

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, May 29, 2018
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 7/10/18**

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Judy Kehs
(arrived 7:40 pm), Daniel Shinnick, Sam Streiff, and Howard Vogel
Absent: NA
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 May 9, 2018. Garner seconded the motion and the motion passed unanimously.

Discussion(s):

Conservation Restriction at Mehaffey Farm, 179 Newbury Road (Map1, Parcel/Lot 35) Essex County Greenbelt Association: Ms. Vanessa Johnson-Hall of Essex County Greenbelt Association was in attendance to present the Conservation Restriction documents to the Commission for approval and signatures. Agent Baeslack advised that Town Counsel, Judy Pickett, had approved the current version of the documents.

Vogel moved to approve and sign the Conservation Restriction documents for Mehaffey Farm and recommend acceptance to the Board of Selectmen. Streiff seconded the motion and the motion passed unanimously.

Conservation Restriction, 42 Newbury Road (Map 5, Parcel/Lot 40) John E. Sullivan, Jr: Agent Baeslack presented an email from John Sullivan dated May 29, 2018 requesting a continuance.

Shinnick moved to continue this agenda item to the meeting of June 19, 2018. Streiff seconded the motion and the motion passed unanimously.

Commissioner Reappointments: Agent Baeslack advised that both Curt Turner and Bob Garner had expressed their desire to be reappointed to another three year term by emailing the Board of Selectmen. Agent Baeslack requested permission to send a letter of support for the reappointments to the Board of Selectmen on behalf of the Commission. The Commission authorized Agent Baeslack to forward the letter of support.

New Request for Determination of Applicability at 10 Brook Street (Map 11, Parcel/Lot 29) Jean and Edward Belson: Proposed soil evaluations for subsurface sewage disposal system design and installation possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Owner representative Thomas Mannetta of Thomas Mannetta Inc. was in attendance to answer any questions or concerns from the Commission. The Commission reviewed Agent Baeslack's memo dated May 29, 2018 with recommendations for project conditions.

Turner moved to close the public hearing and issue a negative Determination Option #3 incorporating the special conditions as discussed. Garner seconded the motion and the motion passed unanimously.

Waiver Request 50 Newbury Road (Map 5, Parcel/Lot 41) Robert Bouley, O.N.G. Design & Development, LLC: Prior to opening the hearing on 50 Newbury Road (Map 5, Parcel/Lot 41) filed by Robert Bouley of O.N.G. Design & Development, the Commission addressed a waiver request for a portion of the Bylaw fee filed by the applicant's representative Ben Osgood of Ranger Engineering. The request advised that the applicant would be donating to the Town ten (10) acres of land for open space which would create access to another parcel which was being placed under Conservation Restriction. Mr. Ben Osgood was in attendance to answer questions from the Commission.

Shinnick moved to waive a portion of the Bylaw fee contingent upon the transfer of ten (10) acres of land to the Town. Garner seconded the motion and the motion passed unanimously.

New Bylaw Notice of Intent at 50 Newbury Road (Map 5, Parcel/Lot 41) Robert Bouley, O.N.G. Design & Development, LLC: Proposed construction of a roadway, nine (9) single family residences, driveways, stormwater facilities, utilities and associated grading possibly within DEP Approved Groundwater Protection Area Zone II, Bordering Vegetated Wetlands, 100' Buffer Zone of Bordering Vegetated Wetlands, Vernal Pool, 100' Vernal Pool Habitat and Priority Habitat for Endangered Species. Mr. Ben Osgood of Ranger Engineering was in attendance to represent the applicant and answer questions from the Commission. The Commission reviewed Agent Baeslack's memo dated May 29, 2018 with recommendations for plan revisions and project conditions. The peer review was not complete and the Commission requested a continuance to the next meeting.

Garner moved to continue the hearing, with the applicant's permission, to June 19, 2018. Streiff seconded the motion and the motion passed unanimously.

New Stormwater Management Permit application at 50 Newbury Road (Map 5, Parcel/Lot 41) Robert Bouley, O.N.G. Design & Development, LLC: Proposed construction of roadway, nine (9) single family residences, driveways, stormwater facilities, utilities and associated grading. Total site disturbance is approximately 246,302 square feet. Mr. Ben Osgood of Ranger Engineering was in attendance to represent the applicant and answer questions from the Commission. The Commission reviewed Agent Baeslack's memo dated May 29, 2018 with recommendations for plan revisions and project conditions. The peer review was not complete and the Commission requested a continuance to the next meeting.

Turner moved to continue the hearing, with the applicant's permission, to the meeting of June 19, 2018. Vogel seconded the motion and the motion passed unanimously.

Certificate of Compliance Request(s):

New Request for Certificate of Compliance for DEP# 63-0653 at 401 Central Street (Map 21, Parcel 33/Lot 2) Town of Rowley: Mr. Rob Swiniarski of the Rowley Water Dept. was in attendance to answer any questions or concerns from the Commission. Agent Baeslack gave a verbal report and recommended issuance of a complete Certificate of Compliance with the ongoing conditions referenced in the Order of Conditions.

Vogel moved to issue a complete Certificate of Compliance for DEP #63-0653 incorporating the ongoing conditions. Kehs seconded the motion and the motion passed unanimously.

New Request for Certificate of Compliance for DEP# 63-0088 at 100 Haverhill Street (Map 15, Parcel/Lot 92) Bradley Jamieson: Owner Bradley Jamieson was in attendance to answer any questions or concerns from the Commission. Mr. Stuart Dalzell was also in attendance. Agent Baeslack gave a verbal report relating the history of this permit and advised that there were no ongoing conditions.

Kehs moved to issue a complete Certificate of Compliance for DEP #63-0088. Vogel seconded the motion and the motion passed unanimously.

Status Reports: Permits & Enforcement

Enforcement Order and Directive for 100 Haverhill Street (Map 15, Parcel/Lot 92) Bradley Jamieson and 1988 Enforcement Order: Owner Bradley Jamieson was in attendance to answer any questions or concerns from the Commission. Mr. Stuart Dalzell was also in attendance. Agent Baeslack provided a verbal report and recommended confirmation of the Enforcement Order referencing cutting and filling with brush and landscape debris and creating a Directive to restore impacted Bordering Vegetated Wetland and stream. He also requested that the Commission authorize the issuance of a Return to Compliance letter for the Enforcement Order issued in 1987.

Vogel moved to confirm the issued Enforcement Order and crafting of a Directive. Kehs seconded the motion and the motion passed unanimously.

Garner moved to direct the Agent to issue a Return to Compliance letter for the Enforcement Order of 1987. Kehs seconded the motion and the motion passed unanimously.

Adjournment:

Accomplished at 9:40 PM by a motion made by Kehs. Streiff seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent