

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, May 30, 2017  
TOWN HALL ANNEX, 39 CENTRAL STREET  
APPROVED: June 20, 2017**

Present: Chair Arthur Page, Vice Chair Curt Turner, Judy Kehs and Howard Vogel  
Absent: Robert Garner and 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 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 May 10, 2017. Kehs seconded the motion and the motion passed unanimously.

**Gift of land from Gateway II Trust of 1997:** The Commission signed documentation to accept the two parcels of land gifted to the Town by Gateway II Trust of 1997. Agent Baeslack advised that all documentation had been prepared and approved by Town Counsel.

**Notification of Commission Reappointments:** Agent Baeslack advised the Commissioners that Arthur Page, Judith Kehs and Howard Vogel had been reappointed by the Board of Selectmen for three year terms.

**Candidate for appointment to Commission:** Mr. Daniel Shinnick of 64 Pleasant Street was in attendance to express his interest in filling the Commission open seat. He discussed his work in cartography and GIS management. The Commission advised Mr. Shinnick that he needed to provide the Board of Selectmen with a letter of interest for the open position. The Commission authorized Agent Baeslack to forward a letter of support to the Board of Selectmen for Mr. Shinnick's appointment.

**New Request for Determination of Applicability at 46 Leslie Road (Map 7, Parcel 18, Lot 3) Stephen Hayes:** Proposed construction of a subsurface sewage disposal system possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Thomas Manna of Thomas Manna, Inc. was in attendance to represent the applicant, present the project, and answer Commission questions. The Commission reviewed Agent Baeslack's memo dated May 30, 2017. The Commission was satisfied with the project as presented and recommended conditions.

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

**New Request for Determination of Applicability at 73 Saunders Lane (Map 23, Parcel 86, Lot 11) Steven J. Berardino:** Proposed construction of a 18' x 36' in ground pool with wrap-around deck possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Steven Berardino, the property owner, and Mr. Sean Cunning of Precision Pool were in attendance to present the project and answer questions from the Commission. The Commission reviewed Agent Baeslack's memo dated May 30, 2017. The Commission was satisfied with the project as presented and recommended conditions.

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

**New 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. No one was in attendance for this project. Agent Baeslack presented a written request from Mr. John Decoulos, the applicant's representative, requesting a continuance.

Vogel moved to continue the hearing as requested by applicant to the meeting of June 20, 2017. Kehe seconded the motion and the motion passed unanimously.

**New Request for Determination of Applicability at land off Stackyard Road and Patmos Road (for multiple properties) by David Tibbets, US Fish & Wildlife Service:** Proposed invasive plant control by mechanical and chemical techniques possibly within the Salt Marsh, Land Subject to Coastal Storm Flowage and the Great Marsh ACEC. Mr. David Tibbets of the U. S. Division of Fisheries and Wildlife was in attendance to present the project and answer Commission questions. Agent Baeslack presented his recommendations. The Commission was satisfied with the project as presented and recommended conditions.

Kehe moved to close the public hearing and issue a Negative Determination Option #2 and #3 with stipulations as discussed. Vogel seconded the motion and the motion passed unanimously.

**New Notice of Intent application at 531 Newburyport Turnpike (Map 22, Parcel/Lot 35) owned by William N. and Cheryl L. Dumaine:** Proposed construction of a subsurface sewage disposal system possibly within the 100' Buffer Zone to a Bordering Vegetated Wetlands. Mr. Chuck Johnson of C.G. Johnson Engineering was in attendance to represent the applicant and answer Commission questions. The Commission reviewed Agent Baeslack's memo dated May 30, 2017. Mr. Johnson advised the system had failed a Title V inspection and the owners were replacing the system in anticipation of selling the property. Agent Baeslack advised the Commission that a DEP file number had not been issued. The Commission was satisfied with the project and discussed conditions as presented. Permit issuance should be contingent upon receipt of a DEP file number.

Turner moved to close the public hearing and issue an Order of Conditions with the standard stipulations for construction of a subsurface sewage disposal system and contingent on the issuance of a DEP file number. Vogel seconded the motion and the motion passed unanimously.

**New Notice of Intent application at 35 School Street (Map 24, Parcel/Lot 122) owned by Adam Walter:** Proposed demolition of existing deck and construction of a 18' x 56' combination deck and screen porch possibly within 100' Buffer Zone of Bordering Vegetated Wetlands (BVW) and the 200' Riverfront Area of Ox Pasture Brook. Mr. Tyler Ferrick and Ms. Abby Manzi of DeRosa Environmental Consulting were in attendance to represent the applicant, present the project and answer questions from the Commission. Mr. Ferrick presented the current project and explained the property was under a 2010 Enforcement Order for altering and/or cutting BVW adjacent to maintained lawn. Agent Baeslack gave the Commission an overview of the Enforcement Order matter explaining that the cutting of the resource area had continued despite conversations with the property owner informing them such activities had to cease. Due to the ongoing cutting, Agent Baeslack recommended that the Commission consider that a post and rail fence be installed to deter the incursions into the resource area. Mr. Ferrick explained he had been advised by owner Adam Walter that he had ceased to cut (mow), but did not realize he needed to add posts to mark the no cut/no disturb area or had to attend a meeting. Agent Baeslack advised the Enforcement Order issue should be dealt with prior to the issuance of a permit on the new Notice of Intent application. After a discussion of options, the Commission decided to issue an Enforcement Directive to install a post and rail fence. This item must be completed by the property owner prior to any work being done on the construction project governed by the issuance of an Order of Conditions for the deck and screened porch.

Turner moved to issue an Enforcement Directive for a post and rail fence. Kehs seconded the motion and motion passed unanimously.

Kehs moved to close the public hearing and issue an Order of Conditions with the special 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. Agent Baeslack advised that he had received a written request from the applicant's representative, Mr. John Morin of the Morin-Cameron Group, requesting that the hearing be continued pending receipt of the stormwater management review.

Vogel moved to continue the public hearing as requested by the applicant to the meeting of June 20, 2017. Kehs 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 advised he had received a written request from Mr. John Morin of the Morin-Cameron Group, the applicant's representative, requesting the hearing be continued pending receipt of the stormwater management review.

Vogel moved to continue the public hearing as requested by the applicant to the meeting of June 20, 2017. Kehs seconded the motion and the motion passed unanimously.

**Certificate of Compliance Request(s):**

**Continued Certificate of Compliance Request DEP #63-643 for 970 Haverhill Street (Map 4, Parcel 18, Lot 1) owned by Kevin Karpenko** – No one representing the applicant attended the meeting. The Commission reviewed Agent Baeslack's memo dated May 30, 2017. The Commission was satisfied with the project as presented upon verification of the installation of a "Rock Salt Prohibited" sign.

Turner moved to issue a Complete Certificate of Compliance with ongoing conditions and upon verification of the installation of a "Rock Salt Prohibited" sign. Kehs seconded the motion and the motion passed unanimously.

**New Certificate of Compliance Request DEP #63-511 for 10 West Ox Pasture Lane (Map 17, Parcel 18, Lot 5) owned by Kerry O. Watkins and Request for Return to Compliance determination on Enforcement Order 63-194 of March 7, 2006 for the subject address** - Agent Baeslack advised that the formal Request for Certificate of Compliance form had not been received and recommended that matter be continued. He advised he had performed a site visit in connection with the Enforcement Order 63-194 and recommended the Commission issue a Return to Compliance letter.

Kehs moved to continue the Request for Certificate of Compliance DEP #63-511 and to issue a Return to Compliance letter for DEP #63-194 upon verification of the proper installation of granite bounds. Vogel seconded the motion and the motion passed unanimously.

**Adjournment:**

Accomplished at 9:10 PM by a motion made by Turner. Vogel seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent