

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, August 25, 2020
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 9/15/2020**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff (arrived at 7:41 pm), Jena Haag,
Howard Terrien and Howard Vogel
Absent: Robert Garner
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).

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people due to the COVID-19 pandemic, this meeting was conducted by remote participation to the greatest extent possible. The Commission and the public did not physically attend this meeting, but every effort was made to allow the public to view the meeting in real time. Persons who wished to do so were invited to watch the meeting on Rowley Community Media TV or to join the meeting from a computer, tablet or smartphone by using a link for GoToMeeting or dialing in by phone.

Administrative: Commissioners authorized the payroll and Vendor Bill requests which had been presented prior to the meeting for review.

Acceptance of Minutes:

After the Commission reviewed the minutes, Shinnick moved to accept the Minutes of August 4, 2020. Terrien seconded and the motion passed unanimously by roll call vote.

After the Commission reviewed the minutes, Shinnick moved to accept the Minutes of October 27, 2009. Haag seconded and the motion passed unanimously by roll call vote.

Discussion:

The Commission discussed issuance of a letter to the engineering firms representing 53 Emily Lane and 20 Cindy Lane regarding the lack of finalization of an as built plan for the Request of Certificate of Compliance Requests. Both firms have not replied to numerous requests from both the applicants and the Conservation Office for a status report. Agent Baeslack read a draft of the letter. Agent Baeslack answered questions relating to the lack of responsiveness of the firms and advised that one of the firms had been before the Commission on another application and had responded with revised plans as requested.

Haag moved to authorize issuance of the letter. Vogel seconded and the motion passed with four yeas and one abstention.

Streiff logged into the meeting.

Certificate of Compliance Request(s):

Request for a Certificate of Compliance Bylaw OC#06-2016 at 896 Haverhill Street (Map 4, Parcel/Lot 7) Nicholas Masotta – construction of 12' x 12' first & second floor addition in the DEP Approved Groundwater Protection Area Zone II. No one was in attendance for this item. Agent Baeslack gave a verbal report on his site inspection of this location and brief overview of the ongoing conditions. He recommended the issuance of a complete Certificate of Compliance with ongoing conditions.

Streiff moved to issue a complete Certificate of Compliance with ongoing conditions as discussed. Haag seconded and the motion passed unanimously by roll call vote.

Request for a Certificate of Compliance DEP #63-697 at 518 Wethersfield Street fka 526 (Map 11, Parcel 3, Lot 1) Robert Bouley of R. Bouley Inc. – construction of a single family residence in the 200' Riverfront Area of the Mill River and the 100' Buffer Zone to Bordering Vegetated Wetlands. The Commission reviewed Agent Baeslack's memo dated August 25, 2020 and photographs from the site inspection. Mr. Thomas Mannetta of Thomas Mannetta, Inc. was in attendance and noted plan revisions would be made to address the issues submitted in the memo. He noted the site compliance concerns would be directed to the builder, Mr. Bouley for his attention.

Haag moved to issue a complete Certificate of Compliance with ongoing conditions contingent upon receipt and approval of revised plans within 14 days and replacement of the posts marking the No Cut/No Disturb Zone and reseeded of grassed area with site inspection. Terrien seconded and the motion passed unanimously by roll call vote.

Terrien recused himself from the next item.

Request for a Certificate of Compliance DEP #63-665 at 33 Emily Lane (Subdiv. Lot 16A) (Map 9, Parcel 23, Lot 26) Daniel Davison on behalf of Maureen Sheeran, owner – construction of a single family residence partially in the 100' Buffer Zone to Bordering Vegetated Wetlands and Isolated Vegetated Wetlands. Agent Baeslack gave a verbal report on the site inspection with photographs documenting shallow depth of the sign post installation and review of the as built plan.

Vogel moved to issue a complete Certificate of Compliance with ongoing conditions contingent upon site verification of re-installation of the No Cut/No Disturb posts, removal of the erosion control and correction of the overflow of the downpipes on the garage side within 14 days. Haag seconded and the motion passed unanimously by roll call vote.

Status Reports: Permits & Enforcement

623 Wethersfield St. et al (Map 11, Parcel/Lots 58, 53, 58-1, 58-2, & 58-2A) Rowley Solar Facility operator PowerFund 1 owned by Maven Revocable Trust – site compliance and site visit August 11, 2020. No one representing PowerFund1 logged into the remote meeting to participate. Agent Baeslack requested authorization for the issuance of a Notice of Non Compliance for the use of reprocessed asphalt (RAP) on the site on the

roadway access to the array fields. This is not in compliance with both permits (OC #63-699 & SMP #30-2017) issued for the site.

Haag moved to issue a Notice of Non Compliance as discussed. Streiff seconded and the motion passed unanimously by roll call vote.

Ms. Bonnie Berkowitz, property owner of 623 Wethersfield Street, commented on the removal of the asphalt from her property. Shinnick advised that the issue would be addressed by the issuance of the Non Compliance Notice.

29 Wilkes Road (Map 6, Parcel 14, Lot 3) Filho Osvaldo Luiz & Ana Paula Tameirao – Notice of Violation for cutting and disturbance (altering) the restricted No Cut/ No Disturbance Zone within the 100' Buffer Zone to Bordering Vegetated Wetlands. Agent Baeslack gave a verbal update on this matter recounting a site visit on August 17, 2020 that verified the sand and left over patio construction debris had been removed. He advised that there was no action needed by the Commission at this time and that the services of Mr. Tom Hughes had been retained to address restoration of the impacted No Cut/No Disturbance Zone.

325 Wethersfield Street (Map 19, Parcel 8, Lot 17) Dominic & Jennifer Baraiolo – Enforcement Order for alteration (clearing, stumping) and filling of 100' Buffer Zone to BVW and Bordering Vegetated Wetlands (BVW), installation of subsurface drainage and discharge to BVW without obtaining a wetlands permit (WPA and local Bylaw) and violation of conditions of Hazardous Tree Removal Permission dated April 16, 2020. Mr. Tyler Ferrick of DeRosa Environmental Consulting was in attendance to address the Commission. Mr. Ferrick reviewed the proposed restoration plan. Agent Baeslack recommended issuance of an Enforcement Directive to implement the restoration plan.

Vogel moved to issue an Enforcement Directive. Haag seconded and the motion passed unanimously.

11 Rivers Edge Drive (Map 10, Parcel 3, Lot 5-3) John E. & Lauryn M. Deluise – Enforcement Order for alteration (clearing and removal understory) of 1000 sq. ft. plus of 100' Buffer Zone to BVW, 200' Riverfront Area and Covenant restricted area without obtaining a wetlands permit (WPA and local Bylaw). Agent Baeslack advised that the property owners' representative, Ms. Mary Rimmer of Rimmer Environmental had requested a continuance on this matter.

Announcement:

Agent Baeslack advised that the candidates for the open seat on the Commission would be attending the next meeting.

Adjournment:

Accomplished at 8:58 PM by a motion made by Haag. Terrien seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent