

Mn January 5, 2021

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, January 5, 2021
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 1/26/2021

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Robert Garner, Jena Haag,
Howard Terrien, Howard Vogel and Ann Witzig
Absent: NA
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, Witzig moved to accept the Minutes of December 8, 2020. Haag 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 September 16, 2008 with discussed edits. Garner seconded and the motion passed unanimously by roll call vote.

Encroachment/intrusion on Cooper's Pond Conservation Area (Map 1, Parcel/Lot 6) at 136 Newbury Road (Map 1, Parcel/Lot 4) James S. and Kelly J. Murphy: Mr. James Murphy was available to answer questions from the Commission. Agent Baeslack gave a verbal report of his recent site visit with Mr. Murphy and current site conditions. He presented a request to the Commission to allow the steeply sloped portion of the gravel pathway to remain. Agent Baeslack explained this would assist in curbing erosion of the sloped path and that removal of the thin layer of crushed stone would dislodge the surface and accelerate surface erosion. Agent Baeslack recommended other remediation down gradient from the boulder pile for the Commission's consideration. The Commission discussed the post installations to mark the Conservation Area boundary line. Mr. Murphy was agreeable to this, indicating that due to trash in the discussed area when he purchased the property, he was not sure of the boundary line. Installation of wood duck boxes was discussed and agreed to by the Commission in Cooper's Pond. Public access to the

Conservation Area was discussed. Agent Baeslack advised that there were easements to access the land but no frontage. He would like to do more research to make sure property owners were aware of the access easements across their land. Chairman Shinnick thanked Mr. Murphy for his cooperation. The Commission agreed to the issuance of a Conservation Area Encroachment Directive to cover the discussed work. Mr. Murphy asked about the cutting of some downed trees to clear the existing footpath to the pond. Chairman Shinnick advised that he should work with Agent Baeslack on this issue.

Garner moved to issue the Conservation Area Encroachment Directive and authorize the installation of two (2) wood duck boxes. Terrien seconded and the motion passed unanimously by roll call vote.

New Request for Determination of Applicability at 293 Wethersfield Street (Map 23, Parcel/Lot 47) filed by Edward Surette: Proposed mowing/chipping of woody brush to return a portion of the site to a field possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. William Manuell of Wetlands and Land Management was available and presented the project to the Commission. Agent Baeslack showed photographs of the granite posts marking the restricted 25' No Cut/No Disturbance Zone and aerial photos to verify the extent of the past field conditions. He also provided recommendations for special conditions.

Vogel moved to issue a Negative Determination Option #3 with conditions as discussed. Streiff seconded and the motion passed unanimously by roll call vote.

New Request for Certificate of Compliance DEP #63-463 at 293 Wethersfield Street (Map 23, Parcel/Lot 47) filed by Edward Surette: Proposed construction of an unpaved drive and the restoration of bordering vegetated wetlands and the associated buffer zone. Mr. William Manuell of Wetlands and Land Management was available and presented the request to the Commission. Agent Baeslack verified the installation of the granite posts marking the restricted 25' No Cut/No Disturbance Zone. He advised that there was one ongoing condition and recommended the issuance of a Complete Certificate of Compliance.

Witzig moved to issue a Complete Certificate of Compliance for DEP #63-463 with an ongoing condition. Haag seconded and the motion passed unanimously by roll call vote.

New Request for Determination of Applicability at 107 Newburyport Turnpike (Map 14, Parcel 22, Lot 3) filed by Elmer Palencia owned by Adriano and Giuseppina Carullo: Proposed soil evaluations for the design of stormwater management facilities possibly within 100' Buffer Zone to a Bordering Vegetated Wetlands and DEP Approved Groundwater Protection Area Zone II. Mr. Nicholas Betts of Meridian Associates was available to present the project to the Commission. The Commission addressed the issuance of two Enforcement Orders and a Notice of Non-Compliance for lack of a Certificate of Compliance. The Enforcement Orders were issued for site filling activity observed by Agent Baeslack during the site visit for the Determination request. Agent Baeslack gave the Commission an overview of observed site activities and current conditions. He reviewed each of the issued Enforcement Orders. Mr. Betts advised that a Purchase and Sale

Agreement was in place and the applicant, Mr. Elmer Palencia, and the owners, Adriano and Giuseppina Carullo, had agreed that no further dumping or any other work would be done on site. He advised that Meridian Associates was not aware of the work or why the fill was being placed. Agent Baeslack stated he could not determine a reason for the placement of the fill observed being dumped. Mr. Betts advised that Meridian Associates had not yet determined if development of the site would even require fill and gave a brief work description planned by the applicant. Agent Baeslack stated that the previous Order of Conditions could be invalidated with the submittal and approval of a Request for a Certificate of Compliance. He advised that the current site conditions mentioned in the Enforcement Orders could be stabilized temporarily. The recommendation was that a Determination be issued contingent upon the Enforcement Order's immediate actions being implemented and verified after a site visit.

Streiff moved to ratify and confirm the Enforcement Orders (2) as issued. Witzig seconded and the motion passed unanimously by roll call vote.

Vogel moved to issue a Negative Determination Option #3 with standard conditions contingent upon implementation of immediate actions as outlined in the Enforcement Orders and field verification. Garner 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 of January 26, 2021.

Garner moved to continue the public hearing as requested by the Applicant to the meeting of January 26, 2021. Terrien seconded and the motion passed unanimously by roll call vote.

Status Reports: Permits & Enforcement

Adjournment:

Accomplished at 9:36 PM by a motion made by Vogel. Witzig seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent