

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, November 14, 2017
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: December 5, 2017**

Present: Chair Arthur Page, Robert Garner, Judy Kehs, Daniel Shinnick, Sam Streiff (arrived 7:39 pm) and Howard Vogel
Absent: Vice Chair Curt Turner
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, Garner moved to accept the Minutes of October 24, 2017. Streiff seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Vogel moved to accept the Minutes of August 19, 2014. Garner 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 9, 2014. Garner seconded the motion and the motion passed unanimously.

New 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. Owners James McKechnie and Kristine Smiley and Mr. Greg Bernard, Registered Sanitarian, discussed the property development. Mr. Steve Comley II of 50 Mansion Drive expressed his concerns about violations in resource areas. The Commission discussed violations currently on the property. It was determined that an Enforcement Order with a Directive should be issued and the violations should be addressed before any new work is started. The Commission reviewed Agent Baeslack's memo of November 14, 2017 with field inspection concerns, review of resource areas and recommendations for possible conditions for an Order of Conditions.

Streiff moved to issue an Enforcement Order with Directive as discussed. Kehs seconded the motion and the motion passed unanimously.

Vogel moved to continue the public hearing with the applicant's permission to the meeting of December 5, 2017. The motion was seconded by Garner and the motion passed unanimously.

New Notice of Intent application at 223 Newbury Road (Map 1, Parcel/Lot 33 Alex

Tzanakos: Proposed construction of a single family dwelling with subsurface sewage disposal system, driveway, utilities and associated grading possibly within the DEP Approved Groundwater Protection Area Zone II. Mr. John Tzanakos, brother of applicant, was in attendance to answer any questions or concerns from the Commission. The Commission reviewed Agent Baeslack's memo of November 14, 2017 with recommendations for conditions and suggested plan revisions to manage stormwater.

Vogel moved to close the public hearing and issue an Order of Conditions with revised plans that incorporated standard conditions for residential construction, as well as special conditions to protect quality and quantity of groundwater in a Zone II. Streiff seconded the motion and the motion passed unanimously.

New Request to Amend Order of Conditions for #63-658 at 305 Newburyport Turnpike

(Map 17, Parcel 20, Lot 47): Proposed amendment to the Order of Conditions for construction of a 3,640 sq. ft. commercial building with a 16' x 52' elevator and stairwell addition within the 100' Buffer Zone to Bordering Vegetated Wetlands. Owner Ed Surette, and Mr. William Manuel of Wetlands and Land Management were in attendance to answer any questions or concerns from the Commission. Agent Baeslack recommended that the issued conditions in the Order of Conditions covered the proposed change to the building and the Amendment would reference the revised plan.

Garner moved to amend the Order of Conditions for #63-658. Vogel seconded the motion and the motion passed unanimously.

New Abbreviated Notice of Resource Area Delineation at 623 and land off Wethersfield

Street (Map 11, Lots 53, 54, 54-1, 56 and 58) Bonni Berkowitz, Rowley Solar, LLC,

owner Maven Revocable Trust: Proposed identification wetland resource areas. Mr. Robert Blanchette of W. C. Cammett Engineering Inc., was in attendance to answer any questions or concerns of the Commission. Agent Baeslack gave a verbal report of his site inspection and made recommendations for revisions to the plan submitted. Agent Baeslack noted that other resource areas are on the parcels but were not reviewed for this application.

Vogel moved to issue an Order of Resource Area Delineation contingent upon receipt of revised plans within 14 days. Garner 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. No one was in attendance to answer questions from the Commission. Agent Baeslack advised that via email the applicant had requested the hearing be continued to the next meeting.

Vogel moved to continue the public hearing with the applicant's permission to the meeting of December 5, 2017. The motion was seconded by Garner 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. No one was in attendance to answer questions from the Commission. Agent Baeslack advised that via email the applicant had requested the hearing be continued to the next meeting.

Vogel moved to continue the public hearing with the applicant's permission to the meeting of December 5, 2017. The motion was seconded by Garner and the motion passed unanimously.

Certificate of Compliance Request(s):

New Certificate of Compliance Request for DEP #63-0134 at 944 Haverhill Street (Map 4, Parcel/ Lot 15) Lawrence Cassenti: Owner Lawrence Cassenti, was in attendance to address questions from the Commission. Agent Baeslack provided a verbal report of current conditions and recommended the issuance of a complete Certificate of Compliance since tree planting was no longer contemplated after two attempts to establish willows.

Streiff moved to issue a Complete Certificate of Compliance for DEP #63-0134. Shinnick seconded the motion and the motion passed unanimously.

Continued Certificate of Compliance Request for DEP #63-0259 at 944 Haverhill Street (Map 4, Parcel/Lot 15) Lawrence Cassenti: Owner Lawrence Cassenti was in attendance to address questions from the Commission. Agent Baeslack provided a verbal report of current conditions and noted the area of earlier disturbance was now stabilized and recommended the issuance of a complete Certificate of Compliance.

Kehs moved to issue a Complete Certificate of Compliance for DEP #63-0259. Vogel seconded the motion and the motion passed unanimously.

Continued Certificate of Completion Request for SMP #19-2016 off Central Street & 163 Central Street (Map 28, Parcel 49 and 50) Agilitas Capital (fka Brightergy): No one was in attendance to answer questions from the Commission. Agent Baeslack gave a verbal report on site conditions and noted all site issues had been appropriately addressed. He recommended issuing a complete Certificate of Completion with ongoing conditions.

Vogel moved to issue a complete Certificate of Completion with ongoing conditions. Garner seconded the motion and the motion passed with five yeas and one abstained (Streiff abstaining).

Certificate of Compliance Request for DEP #63-651 Bylaw Only off Central Street & 163 Central Street (Map 28, Parcel 49 and 50) Agilitas Capital (fka Brightergy): No one was in attendance to answer questions from the Commission. Agent Baeslack gave a verbal

report on site conditions and noted all site issues had been appropriately addressed. He recommended issuing a complete Certificate of Compliance with ongoing conditions for the Bylaw portion of the project only due to the issuance of a Superseding Order of Conditions.

Vogel moved to issue a complete Certificate of Completion with ongoing conditions. Kehs seconded the motion and the motion passed with five yea and one abstained (Streiff abstaining).

New Certificate of Compliance for ORAD DEP #63-534 at 599, 607, 615, 623 and land off Wethersfield Street (Map 11, Parcel/Lot 53, 54, 54-1, 58, 58-1, 58-2, 58-2A, and 63)

Maven Revocable Trust: No one was in attendance to answer questions from the Commission. Agent Baeslack gave a verbal report and advised that this Order was expired and that DEP was now requiring Certificates of Compliance be filed for ORADs. He recommended the issuance of the Certificate of Compliance due to the new ANRAD filing.

Garner moved to issue a complete Certificate of Compliance for DEP #63-534. Streiff seconded the motion and the motion passed unanimously.

New Certificate of Compliance for Order of Conditions DEP #63-544 at 623

Wethersfield Street (Map 11, Parcel/Lot 53) Maven Revocable Trust: No one was in attendance to answer any questions or concerns from the Commission. Agent Baeslack gave a verbal report of outstanding items. He recommended issuing a complete Certificate of Compliance contingent upon verification of the paddock fence being reestablished and the No Cut/No Disturb signs being installed.

Streiff moved to issue a Certificate of Compliance contingent on work being completed as discussed. Shinnick seconded the motion and the motion passed unanimously.

Adjournment:

Accomplished at 9:36 PM by a motion made by Streiff. Kehs seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent