

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, December 8, 2020  
TOWN HALL ANNEX, 39 CENTRAL STREET  
**APPROVED: 1/5/2021****

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Robert Garner, Jena Haag,  
Howard Terrien, and Ann Witzig  
Absent: Howard Vogel  
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 various vendor bills which had been presented for review prior to the meeting.

**Acceptance of Minutes:**

After the Commission reviewed the minutes, Terrien moved to accept the Minutes of November 17, 2020. Streiff seconded and the motion passed unanimously by roll call vote.

After the Commission reviewed the minutes, Streiff moved to accept the Minutes of August 26, 2008. Witzig seconded and the motion passed unanimously by roll call vote.

**Continued Notice of Intent application at 11 Taylor Lane (Map 12, Parcel 3, Lot 35) 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. Ms. Maureen Herald of Norse Environmental, emailed a request for a continuance to the next public meeting.

Witzig moved to continue the public hearing, with the applicant's permission, to the meeting of January 5, 2021. Haag seconded and the motion passed unanimously by roll call vote.

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

**Request for a Partial Certificate of Compliance Bylaw RCC #9-2018 at 1000 Haverhill St. (Map 4, Parcel/Lot 20) Ruby Holdings LLC c/o Said Abuzahra** - proposed construction of four (4) commercial self-storage buildings 20' to 30' wide and 215' to 255' long within areas subject to regulation (local Bylaw) as the final phase of a commercial development project begun on this property circa 1998. Agent Baeslack advised that the detention basin on the site had not been completed by addition of a crushed stone berm to separate the forebay area from the basin detention area. He also note some other conditions of the Order that were not mentioned as having been completed in the Engineer's written statement. Agent Baeslack recommended not issuing a partial Certificate of Compliance at this time. Mr. Said Abuzahra stated that the detention basin had been in service for approximately 15 years and was functioning very well. He asked if the matter could be voted on to issue contingent upon the deficient tasks being completed in two months. The Commission discussed the matter and concluded that continuing the matter to the second meeting in January 2021 was appropriate. Mr. Abuzahra requested that the issues be sent to him in writing so they could be addressed.

Garner moved to continue this matter to the meeting of January 26, 2021 contingent upon confirmation that the tasks have been addressed. Terrien seconded and the motion passed unanimously by roll call vote.

**Request for a Certificate of Compliance DEP #63-0326 at 600 Newburyport Turnpike (Map 19, Parcel/Lot 15) William H. Stanley owner Jay C. Stanley** – installation of a tight tank and the abandonment of a cesspool within 200' Riverfront Area of the Mill River. Agent Baeslack advised that he had conducted a site inspection earlier in the day. He had also obtained a copy of the Board of Health Certificate of Compliance and an as built plan for this project. He recommended the issuance of a complete Certificate of Compliance. There are no ongoing conditions for this project, although the Board of Health does have ongoing maintenance conditions.

Streiff moved to issue a complete Certificate of Compliance for #63-0326. Witzig seconded and the motion passed unanimously by roll call vote.

**Request for a Certificate of Compliance DEP #63-0667 95 Cross Street (Map 27, Parcel/Lot 13) Kristine Smiley and James McKechnie** - for proposed construction of a detached 40' x 60' garage and two 30' x 70' greenhouses within the 100' Buffer Zone of Bordering Vegetated Wetlands. Agent Baeslack presented the as built plan submitted for this project. He advised that at this time the garage would not be constructed. Agent Baeslack explained that one area on the lot has been conditioned to allow for mowing for field maintenance with restrictions on when the mowing is allowed in order to not impact grassland nesting birds. He briefly reviewed other ongoing conditions for the property. Agent Baeslack recommended the issuance of a complete Certificate of Compliance. Mr. Greg Bernard was in attendance on behalf of the property owners and reiterated that the garage would not be built at this time. He also stated that the property owners were aware that another application would need to be filed if they wished to build the garage in the future.

Streiff moved to issue a complete Certificate of Compliance with ongoing conditions for #63-0667. Terrien seconded and the motion passed unanimously by roll call vote.

**Adjournment:**

Accomplished at 8:14 PM by a motion made by Witzig. Haag seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent