

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, October 2, 2018
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 10/23/2018**

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Judy Kehs (arrived 7:38 pm), Daniel Shinnick, Sam Streiff and Howard Vogel
Absent: N/A
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, Shinnick moved to accept the Minutes of September 11, 2018. Streiff seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Turner moved to accept the Minutes of August 21, 2012. Kehs seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Shinnick moved to accept the Minutes of September 11, 2012. Garner seconded the motion and the motion passed unanimously.

Conservation Restriction at Dodge Reservation 390 Wethersfield St. (Map 18, Parcel/Lot 7) Essex County Greenbelt Association and Town of Rowley: Agent Baeslack provided the Commission with a status report of the Dodge Reservation Conservation Restriction and advised that the latest version of the CR with highlighted edits would be provided by email. Comments are to be forwarded to the Conservation Office.

Conservation Restriction at 42 Newbury Road (Map 5, Parcel/Lot 40) John E. Sullivan, Jr. & Christian Mason: Agent Baeslack updated the Commission on the status of the 42 Newbury Road Conservation Restriction and advised that it was being reviewed by the legal department for the Mass. Executive Office of Energy and Environmental Affairs. No further action from the Commission is needed at this time.

New Request for Determination of Applicability at 221 Rear Main Street (Map 25, Parcel 35, Lot 1) Town of Rowley: Proposed vegetation management by mowing possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Tim Southall of Rowley Parks and Recreation was in attendance to answer questions from the Commission. Board of

Selectmen David Peterson was also in attendance. Agent Baeslack related that he reviewed the delineation of the field and installed tall wooden stakes to mark the 25' No Cut/No Disturb Zone. The Commission reviewed Agent Baeslack's memo dated October 2, 2018 with recommendations for the project conditions including a restriction to prohibit mowing the No Cut/No Disturb Zone.

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

Continued Request to Amend Order of Conditions DEP #63-0625 at land off Daniels Road (Map 9, Parcel/ Lot 23) The Tompkins-Desjardins Trust, Bruce Tompkins,

Trustee: Request to amend proposed construction of duplex buildings with associated roadway, driveways, utilities, stormwater facilities, and grading possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Owner's Representative John Decoulos of Decoulos Engineering was in attendance and advised the Commission that the Stormwater Management Report was not completed and to request a hearing continuance. The Commission agreed to continue the hearing to the October 23, 2018, meeting.

Garner moved to continue the public hearing to October 23, 2018. Kehs seconded the motion and the motion passed unanimously.

Reopening of Notice of Intent Application DEP #63-0669 at land off Wethersfield Street (Map 11, Parcel 58) and 599, 607, 615 and 623 Wethersfield Street (Map 11, Parcel/Lots 53, 58-1, 58-2 and 58-2A) Rowley Solar, LLC, owner Maven Revocable Trust:

Proposed land gift and waiver of remaining Wetlands Bylaw Fee. The Commission agreed to continue the hearing October 23, 2018, meeting. Attorney Thomas Beatrice, representing the applicant, was in attendance to answer questions from the Commission. Ms. Bonni Berkowitz and Ms. Barbara Berkowitz were also in attendance. The Commission reviewed the parcel being considered and discussed access. Questions were raised about potential donation of land in Georgetown because a portion of the lot was in that municipality. Agent Baeslack made a request that the Applicant and their legal counsel provide the Commission with written permission for the continuance and the holding off issuance of the Order of Conditions.

Streiff moved to continue the public hearing with the applicant's permission to October 23, 2018, meeting. Shinnick seconded the motion and the motion passed unanimously.

Certificate of Compliance Request(s):

Continued Request for Certificate of Compliance DEP #63-0648 for 524 Newburyport Turnpike (Map 19, Parcel/Lot 9) Alexandra Strauch

– Applicant Representative Tyler Ferrick of DeRosa Environmental was in attendance to address the Commission. Agent Baeslack gave a verbal presentation of the site inspection with a report on the ongoing conditions. He recommended that a Complete Certificate of Compliance be issued.

Vogel moved to issue a Complete Certificate of Compliance for DEP #63-0648 with ongoing conditions as discussed. Shinnick seconded the motion and the motion passed unanimously.

New Request for Certificate of Compliance DEP #63-0319 for 46 Fenno Drive (Map 28, Parcel/Lot 22) Sylvester McCormack – No one was in attendance to answer questions from the Commission. The Commission reviewed Agent Baeslack's memo dated October 1, 2018. Agent Baeslack advised there were no ongoing conditions and recommended the issuance of a Complete Certificate of Compliance.

Vogel moved to issue a Complete Certificate of Compliance DEP #63-0319. Garner seconded the motion and the motion passed unanimously.

Status Reports: Permits & Enforcement

Enforcement Order for 413 Wethersfield Street (Map 19, Parcel 8, Lot 1) Amanda Veilleux – Alteration by cutting, clearing and grading of 2,000 sq. ft. including 200' Riverfront Area of the Mill River and Bordering Vegetated Wetlands and 100' Buffer Zone of same. Mr. Kyle Van Amburg, spouse of the property owner, was in attendance to answer questions from the Commission. Agent Baeslack reviewed the Enforcement Order issued for work done without permitting and gave a verbal report on the current site conditions that could be confirmed from the road. The Commission agreed with the issuance of the Enforcement Order and the specified steps required of the owner in the EO.

Shinnick moved to confirm and ratify the Enforcement Order as issued. Turner seconded the motion and the motion passed unanimously.

Project Comment Requests:

Environmental Notification Form for 77 Dodge Road (Map 9, Parcel/Lot 34) – Agent Baeslack advised the Commission of notification of conversion of two acres from an agricultural preservation restriction to allow a land swap in order for the well serving a dwelling to be on the same lot as the residence after the land is divided amongst family members. No further action is needed from the Commission at this time.

Adjournment:

Accomplished at 8:58 PM by a motion made by Vogel. Shinnick seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent