

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, October 27, 2020
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 11/17/20**

Present: Vice Chair Sam Streiff, Robert Garner, Jena Haag, Howard Terrien, Howard Vogel and Ann Witzig
Absent: Chair 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 at 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 by dialing in by phone.

Administrative: The Commission approved the vendor bills which had been presented for review prior to the meeting.

Acceptance of Minutes:

After the Commission reviewed the minutes, Vogel moved to accept the Minutes of October 6, 2020. Haag seconded and the motion passed unanimously by roll call vote.

After the Commission reviewed the minutes, Garner moved to accept the Minutes of June 24, 2008. Terrien seconded and the motion passed unanimously by roll call vote.

Administrative: The Commission reviewed Town Counsel's guidance on the use of electronic signatures and the draft Certificate of Vote submitted by Agent Baeslack. The Commission agreed to again adopt the use of electronic signatures and authorize Agent Baeslack to issue the Certificate of Vote to be recorded at the Registry of Deeds.

Haag moved that the Rowley Conservation Commission hereby recognizes and accepts a the provisions of MGL c. 110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Witzig seconded and the motion passed unanimously by roll call vote.

Emergency Certification 29 Boxford Road (Map 5, Parcel/Lot 84): Agent Baeslack submitted an Emergency Certification for the breaching of a beaver dam at the work site for the

boardwalk on the Pingree Farm Conservation Area. The breaching of the dam was needed to temporarily lower the water level for the boardwalk construction allowing safe equipment and personal access. After review, the Commission approved the issuance of the Emergency Certification.

Vogel moved to confirm the issuance of the Emergency Certification. Haag seconded and the motion passed unanimously by roll call vote.

Abbreviated Notice of Resource Area Delineation at 510 Newburyport Turnpike (Map 19, Parcel 8, Lot 4A) filed by Norse Environmental Services, Inc. for Robert Nixon of Bitterroot LLC owned by 510 Newburyport Realty Trust, Edward Moore, Trustee:

Identify wetland resource areas. Ms. Maureen Herald of Norse Environmental, Attorney Jill Mann of Mann & Mann and Mr. Robert Nixon of Bitterroot LLC were in attendance. Ms. Herald gave a report on how the delineations were accomplished. The Commission reviewed Agent Baeslack's memo dated October 27, 2020. He advised that there was an expired Order of Conditions and Stormwater Management Permit that had not been "closed". He explained that approving the plan for the delineation would not be authorizing any work at this time and reviewed the resource areas that were part of the site. Agent Baeslack's memo outlined suggested revisions to the plans and recommended that a Request for Certificate of Compliance be submitted to close the expired Order of Conditions and Request for a Certificate of Completion for the Stormwater Management Permit. He suggested that the Order of Resource Area of Delineation could be voted on contingent to these items being resolved or continue the hearing. The Commission requested that the hearing be continued.

Witzig moved to continue the public hearing, with the applicant's permission, to the meeting of November 17, 2020. Terrien seconded and the motion passed unanimously by roll call vote.

Prior to opening the next four hearings, Agent Baeslack explained that the legal notices and abutter notifications for these hearings had mistakenly listed Falcon Ridge Associates LLC as the applicant although the applications and plans listed Classic Homes LLC as the applicant. It was suggested that the principal parties agree to revise the applications and plans to have Falcon Ridge Associates LLC as the applicant. As legal counsel for Falcon Ridge Associates LLC, Ms. Jill Mann advised that Falcon Ridge Associates would be willing to continue as the applicant for all four applications. She asked that all four applications be continued to the meeting of November 17, 2020 to allow updating of all applications and to provide further information and avoid duplication of effort on the applications. The Commission agreed to the continuances and proceeded to open each hearing.

Notice of Intent application at Subdivision Lot #2 Taylor Lane (Maps 9 & 12, Parcel/Lots 2, 3, 4, & 23) filed by ASB design group LLC for Robert Nixon of Falcon Ridge Associates LLC: Proposed construction of a single family dwelling, garage, driveway, subsurface rooftop infiltration, landscape wall, associated grading and utilities possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands.

Witzig moved to continue the public hearing, with the applicant's permission, to the meeting of November 17, 2020. Haag seconded and the motion passed unanimously by roll call vote.

Notice of Intent application at Subdivision Lot #5 Taylor Lane (Maps 9 & 12, Parcel/Lots 2, 3, 4, & 23) filed by ASB design group LLC for Robert Nixon of Falcon Ridge Associates LLC: Proposed construction of an exterior stairway, subsurface rooftop infiltration, deck, and associated grading possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands and 100' Vernal Pool Habitat.

Garner moved to continue the public hearing, with the applicant's permission, to the meeting of November 17, 2020. Witzig seconded and the motion passed unanimously by roll call vote.

Notice of Intent application at Subdivision Lot #35 Taylor Lane (Maps 9 & 12, Parcel/Lots 2, 3, 4, & 23) filed by ASB design group LLC for Robert Nixon of Falcon Ridge Associates LLC: Proposed construction of a single family dwelling, garage, subsurface rooftop infiltration, and associated grading possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands and Vernal Pool Habitat.

Haag moved to continue the public hearing, with the applicant's permission, to the meeting of November 17, 2020. Terrien seconded and the motion passed unanimously by roll call vote.

Notice of Intent application at Subdivision Lot #38 Taylor Lane (Maps 9 & 12, Parcel/Lots 2, 3, 4, & 23) filed by ASB design group LLC for Robert Nixon of Falcon Ridge Associates LLC: Proposed construction of a single family dwelling, garage, driveway, and associated grading possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands and Vernal Pool Habitat.

Witzig moved to continue the public hearing, with the applicant's permission, to the meeting of November 17, 2020. Terrien seconded and the motion passed unanimously by roll call vote.

Continued Notice of Intent application at 0 Hog Island (Map 38, Parcel/Lot 7) Brenden Doyle, The Great Marsh Shellfish Co: Proposed aquaculture project for a "Grow out farm" for shellfish and seaweed possibly within the Great Marsh ACEC, the Rowley River (coastal), Bank, 200' Riverfront Area, Land Under Waterways, Land Under Ocean, Salt Marsh, Coastal bank, and Land Containing Shellfish. Mr. Brenden Doyle of The Great Marsh Shellfish Co. was in attendance to present the project to the Commission. Agent Baeslack advised that with the exception of the dive inspection report of the over wintering area, all other documentation had been received. He recommended the issuance of an Order of Conditions at this time as the Order was conditional on all other State and Municipal permits that were appropriate and necessary for the applicant to receive. He did ask about a net that was supposed to be removed. Mr. Doyle advised that the net had been left by another party but agreed to remove it.

Vogel moved to issue an Order of Conditions including conditions for this activity and other agency requirements. Witzig seconded and the motion passed by roll call vote.

Certificate of Compliance Request(s):

Continued Request for a Certificate of Compliance DEP #63-0658 at 305 Newburyport Turnpike (Map 17, Parcel 20, Lot 47) Ed Surette, Trustee of Prime Realty Trust – Mr. William Manuell of Wetlands and Land Management was in attendance. Agent Baeslack gave a brief oral report. He recommended the issuance of a Complete Certificate of Compliance contingent upon receipt of a revised As-Built plan.

Haag moved to issue a Complete Certificate of Compliance with ongoing conditions for #63-0685 contingent upon receipt of the revised As-Built plan. Garner seconded and the motion passed by roll call vote.

Adjournment:

Accomplished at 8:49 PM by a motion made by Haag. Witzig seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent