

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, June 1, 2021
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 6/22/2021

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Robert Garner, Jena Haag,
Howard Terrien, and Howard Vogel
Absent: 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, Haag moved to accept the Minutes of May 12, 2021. Garner seconded and the motion passed unanimously by roll call vote.

Acceptance of Minutes: After the Commission reviewed the minutes, Terrien moved to accept the Minutes of March 13, 2007. Haag seconded and the motion passed unanimously by roll call vote.

Approval and Authorization for use of Notice of Intent Funds: Agent Baeslack requested approval to use \$3000.00 out of the WPA NOI Fund. The Commission discussed use of \$3,000.00 of Notice of Intent funds for the administration and enforcement of the Wetlands Protection Act. A request for authorization letter will be sent to the Board of Selectmen.

Shinnick moved to approve the use of \$3,000 of the NOI funds for the administration and enforcement of the WPA. Streiff seconded and the motion passed unanimously by roll call vote.

The Commission reviewed a draft letter to the Board of Selectmen requesting authorization for the use of the NOI funds as discussed.

Streiff moved to send the letter to the Board of Selectmen. Terrien seconded and the motion passed unanimously by roll call vote.

Hearing on proposed changes to the Regulations of the Stormwater Management and Erosion Control Bylaw: The Commission continued the hearing on proposed changes to the Regulations. Ms. Jennifer Hughes of Merrimac Valley Planning Commission who serves as technical consultant on MS4 Stormwater Permit compliance was in attendance. Ms. Hughes gave a brief overview of the proposed changes. The proposed changes to the regulations were posted to the Town website and previously distributed to the Commissioners. The changes were being made to meet the EPA standards for the MS4 Permit. The bulk of the changes had amounted to a different reordering of criteria that were already contained in the regulations, a definition of infeasible, and incorporating a fee schedule for permitting requests.

Garner moved to adopt the proposed changes to the Regulations. Vogel seconded and the motion passed unanimously by roll call vote.

Consideration of appointment to Community Preservation Committee to represent the Conservation Commission: Commissioner Sam Streiff agreed to continue as the Commission's representative to the CPC.

Vogel moved to request appointment of Sam Streiff to the CPC for one year beginning July 1, 2021 to June 30, 2022 or such term as determined by the Town Clerk. Haag seconded and the motion passed unanimously by roll call vote.

Consideration of appointment to Open Space Committee to represent the Conservation Commission: Commissioner Howard Vogel agreed to continue as the Commission's representative to the OSC.

Streiff moved to request appointment of Howard Vogel to the OSC for one year beginning July 1, 2021 to June 30, 2022. Haag seconded and the motion passed unanimously by roll call vote.

New Request for Determination of Applicability at 20 Haverhill Street (Map 15, Parcel/Lot 83) filed by Darrell Gonyea of Gonyea Construction, owned by Eva McKendry: Proposed removal of existing deck and construction of new 14' x 24' deck possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Darrell Gonyea of Gonyea Construction was in attendance on behalf of the applicant and gave a brief overview of the project. Agent Baeslack gave a verbal report and presented recommendations for special conditions.

Haag moved to close the public hearing and issue a Negative Determination Option #3 incorporating the conditions discussed. Garner seconded and the motion passed unanimously by roll call vote.

New Request for Determination of Applicability at 843 Haverhill Street (Map 4, Parcel/Lot 42) filed by David McKinnon of Essex County Greenbelt: Proposed relocation of an existing trail and reconstruction of footbridge in forested wetlands possibly within 100' Buffer Zone to Bordering Vegetated Wetlands and Bordering Vegetated Wetlands. Mr.

David McKinnon of Essex County Greenbelt was in attendance and presented the project to the Commission. Agent Baeslack gave a verbal report and presented recommendations for special conditions.

Haag moved to close the public hearing and issue a Negative Determination Options #2 and #3 incorporating the conditions discussed. Terrien seconded and the motion passed unanimously by roll call vote.

New Request for Determination of Applicability at 116 Newburyport Turnpike (Map 14, Parcel/Lot 27) filed by Gerry MacDonald of H.L. Graham Associates, owned by Ulman Family Investment Trust: Proposed soil evaluations possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and the DEP Approved Groundwater Protection Area Zone II. Mr. Gerry MacDonald of H.L. Graham Associates was in attendance to represent the applicant. Agent Baeslack gave a verbal report and presented recommendations for special conditions addressing the gap in the parking lot curbing where runoff could flow directly to a catch basin.

Garner moved to close the public hearing and issue a Negative Determination Option #3 incorporating the conditions discussed. Streiff seconded and the motion passed unanimously by roll call vote.

New Request for Determination of Applicability at 54 Wethersfield Street (Map 25, Parcel/Lot 15) filed by Thomas Mannetta of Thomas Mannetta, Inc., owned by Matthew Ziev: Proposed replacement of a failed septic system possibly within the 200' Riverfront Area of Ox Pasture Brook. Mr. Matthew Ziev, property owner, was in attendance and presented the project. Agent Baeslack gave a verbal report and presented recommendations for special conditions. He advised that the Option #2 would need to be revised to reflect the attachment of special conditions because the work was not in the Buffer Zone but in the Riverfront Area.

Vogel moved to close the public hearing and issue a Negative Determination Option #2 modified as discussed. Terrien seconded and the motion passed unanimously by roll call vote.

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

Continued 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: Proposed project change new construction of an OSRD with nine (9) residential dwellings, 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 in attendance on behalf of the applicant. He advised that a revised set of plans had been submitted to the Planning Board. The Commission was waiting for the third party Reviewer's Report on the Stormwater Management facilities.

Vogel moved to continue the hearing with the applicant's permission to the meeting of June 22, 2021. Haag seconded and the motion passed by a vote of five (5) yeas.

Continued 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, and the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. James Decoulos of Decoulos & Company was in attendance on behalf of the applicant and provided the Commission site visit report that was conducted to determine proposed trail locations. It was observed that renewed beaver activity had raised the water level in the wetlands almost two feet above the previous stationary level. He advised that discussions are ongoing about trail maintenance and how the open space will be held. The Commission discussed the various ways the land could be held and expressed concerns about the access to the open space. Mr. Decoulos stated he would talk with the property owners about access options.

Streiff moved to continue the hearing with the applicant's permission to the meeting of June 22, 2021. Haag seconded and the motion passed by a vote of five (5) yeas.

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. Agent Baeslack advised that at this time there was no update on this agenda item. The matter will be tabled to the meeting on June 22, 2021.

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 advised that continuing the Request meeting to meeting is an administrative burden and asked that the item be held until the applicant provided documentation indicating that tasks had been completed. Mrs. Jehad Abuzahra and Mr. Said Abuzahra, as Trustees of the applicant, were in attendance to address the Commission. Mrs. Abuzahra advised that they had been having contractor difficulties. Mr. Abuzahra asked that the Agent provide an engineer name to assist with the work needed to complete the Commission's outstanding items. Agent Baeslack advised that he could not make recommendations. The Commission discussed continuance to the November 16, 2021 meeting, which would give the applicant time to get engineering and contracting services. At that time, if materials had not be received, the Commission would consider the issuance of a Denial. If work was completed prior to the November 16, 2021 meeting and the applicant submitted the appropriate documentation, the matter could be

heard at an earlier meeting. The applicant was in agreement with the continuance to November 16, 2021.

Terrien moved to continue the hearing with the applicant's permission to the meeting of November 16, 2021. Garner 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 advised that at this time the project has not been completed. He asked that the matter be tabled to the June 22, 2021 meeting.

Adjournment:

Accomplished at 9:41 PM by a motion made by Haag. Terrien seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent