

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Wednesday, May 12, 2021  
TOWN HALL ANNEX, 39 CENTRAL STREET  
**APPROVED: 6/1/2021****

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Robert Garner, Howard Terrien, and Howard Vogel  
Absent: Jena Haag and Ann Witzig  
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 16 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 vendor bills which had been distributed electronically for review prior to the meeting.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Terrien moved to accept the Minutes of April 20, 2021. Garner 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 February 20, 2007. Terrien seconded and the motion passed unanimously by roll call vote.

**Regulations of the Stormwater Management and Erosion Control Bylaw:** Hearing on proposed changes to the Regulations for the Stormwater Management and Erosion Control Bylaw. Agent Baeslack introduced Ms. Jennifer Hughes of the Merrimac Valley Planning Commission who had been providing technical assistance and guidance in complying with NPDES MS4 Permit compliance. Ms. Hughes gave an overview and explanation of the proposed changes to the Stormwater Bylaw regulations. Agent Baeslack noted that the Bylaw fees were revised to include amending permits, extending permits, and the table was revised to improve usability. He recommended that the hearing be continued to the next meeting (June 1, 2021) to allow for posting of the changes on the Town website and proper notification of the hearing due to issues with the publication of the legal notice.

Vogel moved to continue the hearing to the meeting of June 1, 2021. Terrien seconded and the motion passed unanimously by roll call vote.

Howard Vogel **recused** himself from the next agenda item.

**Notice of Intent at 237 Dodge Road (Map 9, Parcel/Lot 21) Rowley Golf Course LLC:**

Proposed demolition of a 10' x 34' covered wooden golf cart/footbridge and construction of an 8' x 34' steel supported timber decking golf cart/footbridge possibly within Bordering Land Subject to Flooding, Pond, Bordering Vegetated Wetlands, and the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Greg Hochmuth of Williams & Sparages was in attendance representing the applicant and gave the Commission an overview of the project. Agent Baeslack gave a verbal report with recommendations for conditions which included a 25' No Cut/No Disturb Area in the undeveloped Buffer Zone to BVW to the east of the bridge that were not maintained as greens. Mr. Hochmuth agreed to this condition and would have the plans revised to reflect this area.

Terrien moved to issue an Order of Conditions with conditions as discussed contingent upon receipt and approval of revised plans. Garner seconded and the motion passed by roll call vote of four (4).

Howard Vogel **returned** to the meeting.

Howard Terrien **recused** himself from the next two agenda item.

**Request to Amend Order of Conditions DEP #63-0625 at land off Daniels Road (Map 9, Parcel/Lot 23) filed by James Decoulos of Danielsville LLC, owned by the Thompkins-Desjardins Trust:**

The proposed project has been changed to comply with OSRD criteria with nine (9) residential dwellings, a shared sewage disposal system, roadway, stormwater facilities, grading and utilities along with 14 acres of protected Open Space possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. James Decoulos of Decoulos & Company was present to represent the applicant and outlined the changes being requested to the previously approved project. This included newly revised plans which now included a significant reduction in earth disturbance and a new open space area. Roadway access would be a public way as requested by the Board of Selectmen. Agent Baeslack gave a verbal report and recommended continuance until a review of the Drainage Analysis could be completed by the the Planning Board's third party technical reviewer of the stormwater management facilities.

Vogel moved to continue the public hearing with the Applicant's permission to the meeting of June 1, 2021. Streiff seconded and the motion passed by roll call vote of four (4).

**Notice of Intent at land off Daniels Road (Map 9, Parcel/Lot 23) filed by James**

**Decoulos of Danielsville LLC, owned by the Thompkins-Desjardins Trust:** Proposed construction of a 4' x 148' modular aluminum boardwalk with supporting trails to access protected open space crossing an intermittent stream and emergent freshwater marsh possibly within Bordering Land Subject to Flooding, Stream, Bordering Vegetated Wetlands (BVW), and the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. James Decoulos of Decoulos & Company was present to represent the applicant and gave an overview of the

project. The purpose of the boardwalk was to provide public access to the open space area being proposed. Agent Baeslack gave a verbal report and discussed the footpaths and maintenance. He advised that an additional fee may be required when the final determination on the location of the footpath is made if more BVW is being crossed. Agent Baeslack inquired if a determination had been made on how the open space would be held, ie. Conservation Restriction with ownership held by current owners, deeded to the Town to the care and custody of the Commission or some other conveyance. Mr. Decoulos indicated that had not yet been determined.

Streiff moved to continue the public hearing with the Applicant's permission to the meeting of June 1, 2021. Garner seconded and the motion passed by roll call vote of four (4).

Howard Terrien **returned** to the meeting.

**Certificate of Compliance Request(s):**

**Request for Certificate of Compliance for DEP #63-0633 at 56 Newburyport Turnpike (Map 7, Parcel/Lot 12) Mark Savory** - Removal of trailers and buildings and construction of a 40' x 125' metal commercial building with stormwater facilities. Mr. Mark Savory was in attendance to answer questions from the Commission. Agent Baeslack gave a verbal report of the site inspection with photographs. He recommended the reestablishment of the swale and stabilization of disturbed soils prior to the issuance of the Certificate of Compliance. Mr. Savory stated that he would get the work completed as soon as possible and believed he would be ready for the June 1, 2021 meeting.

Terrien moved to continue the matter to the meeting of June 1, 2021. Streiff 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 for a continuance to the meeting of June 1, 2021. Agent Baeslack stated that this matter had been continued from December of 2020 due to seasonal weather conditions. At this time, he would not recommend an additional continuation if the work was not completed by the June 1, 2021 meeting. Agent Baeslack would send a reminder to the applicant of the outstanding issues. The Commission agreed and moved to continue.

Garner moved to continue the public hearing to the meeting of June 1, 2021. Vogel seconded and the motion passed unanimously by roll call vote.

**Request for Certificate of Compliance for DEP #63-0688 at 600 Wethersfield St. (Map 11, Parcel 6, Lot 10) Bitterroot LLC filed by North Coast Contracting** - Construction of a single family dwelling (50' x 60'), including garage, porch, & deck, with driveway, subsurface sewage disposal system, infiltrators, retaining wall, associated grading and

utilities. Agent Baeslack provided the Commission with an update on this item. He advised that significant progress had been made and that this issue was related to the Notice of Noncompliance referenced later in the Agenda. At this time, he could not recommend the issuance of a Certificate of Compliance. Agent Baeslack asked that this matter be continued to the next meeting.

Vogel moved to continue the public hearing to the meeting of June 1, 2021. Streiff seconded and the motion passed unanimously by roll call vote.

**Status Reports: Permits & Enforcement**

**Notice of Noncompliance for DEP #63-0688 at 600 Wethersfield St. (Map 11, Parcel 6, Lot 10) Grant and Sharon Baxter** – Lack of recording of Issued Amended Order of Conditions and omission of letter from qualified wetland scientist regarding restoration of impacted BVW. This matter was addressed under the Request for Certificate of Compliance discussion for this property.

**Notice of Noncompliance for DEP #63-0688 at 610 Wethersfield St. (Map 11, Parcel 6, Lot 9) David and Christina Kennedy** – Construction of swale disturbed and altered 120 sq. ft. of 25' No Cut/No Disturbance Zone which has not been restored and replanted. This item was not discussed.

**Enforcement Order for 600 Newburyport Turnpike (Map 19, Parcel/Lot 15) William H. Stanley owner Jay C. Stanley** – Mr. William Manuell of Wetlands & Land Management was in attendance on behalf of Mr. Jay Stanley. He advised that he had been retained to prepare the Notice of Intent application and asked for an extension of time to apply for appearance at the July 13 meeting. The Commission agreed to the extension to file.

**Adjournment:**

Accomplished at 9:30 PM by a motion made by Vogel. Terrien seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent