

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, September 11, 2018
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 10/02/2018**

Present: Chair Arthur Page, Robert Garner, Judy Kehs (arrived 7:32 pm), 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 August 21, 2018. 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 July 31, 2012. Garner seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Garner moved to accept the Minutes of July 10, 2012. Kehs 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 on the progress of the Dodge Reservation Conservation Restriction and gave a copy of the latest version and comments from Town Counsel.

Conversion by sale under MGL Chap. 61A of 563 Wethersfield St. Martha Chase Geary – Right of First Refusal: Agent Baeslack advised the Commission of the potential property sale at 563 Wethersfield Street and the possible removal of the Chapter 61A status. The property is not contiguous to any of the Town's Open Space Properties and is already developed and had not been identified for possible acquisition in the Open Space & Recreation Plan update of 2014.

Shinnick moved to recommend waiver of the right of first refusal to the Board of Selectmen. Page seconded the motion and the motion passed unanimously.

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 ongoing review of the 42 Newbury Road Conservation Restriction.

New Request for Determination of Applicability at 111 Daniels Road (Map 9, Parcel/Lot 26) Thomas and Sharon Gannon: Proposed soil evaluations for design of a replacement sewage disposal system possibly with the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Thomas Mannetta of Thomas Mannetta, Inc. and Mr. Thomas Gannon, property owner were present to answer any questions or concerns of the Commission. Agent Baeslack gave a verbal report of his site inspection and presented suggested recommendations for project conditions.

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

New Request for Determination of Applicability at 77 Railroad Avenue (Map 27, Parcel/Lot 103) David Jaquith: Proposed soil evaluations for design of a replacement sewage disposal system possibly within the 100' Buffer Zone of Salt Marsh, ACEC, and Coastal Land Subject to Storm Flowage. Mr. Charles Johnson of C.G. Johnson Engineering, and Mr. David Jaquith, property owner, were present to answer any questions or concerns of the Commission. Agent Baeslack gave a verbal report of his site inspection and suggested recommendations for project conditions.

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

New Request for Determination of Applicability at 708 Wethersfield Street (Map 10, Parcel 10, Lot D) Matthew Chisholm: Proposed cutting and removal of mature white pine and oak trees possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. No one was in attendance to represent the applicant and answer questions from the Commission. Agent Baeslack gave a verbal report on the site inspection and concerns regarding the trees that were being removed. The Commission reviewed Agent Baeslack's recommendations for project conditions and suggestions for replanting.

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

New Request for Determination of Applicability at 100 Warehouse Lane (Map 26, Parcel/Lot 6) Town Landing Town of Rowley: Proposed repair and repaving of the 20' x 170' boat launch ramp possibly within Bank, 200' Riverfront Area of the Rowley River, Land Subject to Coastal Storm Flowage, and ACEC. Rowley Harbormaster William DiMento was present to answer any questions or concerns of the Commission. The Commission reviewed Agent Baeslack's recommendations for conditions.

Garner moved to close the public hearing and issue a Negative Determination Option #2 and #3 with conditions as discussed. Shinnick seconded the motion and the motion passed unanimously.

New Notice of Intent at 699 Haverhill Street (Map 8, Parcel/Lot 27) Lucia-Herrick Realty Trust: Proposed construction of a single family dwelling , driveway, utilities, clearing and grading possibly within the 200' Riverfront Area of unnamed stream and 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. William Manuell of Wetlands and Land Management was in attendance to address the Commission and answer any questions. Trustees Chip and Susan Herrick were also present. Agent Baeslack gave a verbal report on his site inspection with recommendations for project conditions.

Kehe moved to close the public hearing and issue an Order of Conditions with conditions as discussed. Streiff seconded the motion and the motion passed unanimously.

New Request to Amend Order of Conditions DEP #63-0640 at land off Church Street (Map 24, Parcel 137, Lot 1) Clarke Associates LLC: Proposed amendment to the construction of a duplex residence with associated driveway and septic system possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and the 200' Riverfront Area of Ox Pasture Brook. Mr. David Clarke and Mr. Jeff Clarke of Clarke Associates LLC were present to answer any questions or concerns of the Commission. Mr. Jeff Clarke advised that the residence has been downsized and moved further away from the wetland area. Agent Baeslack advised the Commission that stamped, engineered plans had not been received. Mr. Jeff Clarke stated that he would provide the necessary copies of the plans within 14 days.

Streiff moved to close the public hearing and issue an Amended Order of Conditions contingent upon receipt of requested plans as discussed. Garner 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. No one was in attendance to address the Commission. Agent Baeslack advised that he had received a quote from Peer Reviewer Horsley Witten of \$1,500 to review the plan changes. He had forwarded the quote to Owner Representative, Mr. John Decoulos of Decoulos Engineering, but had received no communication regarding either the quote or a request to continue the hearing. The Commission agreed to continue the hearing to meeting of October 2, 2018.

Shinnick moved to continue the public hearing to October 2, 2018. Kehe seconded the motion and the motion passed unanimously.

Certificate of Compliance Request(s):

New Request for Certificate of Compliance DEP #63-0648 for 524 Newburyport Turnpike (Map 19, Parcel/Lot 9) Alexandra Strauch - Agent Baeslack advised that he had requested additional information prior to the issuance of the Certificate of Compliance. The information was received on September 10, 2018, and he did not have a chance to review it prior to the meeting nor conduct the site inspection. He requested that the Commission continue this matter to the meeting of October 2, 2018.

Garner moved to continue the matter to the meeting of October 2, 2018. Shinnick seconded the motion and the motion passed unanimously.

Continued Request for Certificate of Completion SMP #27-2017 for Lot 5, Dodge Rd (Map 5, Parcel 104, Lot 5) Douglas Stone – Agent Baeslack advised that all issues were being resolved to bring the site into compliance and recommended the issuance upon field verification of a Complete Certificate of Compliance.

Shinnick moved to issue a Certificate of Completion after site verification. Streiff seconded the motion and the motion passed unanimously.

Status Reports: Permits & Enforcement

Continued Notice of Violation at 121 Haverhill St. (Map 16, Parcel/Lot 65) Luana Maekawa: Alteration of freshwater wetland resource area(s) 100' Buffer Zone and possibly No Cut/No Disturbance Zone. Agent Baeslack read into record an email received from Ms. Luana Maekawa on July 17, 2018. Agent Baeslack recommended that the property owner install no cut/no disturbance posts and be allowed to maintain the remainder of the property. The Commission agreed and authorized Agent Baeslack to relay this information to Ms. Maekawa.

Kehe moved to propose the resolution as discussed. Shinnick seconded the motion and the motion passed unanimously.

Adjournment:

Accomplished at 9:45 PM by a motion made by Garner. Shinnick seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent