

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, December 3, 2019
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 1/7/2020**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Howard Terrien, Howard Vogel
Absent: Robert Garner and Judy Kehs
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 November 12, 2019. Vogel seconded and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Vogel moved to accept the Minutes of February 17, 2009, with edits as discussed. Terrien seconded and the motion passed unanimously.

Discussions:

Compliance with Bylaw Order of Conditions #08-2018, 50 Newbury Rd. ONG Design – Agent Baeslack gave a brief project overview and reviewed specific conditions relating to a parcel transfer to the Town for open space. He explained that the transfer had originally been based upon a waiver of a portion of the By-law Fee. The waiving of the By-law Fee or a portion thereof was determined to be outside the Commission's authority by the Board of Selectmen. A revision to the By-law was proposed to have the fees removed and made part of the regulations which the Commission would set. It was agreed that once the By-law change was approved by the State and adopted by the Town, an Amendment Request would be filed, the By-law fee recalculated, and the land transferred. It was brought to the Agent's attention that after recalculating the By-law Fee, an additional \$7,000 would be owed. A request has been made to the Board of Selectmen to determine if this fee could be waived. No documentation has been received by the Conservation Office on this request or for a request to amend the original Order of Conditions. Agent Baeslack expressed the concern that most, if not all, of the units have been sold and it did not appear that the applicant was intending to file an Amendment Request. At this time, the project is out of compliance and he asked if the Commission would consider the issuance of an Enforcement Order.

Streiff moved to confirm and issue an Enforcement Order for lack of compliance with issued Bylaw Order of Conditions #08-2018. Vogel seconded and the motion passed unanimously.

Compliance with DEP Order of Conditions #63-0699 and SMP #30-2017 at 623+ Wethersfield Street Rowley Solar LLC/Maven Revocable Trust - Agent Baeslack advised the Commission of recent discussions regarding the activation of the solar facility and submitted his email to Town Administrator, Deborah Eagan, dated Monday, December 2, 2019. The major concern is the stabilization of the site. Agent Baeslack advised that he had not recently been on the site and recommended that the Commission request a site condition/compliance report as authorized under the issued Order of Conditions.

Streiff moved to direct the Agent to request the applicant prepare a written report as authorized under the issued Order of Conditions. Terrien seconded and the motion passed unanimously.

New Request for Determination of Applicability 165 Wethersfield Street (Map 17, Parcel/Lot 29) Danny and Katherine Marks: Proposed soil evaluation for the design of a subsurface sewage disposal system possibly within 100' Buffer Zone to a Bordering Vegetated Wetlands. Mr. Larry Graham of H.L. Graham Associates, Inc., representing the applicants, Mr. Danny and Mrs. Katherine Marks, was in attendance to answer any questions from the Commission. Agent Baeslack gave a verbal report on the site conditions and recommended issuance of a Negative Determination option #3 and #5 with special conditions. The Commission reviewed the special conditions submitted by Agent Baeslack.

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

New Request for Determination of Applicability 42 Haverhill Street (Map 15, Parcel/Lot 86) Rowley Water Department: Proposed demolition and removal of an abandoned well building and foundation to be filled in then loamed and seeded over possibly within 100' Buffer Zone to Bordering Wetlands. Mr. Bernard Cullen, Commissioner from the Rowley Water Department, was in attendance to answer any questions from the Commission. Agent Baeslack gave a verbal report on the site conditions and submitted recommendations for special conditions. The Commission reviewed the recommended special conditions.

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

Certificate of Compliance/Completion Request(s):

New Request for Certificate of Compliance #63-0646 968 Haverhill Street (Map 4, Parcel/ Lot 18) James Dunn, JM Dunn LLC: No one was in attendance for this matter. Agent Baeslack presented the request with a recommendation to issue a Complete Certificate of Compliance with ongoing conditions.

Vogel moved to issue a Complete Certificate of Compliance with ongoing conditions for #63-0646. Terrien seconded and the motion passed unanimously.

New Request for Certificate of Completion #17-2016 968 Haverhill Street (Map 4, Parcel/Lot 18) James Dunn, JM Dunn LLC: No one was in attendance for this matter. Agent Baeslack presented the request with a recommendation to issue a Complete Certificate of Completion with ongoing conditions.

Vogel moved to issue a Complete Certificate of Completion with ongoing conditions for #17-2016. Terrien seconded and the motion passed unanimously.

Streiff **recused** himself from the next agenda item.

New Request for Certificate of Completion #31-2018 formerly 180 Central Street (Map 24, Parcel/Lot 39) TST Realty, LLC: No one was in attendance for this matter. Agent Baeslack presented the request with a recommendation to issue a Complete Certificate of Compliance with ongoing conditions. The Commission discussed seasonal conditions on the site currently as related to the ongoing conditions conferred by the permit.

Terrien moved to issue a Complete Certificate of Compliance with ongoing conditions for #31-2018. Shinnick seconded and the motion passed by a vote of three (3) yeas.

Streiff returned to the meeting.

New Request for Certificate of Compliance #63-666 191 Main Street (Map 25, Parcel/Lot 40) Town of Rowley: Mr. Larry Berger of Pinck & Co. and Mr. Tom Hood of W.T. Rich Company, Inc. were in attendance on behalf of the applicant. Agent Baeslack gave a verbal report on the project status and reviewed the compliance letter received from Williams & Sparages who prepared the As-built Plan. He suggested the issuance of a Complete Certificate of Compliance contingent upon field verification of the outstanding compliance issues and receipt of a PDF of the As-built Plan.

Vogel moved to issue a Complete Certificate of Compliance with ongoing conditions contingent upon field verification. Terrien seconded and the motion passed unanimously.

New Request for Certificate of Completion #28-2017 191 Main Street (Map 25, Parcel/Lot 40) Town of Rowley: Mr. Larry Berger of Pinck & Co. and Mr. Tom Hood of W.T. Rich Company, Inc. were in attendance on behalf of the applicant. Agent Baeslack gave a verbal report on the project status and reviewed the compliance letter received from Williams & Sparages who prepared the As-built Plan. He suggested the issuance of a Complete Certificate of Completion contingent upon field verification of the outstanding compliance issues and receipt of a PDF of the As-built Plan.

Vogel moved to issue a Complete Certificate of Completion with ongoing conditions contingent upon field verification. Terrien seconded and the motion passed unanimously.

Status Reports: Permits & Enforcement

Enforcement Order 43 Daniels Road (Map 8, Parcel/Lot 51) rear northeast section HRA Ricker Realty Trust, Debra A. Ricker, Trustee: Cutting of vegetation (altering), grading and dumping of fill and earth disturbance within the 100' Buffer Zone of Bordering Vegetated Wetlands and failure to obtain proper permit(s) and failure to utilize erosion controls as required. Trustee Debra Ricker was in attendance to answer any questions from the Commission. Agent Baeslack advised that the site had been stabilized and showed photographic documentation from his site inspection, and photos which had been provided by Ms. Ricker. At this time, no further action is required.

Enforcement Order 53 Emily Lane (Map 9, Parcel 23, Lot 23) Pavel N. Bukhovko: Failure to resolve compliance matters and obtain a Certificate of Compliance DEP #63-0434 and #63-0564. Mr. Pavel Bukhovko was in attendance to answer any questions from the Commission. Mr. Bukhovko advised that he had not had contact with his representative but would be following up with them. Agent Baeslack suggested the Commission defer to the property owner to work with the representative and to contact the Conservation Office if any assistance was needed.

Enforcement Order 20 Cindy Lane (Map 6, Parcel 10, Lot 9-1) Paul Imbriano: Failure to resolve violations with issued Order and obtain Certificate of Compliance DEP #63-553 since Nov. 19, 2018. No one was in attendance for this agenda item. Agent Baeslack reported he had verified the fence installation, and that the property owner was now waiting for the as built plan to be prepared for submittal.

Enforcement Order 413 Wethersfield Street (Map 19, Parcel 8, Lot 1) Amanda Veilleux: Enforcement Order issued September 26, 2018 for cutting, clearing, and grading (altering) of approx. 2,000 square feet regulated resource areas in the 100' Buffer Zone to Bordering Vegetated Wetlands (BVW) 310 CMR 10.02, 200' Riverfront Area of the Mill River 10.310 CMR 10.58, and Bordering Vegetated Wetlands (BVW) 310 CMR 10.55 (state & local) without application or a valid permit. No one was in attendance for this agenda item. Agent Baeslack advised the proposed plan requested at the last meeting had not been submitted and that he would follow-up with the property owner and their professional representative.

Adjournment:

Accomplished at 9:55 PM by a motion made by Vogel. Terrien seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent