

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, October 1, 2019
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 11/12/2019**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Judy Kehs, 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).

Administrative: Commissioners reviewed and authorized the payroll and reimbursement of various Vendor Bill requests.

Amended Wetlands Protection Bylaw: Agent Baeslack presented the Amended Wetlands Protection Bylaw approved by the State Attorney General Office on September 9, 2019. He advised that the Amended Bylaw had been accepted by the Town Clerk and was now on the Commission's webpage as a stand-alone document. Agent Baeslack presented for review and acceptance the new Fee Schedule with an explanation of how the fees had been calculated. He explained that they had been determined based on research of other communities as well as average inhouse staff time to handle and review submitted applications. The Commission agreed to accept the Fee Schedule as presented.

Vogel moved to accept the new Wetlands Bylaw Fee Schedule as presented. Kehs seconded and the motion passed unanimously.

Community Preservation Committee Representative – The Commission discussed the nomination of Sam Streiff to serve as the Commission Representative to the Community Preservation Committee through June 30, 2023. Agent Baeslack explained that Streiff had previously been appointed through June 30, 2020 to fill the vacancy left by Commissioner Turner.

Kehs moved to appoint Sam Streiff as the Commission Representative to the Community Preservation Committee through June 30, 2023. Vogel seconded and the motion passed with a vote of three (3) yeas.

New Request for Determination of Applicability 0 Hog Island (Map 38, Parcel/Lot 7)

Hog Island Oyster, Brenden Doyle: Proposed renovation of existing structure for conversion to a shellfish hatchery and nursery possibly within Land Under the Ocean, Land Subject to Coastal Storm Flowage, Land Containing Shellfish, Atlantic Ocean, 200' Riverfront Area of Rowley River, Bank and Area of Critical Environmental Concern. Mr. James O'Connell, Ms. Sarah O'Connell, and Ms. Cheryl O'Connell of Hog Island Oyster

LLC were in attendance. Mr. Brenden Doyle presented the project via video conferencing. A letter from the Rowley Harbormaster dated August 23, 2019 was read into the record. A letter dated September 10, 2019 from the Rowley Agricultural Commission in support of the project was read into the record. An email dated September 10, 2019 from the Division of Marine Fisheries recommending that the applicant file a Notice of Intent was read into the record. The Commission reviewed and discussed Agent Baeslack's memo dated October 12, 2019 with a recommendation for issuance of a Positive Determination option #3 requiring a Notice of Intent filing.

Streiff moved to close the public hearing and issue a Positive Determination option #3 with conditions as discussed. Kehs seconded and the motion passed unanimously.

Certificate of Compliance Request(s):

New Request for a Complete Certificate of Compliance for DEP #63-0640 5-7 Church Street (Map 24, Parcel 137, Lot 1) Kate Turner – Ms. Kate Turner representing the property owners, was in attendance. Agent Baeslack provided a verbal report of the conditions on site and submitted his email dated September 30, 2019 with recommendations for controlling invasive species and poison ivy. He recommended issuance of a Complete Certificate of Compliance.

Vogel moved to issue a Complete Certificate of Compliance. Streiff seconded and the motion passed unanimously.

Status Reports: Permits & Enforcement

43 Daniels Road (Map 8, Parcel/Lot 51) rear northeast section Harold Ricker Realty Trust, Debra A. Ricker, Trustee - Cutting of vegetation (altering), grading and dumping of fill and earth disturbance within the 100' Buffer Zone of Bordering Vegetated Wetlands and failure to obtain proper permit(s) and failure to utilize erosion controls as required. Agent Baeslack gave a verbal report on the latest developments on this matter. He advised that a site visit had been tentatively scheduled to determine the extent of the damage and the property owner's legal counsel had requested the item be continued to the meeting of October 22, 2019.

Streiff moved to continue the matter to the meeting of October 22, 2019. Kehs seconded and the motion passed unanimously.

34 Dodge Road (Map 5, Parcel 104, Lot 3) Guiseppe Guigliano, owner - Depositing fill containing construction and demolition debris in violation of issued permit SMP #24-2017. Agent Baeslack advised the Commission that the unclean fill had been removed from the site and the fine had been paid.

53 Emily Lane (Map 9, Parcel 23, Lot 23) Pavel N. Bukhovko - Failure to resolve compliance matters and obtain a Certificate of Compliance DEP #63-0434 and #63-0564.

Agent Baeslack advised that after conducting a site visit he needed to review the files to determine the next steps to bring the site into compliance.

20 Cindy Lane (Map 6, Parcel 10, Lot 9-1) Paul Imbriano - Failure to resolve violations with issued Order and obtain Certificate of Compliance DEP #63-553 since November 19, 2018. Agent Baeslack advised that site work is ongoing to bring it into compliance.

Cindy Lane Connection (Map 6, Parcel/Lot 41-29-A, 41-41-A & 41-C) Abuzahra Family Trust owned by Easement Wilson Pond Realty Trust - Failure to remove temporary erosion controls at work site. Agent Baeslack advised that the erosion controls had been removed and no further action is needed at this time.

Adjournment:

Accomplished at 9:06 PM by a motion made by Kehs. Vogel seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent