-Desjardins Trust: Proposed determination of the perennial or intermittent status of an unnamed water course that flows from Daniels Road to behind Emily Lane at land off Daniels Road. Owner Representative John Decoulos was in attendance to address the Commission and answer any questions. Agent Baeslack carefully reviewed the historical precipitation data, the field conditions with submitted observations and the surveyed elevational information just upstream of the earthen berm. The Commission determined from the provided documentation that the stream was intermittent from the point of field location #7 to downstream to the mutual property line of the Rowley Country Club.

Turner moved to close the public hearing and issue a Positive Determination of intermittent status as discussed above. Garner 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. Agent Baeslack provided a written request from the applicant to continue the hearing pending review of the peer reviewer's comments and possible plan revisions.

Vogel moved to continue the hearing as requested by applicant to the meeting of July 11, 2017. Garner seconded the motion and the motion passed unanimously.

Continued Stormwater Management Permit application 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. Agent Baeslack provided a written request from the applicant to continue the hearing pending review of the peer reviewer's comments and possible plan revisions.

Vogel moved to continue the hearing as requested by applicant to the meeting of July 11, 2017. Garner seconded the motion and the motion passed unanimously.

Certificate of Compliance Request(s):

Continued Certificate of Compliance Request DEP #63-511 for 10 West Ox Pasture Lane (Map 17, Parcel 18, Lot 5) owned by Kerry O. Watkins – Agent Baeslack advised the Commission of the project status, receipt of an as-built plan, professional letter and field verification and recommended the issuance of a Complete Certificate of Compliance with on-going conditions.

Kehe moved to issue a Complete Certificate of Compliance incorporating the listed on-going conditions. Garner seconded the motion and the motion passed unanimously.

New Certificate of Compliance Request DEP #63-470 for 305 Newburyport Turnpike (Map 17, Parcel 20, Lot 47) owned by Prime Realty, Edward Surette – Agent Baeslack advised that the Order of Conditions for this filing had expired but work had partially commenced. He recommended language to clarify that this Order of Conditions was no longer valid but had been superseded by a new Order of Conditions recently issued by the Commission.

Streiff moved to issue a Certificate of Compliance declaring the Order of Conditions for DEP #63-470 invalid. Kehs seconded the motion and the motion passed unanimously.

Status Reports:

Prospect Hill Roadway Access Project, 124 Haverhill Street – Agent Baeslack advised that a request had been made to declare that the project was substantially completed.

Notice of Non-Compliance for 982 Haverhill Street (Map 4, Parcel 19 and 19-1) and 992 Haverhill Street (Map 4, Parcel 20, Lot 2) owned by Sheriff Abuzahra, Trustee of Spring-R Realty Trust and Jehad Abuzahra respectively – Agent Baeslack advised there had been a miscommunication with the engineering firm and hard copies of the revised sketch plan had not been received. He had been told the plans were to be delivered by hand on the morning of June 21st. Receipt and review of the plans would allow issuance of the permit.

Adjournment:

Accomplished at 10:00 PM by a motion made by Vogel. Streiff seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent