

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, March 9, 2021
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 3/30/2021**

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 the payroll which had been distributed electronically for review prior to the meeting.

Acceptance of Minutes: After the Commission reviewed the minutes, Vogel moved to accept the Minutes of February 16, 2021. 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 November 18, 2008. Terrien seconded and the motion passed unanimously by roll call vote.

The Commission discussed opening the following hearings in pairs due to the commonality of the lots and plans for both the Notice of Intent Applications and the Stormwater Management Permit Applications. It was agreed that each set of Applications would be opened at the same time and reviewed together.

New Notice of Intent Application at 441 Main St. Lot 1 (Map 27, Parcel/Lot 46) filed by Steve Comley II, Trustee of 441 Main Street Realty Trust: Proposed construction of a single family dwelling, garage, driveway, subsurface infiltration, associated grading and utilities possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands and 100' Buffer Zone to the ACEC. This hearing was opened with the Stormwater Management Application.

New Stormwater Management Application at 441 Main St. Lot 1 (Map 27, Parcel/Lot 46) filed by Steve Comley II, Trustee of 441 Main Street Realty Trust: Proposed construction of

a single family dwelling, garage, driveway, subsurface sewage disposal system, subsurface infiltration, associated grading, and utilities. Total site disturbance is approximately 25,875 square feet (0.59 acres). Mr. Thomas Mannelta of Thomas Mannelta Incorporated was in attendance to represent the Applicant and present the project to the Commission. Agent Baeslack gave a verbal report with photographs from the project site visit where resource areas were verified. Baeslack offered recommendations for special conditions and plan revisions incorporating a 50' NCNDZ to protect the ACEC resource and land subject to coastal storm flowage.

Witzig moved to issue an Order of Conditions and an SMP with typical conditions for a single family house and special conditions as discussed contingent upon receipt of revised plans. Terrien seconded and the motion passed unanimously by roll call vote.

New Notice of Intent Application at 441 Main St. Lot 2 (Map 27, Parcel/Lot 46) filed by Steve Comley II, Trustee of 441 Main Street Realty Trust: Proposed construction of a single family dwelling, garage, driveway, subsurface infiltration, associated grading and utilities possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands and 100' Buffer Zone to the ACEC. This hearing was opened together with the Stormwater Management Permit Application.

New Stormwater Management Permit Application at 441 Main St. Lot 2 (Map 27, Parcel/Lot 46) filed by Steve Comley II, Trustee of 441 Main Street Realty Trust: Proposed construction of a single family dwelling, garage, driveway, subsurface sewage disposal system, subsurface infiltration, associated grading, and utilities. Total site disturbance is approximately 33,501 square feet (0.77 acres). Mr. Thomas Mannelta of Thomas Mannelta Incorporated was in attendance to represent the Applicant and present the project to the Commission. Agent Baeslack gave a verbal report with photographs from the project site visit where resource areas were verified. Baeslack offered recommendations for special conditions and plan revisions incorporating a 50' NCNDZ to protect the ACEC resource and land subject to coastal storm flowage.

Agent Baeslack recommended that a standard condition be included in this and all future Stormwater Management Permits and Orders of Conditions to require confirming photographs be taken during site development activities verifying installation of subsurface infiltrators and crushed stone infiltration trenches. The Commission agreed to the addition of this condition for this and all future projects where applicable.

Garner moved to issue an Order of Conditions and an SMP with typical conditions for a single family house and special conditions as discussed contingent upon receipt of revised plans. Streiff seconded and the motion passed unanimously by roll call vote.

Note: The Commission agreed to open the following hearings in pairs due to the commonality of the lots and plans for both the Notice of Intent Applications and the Stormwater Management Permit Applications.

New Notice of Intent Application at Lot A off Mill Road (Map 5, Parcel/Lot 105) filed by William Herrick III of Lucia Herrick Realty Trust: Proposed construction of a single family dwelling, garage, driveway, subsurface infiltration, landscape wall, associated grading and utilities possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. This hearing was opened with the following Stormwater Management Permit Application.

New Stormwater Management Permit Application at Lot A off Mill Road (Map 5, Parcel/Lot 105) filed by William Herrick III of Lucia Herrick Realty Trust: Proposed construction of a single family house and driveway, stormwater facilities, subsurface sewage disposal system, landscape wall, utilities, and associated grading. Total site disturbance is approximately 33,486 square feet (0.75 acres). Mr. William Manuell of Wetlands & Land Management was in attendance to represent the Applicant and present the project to the Commission including that the driveway entrance required a culvert. Agent Baeslack gave a verbal report from the project site visit where resource areas were verified. Baeslack offered recommendations for special conditions and plan revisions including signage. Agent Baeslack requested that a SWPPP be prepared and submitted.

Garner moved to issue an Order of Conditions and a SMP with conditions for a single family house and special conditions as discussed contingent upon receipt of revised plans. Haag seconded and the motion passed unanimously by roll call vote.

New Notice of Intent Application at Lot B off Mill Road (Map 5, Parcel/Lot 105) filed by William Herrick III of Lucia Herrick Realty Trust: Proposed construction of a driveway, subsurface infiltration, associated grading and utilities possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. This hearing was opened with the following Stormwater Management Permit.

New Stormwater Management Permit Application at Lot B off Mill Road (Map 5, Parcel/Lot 105) filed by William Herrick III of Lucia Herrick Realty Trust: Proposed construction of a single family house and driveway, stormwater facilities, subsurface sewage disposal system, utilities, and associated grading. Total site disturbance is approximately 38,923 square feet (0.89 acres). Mr. William Manuell of Wetlands & Land Management was in attendance to represent the Applicant and present the project to the Commission including that the driveway entrance required a culvert. Agent Baeslack gave a verbal report from the project site visit where resource areas were verified. Baeslack offered recommendations for special conditions and plan revisions including signage. Agent Baeslack requested that a SWPPP be prepared and submitted.

Vogel moved to issue an Order of Conditions and a SMP with conditions for a single family house and special conditions as discussed contingent upon receipt of revised plans. Terrien seconded and the motion passed unanimously by roll call vote.

New Notice of Intent Application at Lot C off Mill Road (Map 5, Parcel/Lot 105) filed by William Herrick III of Lucia Herrick Realty Trust: Proposed construction of a driveway, associated grading and utilities possibly within the 200' Riverfront Area of the Mill River. This hearing was opened with the following Stormwater Management Permit.

New Stormwater Management Permit Application grading at Lot C off Mill Road (Map 5, Parcel/Lot 105) filed by William Herrick III of Lucia Herrick Realty Trust: Proposed construction of a single family house and driveway, stormwater facilities, subsurface sewage disposal system, utilities, and associated. Total site disturbance is approximately 18,021 square feet (0.41 acres). Mr. William Manuell of Wetlands & Land Management was in attendance to represent the applicant and present the project to the Commission. Agent Baeslack gave a verbal report from the project site visit where resource areas were verified. Baeslack offered recommendations for special conditions and plan revisions including signage. Agent Baeslack requested that a SWPPP be prepared and submitted.

Streiff moved to issue an Order of Conditions and a SMP with conditions for a single family house and special conditions as discussed contingent upon receipt of revised plans. Witzig seconded and the motion passed unanimously by roll call vote.

New Notice of Intent application at Lot D off Mill Road (Map 5, Parcel/Lot 105) filed by William Herrick III of Lucia Herrick Realty Trust: Proposed construction of a driveway, associated grading and utilities possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands and 200' Riverfront area of the Mill River. This hearing was opened together with the Stormwater Management Permit.

New Stormwater Management Permit application at Lot D off Mill Road (Map 5, Parcel/Lot 105) filed by William Herrick III of Lucia Herrick Realty Trust: Proposed construction of a single family house and driveway, stormwater facilities, subsurface sewage disposal system, utilities, and associated grading. Total site disturbance is approximately 31,315 square feet (0.72 acres). Mr. William Manuell of Wetlands & Land Management was in attendance to represent the Applicant and present the project to the Commission. Agent Baeslack gave a verbal report from the project site visit where resource areas were verified. Baeslack offered recommendations for special conditions and plan revisions including signage. Agent Baeslack requested that a SWPPP be prepared and submitted.

Terrien moved to issue an Order of Conditions and a SMP with conditions for a single family house and special conditions as discussed contingent upon receipt of revised plans. Haag seconded and the motion passed unanimously by roll call vote.

New Notice of Intent application at Lot E off Mill Road (Map 5, Parcel/Lot 105) filed by William Herrick III of Lucia Herrick Realty Trust: Proposed construction of a driveway, subsurface infiltration, associated grading and utilities possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands and 200' Riverfront Area of the Mill River. This hearing was opened with the following Stormwater Management Permit.

New Stormwater Management Permit Application at Lot E off Mill Road (Map 5, Parcel/Lot 105) filed by William Herrick III of Lucia Herrick Realty Trust: Proposed construction of a single family house and driveway, stormwater facilities, subsurface sewage disposal system, utilities, and associated grading. Total site disturbance is approximately 35,227 square feet (0.81 acres). Mr. William Manuell of Wetlands & Land Management was in

attendance to represent the Applicant and present the project to the Commission. Agent Baeslack gave a verbal report from the project site visit where resource areas were verified. Baeslack offered recommendations for special conditions and plan revisions including signage. Agent Baeslack requested that a SWPPP be prepared and submitted.

Streiff moved to issue an Order of Conditions and an SMP with conditions for a single family house and special conditions as discussed contingent upon receipt of revised plans. Haag seconded and the motion passed unanimously by roll call vote.

The Commission agreed to open the following hearing in pairs due to the commonality of the lots and plans for both the Notice of Intent Applications and the Stormwater Management Permit Applications.

New Request to Amend Order of Conditions #63-0663 at 42 Newbury Road (Map 5, Parcel 40) filed by John Sullivan, Jr.: Proposed construction of additional, unit #6 in original footprint with a detached 30' x 35' garage and 1,200 sq. ft. of driveway possibly within 100' of Bordering Vegetated Wetlands. This hearing was opened with the following Stormwater Management Permit.

New Request to Amend Stormwater Management Permit #22-2017 at 42 Newbury Road (Map 5, Parcel 40) filed by John Sullivan, Jr.: Proposed construction of additional unit #6 in original footprint with a detached 30' x 35' garage and 1,200 sq. ft. of driveway. Total site disturbance is approximately 2,250 square feet. Mr. Rich Williams of Williams & Sparages was in attendance to represent the Applicant. Mr. Williams outlined the proposed construction of the additional unit as approved by the Planning Board. Agent Baeslack gave a verbal report to the Commission and confirmed that existing conditions were adequate to cover the additional scope of the project.

Haag moved to amend the Order of Conditions for DEP #63-0663 and the SMP #22-2017 as requested. Witzig seconded and the motion passed unanimously by roll call vote.

Mr. John Sullivan joined the meeting. Agent Baeslack and Chairman Daniel Shinnick thanked Mr. Sullivan for the assistance with disposal of construction materials from the Pingree Farm Boardwalk project and for his time in volunteering on the project.

Extension Request(s):

New Request for one year Extension for DEP #63-0663 at 42 Newbury Road (Map 5, Parcel 40) John Sullivan, Jr. - Demolition of an existing building, construction of a portion of subdivision roadway and installation of an infiltration basin possibly within 100' of Bordering Vegetated Wetlands and DEP Approved Groundwater Protection Area Zone II. Order had expiration date of Nov. 9, 2020 but has been tolled consistent with the Governor's Executive Order. This item was discussed with the following Stormwater Management Permit.

New Request for one year Extension for SMP #22-2017 at 42 Newbury Road (Map 5, Parcel 40) John Sullivan, Jr. - Demolition of an existing barn and portions of another building,

removal of existing driveway, construction of a subdivision roadway, two unit dwelling, maintenance building, and stormwater facilities at 42 Newbury Road (Map 5, Parcel 40). SMP had expiration date of Nov. 16, 2020 but has been tolled consistent with the Governor's Executive Order. The Commission reviewed Agent Baeslack's memo dated March 9, 2021. Mr. Rich Williams of Williams and Sparages was in attendance to represent the Applicant.

Vogel moved to issue one year Extensions for DEP #63-0663 and SMP #22-2017. Witzig 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 presented the Applicant's request to continue this item until the meeting of May 12, 2021.

Garner moved to continue this agenda item to the meeting of May 12, 2021 as requested by the Applicant. Terrien seconded and the motion passed unanimously by roll call vote.

Adjournment:

Accomplished at 9:51 PM by a motion made by Shinnick. Terrien seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent