

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, February 16, 2021
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 3/9/2021**

Present: Chair Daniel Shinnick, Robert Garner, Jena Haag, Howard Terrien,
Howard Vogel and Ann Witzig
Absent: Vice Chair Sam Streiff
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, Vogel moved to accept the Minutes of January 26, 2021. Witzig seconded and the motion passed by a vote of 5 years with Terrien abstaining.

Acceptance of Minutes: After the Commission reviewed the minutes, Garner moved to accept the Minutes of October 28, 2008. Haag seconded and the motion passed unanimously by roll call vote.

Discussion(s):

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. The Commission continued a discussion on the proposed parking area. Agent Baeslack gave a review of the history of the acquisition of the two parcels, the current parking situation, and the results of his research of the records of the purchase. The response from Town Counsel, Thomas Mullen, regarding the conversion of a portion of the parcels to a parking area is still pending. There was a brief discussion regarding the use of the parking area by Perley's Marina customers. The Commission realized this is an ongoing discussion but reached a consensus that they are in agreement with pursuing the expanded parking area as long as appropriate regulations are followed.

Review of Budget for Fiscal Year 2022 and review and approval of Letter to Board of Selectmen authorizing use of NOI Funds – The Commission reviewed the Budget for FY2022. The Commissioners inquired if there was compensation for the Agent’s time in managing the Town’s MS4 Stormwater compliance requirements. Agent Baeslack advised that the Selectmen had a line item for this in their budget. There were no changes to the expense line items and a small increase to the staffs’ wages. There was a brief discussion regarding an increase in the Technology expense line item. Agent Baeslack explained that much of the technology expenses were run through the Information Services Budget. He explained that budgets were modest this year due to concerns related to the pandemic. The Commission asked if there was anything the Agent felt was needed to increase productivity. Agent Baeslack advised that restrictions to personnel being in the office due to Covid-19 restrictions were the biggest hindrance to workflow. Commissioner Witzig addressed the “story mapping” which had a cost of \$500 per year. It was agreed this was probably a “want” and not a “need” at this time but could be addressed in the future. There was also the possibility that this could fall under the requirements for stormwater management.

Garner moved to submit the budget for approval as presented. Terrien seconded and the motion passed unanimously by roll call vote.

The Commission reviewed the draft letter to the Board of Selectmen requesting authorization to use Notice of Intent funds to fund six (6) hours of the Conservation Secretary’s wages.

Vogel moved to approve the use of the NOI funds and submit the letter to the Board of Selectmen. Haag seconded and the motion passed unanimously by roll call vote.

Certificate of Compliance Request(s):

Request for Certificate of Compliance for DEP #63-0540 for land off Newburyport Turnpike, Rowley, MA 01969 (unofficially 107 Newburyport Turnpike) (Map 14, Parcel 22, Lot 3) Elmer Palencia - construction of a commercial building, utilities, stormwater management facilities, sewage disposal system, and associated grading within DEP Approved Groundwater Protection Area Zone II and the 100’ Buffer Zone to Bordering Vegetated Wetlands. Agent Baeslack gave a verbal report confirming the work had not commenced. Mr. Nicholas Betts of Meridian Associates was in attendance to answer questions from the Commission. The request was to declare the Order of Conditions expired and issue a Certificate of Compliance declaring it invalid.

Haag moved to issue a Certificate of Compliance declaring the Order of Conditions invalid. Garner seconded and the motion passed unanimously by roll call vote.

Status Reports: Permits & Enforcement

Enforcement Order - 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 – 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. Mr. Edward Sutherby and his representative, Mr. George Zambouras of Atlantic Engineering, were in attendance to answer questions from the Commission. Agent Baeslack provided an update on the compliance status. Mr. Sutherby advised that all work had ceased on the site. Mr. Zambouras advised it was their intention to submit the Stormwater Management Permit Application at the next meeting. Agent Baeslack requested information on the materials on site for spill containment. No further action by the Commission was requested at this time.

Adjournment:

Accomplished at 9:00 PM by a motion made by Haag. Terrien seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent