

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, January 23, 2018  
TOWN HALL ANNEX, 39 CENTRAL STREET  
**APPROVED: 2/13/18****

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Judy Kehs,  
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, Vogel moved to accept the Minutes of January 2, 2018. Shinnick seconded the motion and the motion passed unanimously.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Turner moved to accept the Minutes of May 8, 2013. Garner seconded the motion and the motion passed unanimously.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Streiff moved to accept the Minutes of May 28, 2013. Turner seconded the motion and the motion passed unanimously.

**New Request for Determination of Applicability at 41 Emily Lane, Lot 14A (Map 9, Parcel 23, Lot 25) The Tompkins-Desjardins Trust:** Proposed soil evaluations possibly within the 100' Buffer Zone of an Isolated Vegetated Wetlands. Mr. John Decoulos of Decoulos Engineering, the owner's representative, was in attendance to answer questions from the Commission. Agent Baeslack gave a verbal report of the pre-hearing site inspection and provided the Commission with a recommended list of conditions. Agent Baeslack noted access was provided by an existing woods road or cart path.

Garner moved to close the public hearing and issue a Negative Determination Option #3 and 6 with conditions as discussed. Kehs seconded the motion and the motion passed unanimously.

**Continued Notice of Intent Application for DEP#63-0669 at land off and 623 Wethersfield Street (Map 11, Parcel/Lots 53, 54, 54-1, 56, 58) Rowley Solar, LLC, owner Maven Revocable Trust:** Proposed construction of a 7 acre solar photovoltaic system, gravel access drive, stormwater facilities, utilities, and associated grading possibly within the 100' Buffer Zone to a Bordering Vegetated Wetlands. In attendance to answer questions from the Commission were Ms. Bonni Berkowitz and Ms. Barbara Berkowitz,

owners of Rowley Solar, LLC and Mr. Robert Blanchette, Engineer for the Applicant. A large number of citizens were in attendance (see attached sign in sheet). Mr. Blanchette reviewed the changes on the plans presented at the January 2, 2018, meeting. To lower the Bylaw Fee, the project had been downsized from seven (7) to four (4) acres and relocated to minimize the disturbance. Agent Baeslack verbally reported his conversation with Peer Reviewer Lawrence Graham of H.L. Graham Associates regarding the Report on the Stormwater Management Review that would be presented to the Planning Board on January 24, 2018. He stated that there may be changes to the plan based on this Report and suggested the Commission schedule a Special Meeting on January 30, 2018 to review the possible reconfigured plans. The Commission agreed to schedule the Special Meeting and then opened the meeting to questions from the public. The major concern expressed was the clear cutting of the trees to be replaced by solar panels. Other concerns addressed included, but were not limited to, a broken culvert on Wethersfield Street, a possible vernal pool adjacent to Wethersfield Street, potential impact on property values for abutters, width and location of the access road, the location of the entrance for the access road, and water runoff. The Commission explained that many of the concerns did not fall within their jurisdiction but recommended that those issues should be brought to the Planning Board.

Vogel moved to continue the public hearing with the applicant's permission to a Special Meeting on January 30, 2018, at 7:00 pm. Garner seconded the motion and the motion passed unanimously.

**Continued Stormwater Permit Application SMP #30-2017 at land off and 623 Wethersfield Street (Map 11, Parcel/Lots 53, 54, 54-1, 56, 58) Rowley Solar, LLC, owner Maven Revocable Trust:** Proposed construction of a seven (7) acre solar photovoltaic system, gravel access drive, stormwater facilities, utilities, and associated grading possibly within the 100' Buffer Zone to a Bordering Vegetated Wetland. Total site disturbance is approximately 450,000 square feet. In attendance to answer questions from the Commission were Ms. Bonni Berkowitz and Ms. Barbara Berkowitz, owners of Rowley Solar, LLC, and Mr. Robert Blanchette, Engineer for the Applicant. A large number of citizens were in attendance (see attached sign-in sheet). A report from the Peer Reviewer Lawrence Graham of H.L. Graham Associates had not been received so this matter was continued to the Special Meeting on January 30, 2018.

Streiff moved to continue the public hearing with the applicant's permission to a Special Meeting on January 30, 2018 at 7:00 pm. Shinnick seconded the motion and the motion passed unanimously.

**Certificate of Compliance Request(s):**

**New Certificate of Compliance Request for DEP #63-0657 at 759 Main Street (Map 34, Parcel/Lot 7) Michael Young:** No one was in attendance to address the Commission or respond to questions. Agent Baeslack provided a verbal report on current site conditions and recommendations for ongoing conditions. He recommended that a Complete Certificate of Compliance be issued.

Kehs moved to issue a Complete Certificate of Compliance for DEP #63-0657 with stated ongoing conditions. Streiff seconded the motion and the motion passed unanimously.

**New Certificate of Compliance Request for DEP #63-0139 at land off Brook Street (Map 11, Parcel/Lot 53, 54 & 55) Bonni & Barbara Berkowitz of Maven Revocable**

**Trust:** Ms. Bonni Berkowitz and Ms. Barbara Berkowitz were in attendance to respond to questions from the Commission. Agent Baeslack provided a verbal report that this was a permit for work which had never been completed. He also advised there was no record that the Order of Conditions has been filed with the Registry of Deeds. He recommended a Certificate of Compliance indicating the Order of Conditions was invalid be issued.

Vogel moved to invalidate the Order of Conditions DEP #63-0139 and issue a Certificate of Compliance. Shinnick seconded the motion and the motion passed unanimously.

**Continued Certificate of Compliance Request for DEP #63-0650 at 414 Haverhill Street (Map 14, Parcel 34, Lot 1) Gateway Trust II of 1997:**

No one was in attendance to address the Commission or respond to questions. Agent Baeslack presented an email from the applicant's representative, Ms. April Ferrara of Meridian Associates, Inc., requesting that the matter be continued to the next meeting on February 13, 2018.

Vogel moved to continue the matter at the applicant's request to the meeting of February 13, 2018. Streiff seconded the motion and the motion passed unanimously.

**Continued Certificate of Completion Request for SMP #18-2016 at 414 Haverhill Street (Map 14, Parcel 34, Lot 1) Gateway Trust II of 1997:**

No one was in attendance to address the Commission or respond to questions. Agent Baeslack presented an email from the applicant's representative, Ms. April Ferrara of Meridian Associates, Inc., requesting the matter be continued to the next meeting on February 13, 2018.

Shinnick moved to continue the matter at the applicant's request to the meeting of February 13, 2018. Vogel seconded the motion and the motion passed unanimously.

**Adjournment:**

Accomplished at 9:23 PM by a motion made by Turner. Streiff seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent