

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, July 31, 2018
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 8/21/2018

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Judy Kehs (arrived 7:45 pm), Sam Streiff and Howard Vogel
Absent: Daniel Shinnick
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 July 10, 2018. Vogel seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Streiff moved to accept the Minutes of April 17, 2012. Turner seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Vogel moved to accept the Minutes of May 9, 2012. Streiff 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 - For comment prior to a formal review at the August 21, 2018 meeting, Agent Baeslack provided the Commission with a Conservation Restriction version marked with the most recent changes.

New Request for Determination of Applicability at 789 Haverhill Street (Map 5, Parcel/Lot 102) Jessica Lewis: Proposed installation of a replacement subsurface sewage disposal system possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and the 200' Riverfront Area of a un-named stream.

The Application hearing was not opened because of a lack of legal notice publication in a local paper. This was due to newspaper error. The hearing will be rescheduled for the meeting on August 21, 2018.

New Request for Determination of Applicability at 151 Central Street (Map 24, Parcel/Lot 40) J. Peter St. Clair: Proposed construction of a 12' x 24' single story addition to an existing structure possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and the 200' Riverfront Area of an un-named stream.

The Application hearing was not opened because of a lack of legal notice publication in a local paper. This was due to newspaper error. The hearing will be rescheduled for the meeting on August 21, 2018.

New Request for Determination of Applicability at 38 Boxford Road (Map 5, Parcel/Lot 29) Debra and David Hume: Proposed soil evaluations for design of a replacement sewage disposal system possibly within the 100' Buffer Zone to a Bordering Vegetated Wetland and the DEP Approved Groundwater Protection Area Zone II. Mr. John Morin of The Morin-Cameron Group was in attendance to represent the property owners and answer questions from the Commission. The Commission reviewed Agent Baeslack's recommended special conditions for the project.

Garner 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.

New Request for Determination of Applicability at 563 Wethersfield Street (Map 11, Parcel/Lot 59) Martha Chase-Geary: Proposed installation of a replacement subsurface sewage disposal system possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Robert Blanchette of W.C. Cammett Engineering was in attendance to represent the property owner and answer Commission's questions. Agent Baeslack gave a verbal report on the pre-meeting site visit. The Commission reviewed Agent Baeslack's recommended special conditions for the project.

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

New Request for Determination of Applicability at 430 Wethersfield Street (Map 12, Parcel/Lot 3 and 4), owned by Cheryl J. Moran and Patricia A. Simon, at land off Wethersfield Street and Taylor Lane (Map 12, Parcel/Lot 2), owned by Redstone Realty LLC and at Daniels Road (Map 9, Parcel Lot 23), owned by Tompkins Desjardins Trust filed by Robert Nixon, Taylor Lane LLC: Proposed soil evaluations for design of stormwater facilities possibility within 200' Riverfront Area of Taylor Brook and the 100' Buffer Zone to Bordering Vegetated Wetlands including land off Wethersfield St. (Map 12, Lot 4), land off Taylor Ln. (Map 12, Lot 2) and land off Daniels Rd. (Map 9, Lot 23). Mr. Stephen Erickson of Norse Environmental Services, Mr. Robert Nixon and Attorney Jill Mann, representing the applicant, were in attendance to answer questions from the Commission. Agent Baeslack gave a verbal report of his review of the plan. The

Commission reviewed Agent Baeslack's recommended project special conditions. Concern was expressed by Turner and Agent Baeslack relating to the proposal location of storm water BMP at the top of a bank at the Taylor Brook farm road crossing.

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.

New Request for Determination of Applicability at Well No. 3 - 129 Boxford Road (Map 5, Parcel/Lot 76) and Wellfield No. 5 – 64 Pingree Farm Road (Map 4, Parcel 12, Lot 1)

Rowley Water Department: Proposed testing, cleaning and redevelopment of existing Well No. 3 and Wellfield No.5 possibly within 100' Buffer Zone to Bordering Vegetated Wetlands, DEP Approved Groundwater Protection Area Zone I, and 100' Vernal Pool Habitat. Mr. Phil MacClellan of Tata & Howard representing the Water Department was in attendance to present the project and answer questions from the Commission. The Commission reviewed Agent Baeslack's recommended conditions for the project. Agent Baeslack noted that every effort was made to locate the treatment basin as far from wetland resource areas as possible to allow the run off to infiltrate as it flows over the surface after it is neutralized.

Garner 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.

New Request to Amend an Order of Resource Area Delineation #63-672 at 430 Wethersfield Street (Map 12, Parcel/Lot 3 and 4), owned by Cheryl J. Moran and Patricia A. Simon, at land off Wethersfield Street and Taylor Lane (Map 12, Parcel/Lot 2), owned by Redstone Realty LLC and at Daniels Road (Map 9, Parcel Lot 23), owned by Tompkins Desjardins Trust filed by Robert Nixon, Taylor Lane LLC:

Proposed review of the 200' Riverfront Area of Taylor Brook. Mr. Stephen Erickson of Norse Environmental Services, Mr. Robert Nixon and Attorney Jill Mann, representing the applicant, were in attendance to answer questions from the Commission. Agent Baeslack gave a verbal report of his review of the plan. The Commission discussed the parameters for intermittent and perennial streams. It was the Commission's consensus that verification of the intermittent status of the Taylor Brook portion, which was in question, should be obtained from the Department Environmental Protection before the amendment was approved.

Vogel moved to close the public hearing and amend pending verification by DEP that the section of Taylor Brook in question was intermittent. Garner seconded the motion and the motion passed unanimously.

Continued 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 construction of a 4.18 acre solar photovoltaic system, gravel access drive, stormwater facilities, utilities, and associated grading within the 100' Buffer Zone to a Bordering Vegetated Wetlands and Isolated Vegetated Wetlands. Mr. Robert Blanchette of W.C. Cammett Engineering was in attendance to represent the applicant and present the latest

revisions for the solar facility. Ms. Bonni Berkowitz and Ms. Barbara Berkowitz were also in attendance. The Commission discussed a Vegetation Management Plan to be reviewed by the office.

Vogel moved to close the public hearing and issue an Order of Conditions contingent upon receipt of H.L. Graham's final review and statement of compliance with WPA stormwater standards and the project conditions as discussed. Streiff seconded the motion and the motion passed unanimously.

Continued Stormwater Permit Application SMP #30-2017 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 construction of a 4.18 acre solar photovoltaic system, gravel access drive, stormwater facilities, utilities, and associated grading. Total site disturbance is approximately 522,720 square feet and a slope disturbance of 60,000 square feet at greater than 15%. Mr. Robert Blanchette of W.C. Cammett Engineering was in attendance to represent the applicant and present the latest revisions to the plans for the solar facility. Ms. Bonni Berkowitz and Ms. Barbara Berkowitz were also in attendance.

Vogel moved to close the public hearing and issue the Stormwater Permit contingent upon receipt of H.L. Graham's final review and statement of compliance with WPA stormwater standards and Town Stormwater Bylaw regulations. Streiff seconded the motion and the motion passed unanimously.

Certificate of Compliance Request(s) and Extension:

New Request for Certificate of Completion for 38 Dodge Road (Map 5, Parcel 104, Lot 4) Kenneth S. Murphy: Owner Kenneth Murphy was in attendance to answer questions for the Commission. Agent Baeslack gave a verbal report on the site conditions and recommended that a Certificate of Completion with ongoing conditions be issued contingent upon a field visit to verify removal of the erosion controls and sign.

Turner moved to issue a Certificate of Completion with ongoing conditions contingent upon completion of a field visit. Garner seconded the motion and the motion passed unanimously.

New Request for an Extension for land off Church Street (Map 24, Parcel 137, Lot 1) Dave Clarke, Clarke Associates, LLC: No one was in attendance to answer questions from the Commission. Agent Baeslack gave a verbal report on the current conditions of the project and recommended that the Commission issue the requested one (1) year extension.

Streiff moved to extend the Order of Conditions for one (1) year. Vogel seconded the motion and the motion passed unanimously.

Status Reports: Permits & Enforcement

Notice of Violation at 17 Boxford Rd. (Map 5, Parcel/Lot 85) Danny Roach & Heidi Harris TRS Back Land Trust – Alteration of freshwater wetland resource area(s). No one was in attendance to answer questions from the Commission. Agent Baeslack gave a verbal report on the violation he had observed earlier, which was construction of a shading livestock shed. The structure was removed. Agent Baeslack had advised the property owners that they could discuss the project at a Commission meeting, but they declined. He also stated that if the project were to move forward it would require the filing of a Request for Determination of Applicability. At this time, the issue had been resolved with the property owners. The site conditions indicated that the impacted vegetation would regrow if no further disturbance occurred.

Vogel moved to authorize the Agent to advise the property owners that the matter was resolved. Kehs seconded the motion and the motion passed unanimously.

Stormwater Mgt. and Erosion Control Bylaw Enforcement Order SMP #31-2018 at 180 Central St. (Map 24, Parcel 39, Lots 3 & 6) – Violation of limit of work by tree cutting. Property Owners Anthony Franciosa and Chris Franciosa were in attendance to answer questions from the Commission. Agent Baeslack gave the Commission an overview of the violations and the measures that had been taken to resolve the issues. The only outstanding issue is the submittal of a revegetation plan.

Turner moved to confirm and ratify the issuance of the Enforcement Order with 30 days to submit a planting plan with planting completed by the end of October. Kehs seconded the motion and the motion passed with five (5) yeas, Streiff abstaining.

New Enforcement Order at 12-40 Forest Ridge Drive (Map 7, Parcel/Lot 9) Gateway II Trust of 1997, John T. Coughlin, Trustee – Violation of limit of work by tree cutting. Agent Baeslack requested that this item be moved to the August 21, 2018 meeting. The Commission agreed.

Adjournment:

Accomplished at 10:15 PM by a motion made by Streiff. Kehs seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent