

Mn January 26, 2021

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, January 26, 2021
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 2/16/2021**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Jena Haag, Howard Terrien,
Howard Vogel and Ann Witzig
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 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 January 5, 2021. Witzig seconded and the motion passed unanimously by roll call vote.

Acceptance of Minutes: After the Commission reviewed the minutes, Streiff moved to accept the Minutes of October 7, 2008. Haag seconded and the motion passed unanimously by roll call vote.

Discussion:

Proposed expanded parking for boat ramp access on Town Landing Conservation Area at 81 and 89 Warehouse Lane (Map 26, Parcels 10 and 11) - Harbormaster Bill DiMento was in attendance to discuss proposed expansion of parking to serve the boat launch ramp. Mr. DiMento explained the land use, the parking situation, and the fact that the marina had been busier over the last summer due to the COVID19 pandemic. The expanded parking would benefit Rowley residents, would allow better access to the open space area for hiking, biking and horseback riding, and open up the Town's Bradstreet property which is contiguous to this property. Chairman Shinnick expressed concerns with the impact on the neighborhood. Mr. DiMento advised that a buffer (approx. 100 feet) had been offset to the neighboring properties and along the road. He believed this expanded parking would meet the Town's parking requirements for many years. Those using the parking had historically been considerate of the neighbors. Agent Baeslack gave the Commission a history of the property acquisition (1976), recent use, and

provided an overview of the requirements to convert Article 97 protected land. Agent Baeslack advised that the Town Administrator had authorized Town Counsel to review the documents relating to the original acquisition with Self-Help Program Grant funds. He advised that the work to clear and build the parking area would require a Notice of Intent application due to the presence of jurisdictional resource areas. The Commission discussed possibilities for land that could be used for replacement of the converted area. At this time, the Commission agreed to table the matter until more information could be received and the opinion by Town Counsel was received. A question was raised by an unidentified phone-in-attendee if public comments would be taken. Chairman Shinnick advised that public comments were not taken on administrative items. Mr. DiMento acknowledged that some of the boaters using the boat ramp were in attendance and thanked them for their support.

Rowley Beach Re-nourishment Project - Mr. DiMento discussed an annual beach re-nourishment project with additional modification to address stormwater runoff. This would allow the beach to be restored to make it accessible to the public and allow annual grooming to maintain it as it was in the past. A possible add on to the beach re-nourishment would be actions directed at managing stormwater runoff. A capital request had been contemplated to fund this work but it had been postponed due to financial concerns related to the health crisis. Agent Baeslack provided a picture of the area in question which he believed was from 2010. Mr. DiMento advised that Phragmites had started to take hold. A question was asked as to how the area had gotten to its current condition, and Mr. DiMento explained that no maintenance projects had been planned for the beach area. Mr. DiMento advised he would work with Agent Baeslack to file a project Notice of Intent application to get this project underway. Commissioner Haag asked if any grants were available for this type of work. Mr. DiMento advised that he had not looked into this yet. Agent Baeslack advised that this project might meet requirements under the Stormwater Management Regulations as well.

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. Agent Baeslack advised that Ms. Maureen Herald of Norse Environmental had submitted a request on behalf of the Applicant to withdraw the Notice of Intent application. Attorney Jill Mann was in attendance on behalf of the Applicant. Agent Baeslack advised that no plans had been received to indicate that the activities previously proposed had been moved out of jurisdiction. He advised that when a Building Permit Application is submitted he would need to see these plans before signing off.

Vogel moved to accept the withdrawal of the Notice of Intent application. Streiff seconded and the motion passed unanimously by roll call vote.

Request for a Certificate of Compliance at 20 Cindy Lane (Map 6, Parcel 10, Lot 9-1) DEP #63-0553 Paul Imbriano – Construction of a single family dwelling, associated septic system, driveway, roof drainage system, grading and landscaping activities. The Commission reviewed Agent Baeslack's memo dated January 26, 2021 with a recommendation for

issuance of the Complete Certificate of Compliance with revised ongoing conditions contingent upon receipt of revised plans within 14 days.

Terrien moved to issue a Complete Certificate of Compliance with revised ongoing conditions contingent upon receipt of revised plans within 14 days. Witzig seconded and the motion passed unanimously by roll call vote.

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 presented a request from the Applicant to continue this item until the meeting of March 9, 2021.

Terrien moved to continue the item until the meeting of March 9, 2021 as requested. Haag seconded and the motion passed unanimously by roll call vote.

Status Reports: Permits & Enforcement

600 Newburyport Turnpike (Map 19, Parcel/Lot 15) William H. Stanley owner Jay C. Stanley – Enforcement Order. Agent Baeslack provided the Commission with a status update on this matter. A wetlands professional has been engaged and a site visit is being scheduled. No further action needs to be taken at this time.

465 Main Street (Map 27, Parcel 43, Lot 1) George Stergios & Gaye Gentes – Enforcement Order. Agent Baeslack provided the Commission with a status update on this matter. A wetlands professional has been engaged and a site visit is being scheduled. No further action needs to be taken at this time.

12 Main Street, off Main St. and rear of 4 Main St. (Map 15, Parcels 68, 69 Lot 1, and 68 Lot 1-5) Edward J. Sutherby trustee, HTA Realty Inc. and VPH Realty Trust – Enforcement Order for placing of fill with grading and disturbance of an area exceeding 20,000 square feet without a valid issued Stormwater Management Permit, failure to have a spill containment kit of adequate size assessable on site, failure to install a crushed stone entrance/exit pad to prevent tracking of sediments into traveled public roadway, failure to have an approved SWPPP, failure to correctly install erosion controls, and lack of sanitary facilities on site. Agent Baeslack reviewed the issued Enforcement Order. This work had been observed on Monday, January 25, 2021 while on a site inspection of another property so had not been included on the meeting Agenda. Agent Baeslack provided pictures he obtained from an abutting property as well as photos from the Planning Board. At this time, it is not known if there are resource areas on this site, but it does fall under the Stormwater Management Bylaw. Agent Baeslack reviewed the Enforcement Order and asked the Commission to confirm and ratify issuance.

Vogel moved to confirm and ratify the issuance of the Enforcement Order. Streiff seconded and the motion passed unanimously by roll call vote.

Stormwater Management and Erosion Control Bylaw regulations:

Agent Baeslack suggested to the Commission that a change to the fee structure under the Stormwater Management Bylaw include a doubling of fees for an after-the-fact filing as required under the Wetlands Bylaw. Chairman Shinnick thought this was something that should be researched.

316 Haverhill Street (Map 27, Parcel 5) Institution for Savings Report - Agent Baeslack updated the Commission on the replacement/repair of the beaver deceiver. He advised that TW Excavating Corp. of Newbury would be addressing the problem.

Adjournment:

Accomplished at 9:13 PM by a motion made by Streiff. Terrien seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent