

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, June 22, 2021
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 7/13/2021**

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).

Public Meeting Stormwater Team Review MS4 Stormwater Activities: The Commission opened the meeting for public reporting and input on the MS4 stormwater activities. There being no public attendance or comment, the Commission moved on to the agenda Administrative items.

Administrative: The Commission approved the payroll and vendor bills which had been distributed electronically for review prior to the meeting.

Regrading Hunsley Hills Access Road: Agent Baeslack presented an estimate from TW Excavating for \$650 to regrade 230' of the Hunsley Hills access road with reprocessed asphalt material, which packs better than standard gravel. These funds would come from the \$20,000 approved at the 2021 Town Meeting for the care and upkeep of the Town's open space areas. Use of reprocessed asphalt would not impact any wetland resource areas. The Commission agreed to the use of the reprocessed asphalt.

Vogel moved to authorize the use of Town appropriated funds for regrading the Hunsley Hills Access Road. Streiff seconded and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Garner moved to accept the Minutes of June 1, 2021. Terrien seconded and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Haag moved to accept the Minutes of April 3, 2007. Streiff seconded and the motion passed unanimously.

Review Conservation Commission Organization and Officers: The Commission discussed RCC organization and officers. Daniel Shinnick expressed his willingness to continue as Chairman.

Haag moved to appoint Daniel Shinnick as Chairman. Garner seconded and the motion passed unanimously.

Sam Streiff expressed his willingness to continue as Vice Chair.

Garner moved to appoint Sam Streiff as Vice Chair. Terrien seconded and the motion passed unanimously.

Conducting Public Meetings Policies and Procedure Discussions:

The Commission agreed to continue with electronic Application copies for the foreseeable future. If needed, a hard copy would be provided upon request. The Commission discussed the ability to use electronic signatures and agreed that this option would remain available. The Commission discussed how meetings would be held going forward. Agent Baeslack provided the Commission with the options currently available including in-person, and the remote/remote public option combined. It was agreed that meetings would be held remotely until the April, 2022 expiration of the current legislative authorization.

New Request for Determination of Applicability at 385 Wethersfield St (Map 19, Parcel 8, Lot 7) Vincent Pugliares: Proposed replacement of a failed subsurface sewage disposal system possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands and the 200' Riverfront Area of the Mill River. Mr. Tom Mannelta of Thomas Mannelta, Inc. was in attendance on behalf of the Applicant and gave a brief project overview. Agent Baeslack stated that the location of the proposed system was well within established and previously maintained lawn, and he gave a review of recommended special conditions.

Vogel moved to issue a Negative Determination Option #3 with special conditions as discussed. Haag seconded and the motion passed unanimously.

Enforcement Order 385 Wethersfield St (Map 19, Parcel 8, Lot 7) Vincent Pugliares: Agent Baeslack advised the Commission of violations on the property which had been observed during the site-visit field inspection. Photographs of yard debris, which had been deposited in resource areas on the property, were shown. He recommended the issuance of an Enforcement Order with Enforcement Directive for the debris removal and the possible seeding of the area with a wetlands mix to assist with revegetation. Debris was also on the abutting property which was not a developed lot, and this would have to be addressed separately.

Vogel moved to authorize issuance of the Enforcement Order. Haag seconded and the motion passed unanimously.

Jena Haag **recused** herself from the next two agenda items.

New Notice of Intent Application at 74 Glen St (Map 21, Parcel/Lot 7A) Rui Ferreira: Proposed construction of a single family dwelling, driveway, subsurface drainage structures, utilities and associated grading possibly within the 100' Buffer Zone to Bordering Vegetated Wetland. Mr. Tom Mannelta of Thomas Mannelta, Inc. was in attendance on behalf of the Applicant and gave a project overview. Agent Baeslack gave a verbal report with recommendations for special conditions and plan revisions.

Terrien moved to issue an Order of Conditions with special conditions as discussed contingent upon receipt of revised plans within fourteen (14) days. Witzig seconded and the motion passed with six (6) yeas.

New Stormwater Management Application at 74 Glen St (Map 21, Parcel/Lot 7A)

Rui Ferriera: Proposed construction of a single family dwelling, driveway, subsurface drainage structures, utilities and associated grading. Total site disturbance 26,331 sq. ft. (0.60 acres). Mr. Tom Mannelta of Thomas Mannelta, Inc. was in attendance on behalf of the Applicant and gave a project overview. Agent Baeslack gave a verbal report with recommendations for special conditions and plan revisions. He also advised that incorrect data had been used for stormwater calculations and that needed to be updated.

Garner moved to issue a Stormwater Management Permit with special conditions as discussed contingent upon receipt of revised plans within fourteen (14) days. Streiff seconded and the motion passed with six (6) yeas.

Abutter Judith Kehs, 83 Glen Street, advised the Commission that she had previously owned the property and had sold it with the understanding that the barn would be restored. She had been told by an engineer that the property would not support a single family home with a septic system.

Jena Haag **returned** to the meeting.

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. No one was in attendance for this matter. Agent Baeslack presented a request to continue the public hearing received from James Decoulos of Decoulos & Company.

Vogel moved to continue the public hearing as requested by the Applicant to the meeting of July 13, 2021. Garner seconded and the motion passed unanimously.

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. No one was in attendance for this matter. Agent Baeslack presented a request to continue the public hearing received from James Decoulos of Decoulos & Company.

Vogel moved to continue the public hearing on the Notice of Intent as requested by the Applicant to the meeting of July 13, 2021. Garner seconded and the motion passed unanimously.

Extension Request(s):

New Request for Extension of SMP #12-2014 for 12-40 Forest Ridge Drive Gateway II Trust of 1997, John Coughlin, Trustee: The Commission reviewed a request for a three (3) year extension. Mr. Tom Mannelta of Thomas Mannelta, Inc. was in attendance on behalf of the Applicant and explained that the extension was needed to complete the ongoing work. The Commission reviewed Agent Baeslack's memo dated June 22, 2021.

Vogel moved to issue a three (3) year Extension. Witzig seconded and the motion passed unanimously.

Certificate of Compliance Request(s):

New Request for Certificate of Compliance DEP #63-0655 at 151 Boxford Rd. (Map 2 Parcel/Lot 28) Roger D. LeBlanc: Proposed construction of single family dwelling, driveway, utilities, sewage disposal system, and grading possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and the DEP Approved Groundwater Protection Area Zone II. Agent Baeslack gave a verbal report on the site inspection and recommended issuance of a Complete Certificate of Compliance with ongoing conditions. He advised that the No Cut/No Disturbance Zone was not on the plan and that the Zone II and Priority Habitat areas should be noted by a statement on the plan sheet. He recommended that a revised plan be requested.

Witzig moved to issue a Complete Certificate of Compliance with ongoing conditions contingent upon receipt of a revised plan with the requested changes made. Terrien seconded and the motion passed unanimously.

New Request for Certificate of Compliance DEP #63-0698 at 165 Wethersfield St. (Map 17, Parcel/Lot 29) Danny and Katherine Marks: Proposed demolition and construction (rebuilding) of a 40' x 70' single family residence with septic system, driveway and grading. Agent Baeslack gave a verbal report on the site inspection and recommended issuance of a Complete Certificate of Compliance with ongoing conditions.

Witzig moved to issue a Complete Certificate of Compliance with ongoing conditions. Haag seconded and the motion passed unanimously.

New Request for Certificate of Compliance DEP #63-0022 at 256 Wethersfield St. (Map 23, Parcel 19, Lot 3) Paul and Mary Williams: Proposed construction of a three bedroom residence. Agent Baeslack gave a verbal report on the site inspection and recommended issuance of a Complete Certificate of Compliance with ongoing condition as discussed.

Garner moved to issue a Complete Certificate of Compliance with ongoing condition as discussed. Terrien seconded and the motion passed unanimously.

Request for Certificate of Compliance DEP #63-0633 at 56 Newburyport Turnpike (Map 7, Parcel/Lot 12) Mark Savory: Removal of trailers, buildings and construction of a 40' x 125' metal commercial building with stormwater facilities. Agent Baeslack gave a

verbal report on the site inspection and recommended issuance of a Complete Certificate of Compliance with ongoing conditions.

Vogel moved to issue a Complete Certificate of Compliance with ongoing conditions. Haag seconded and the motion passed unanimously.

Request for Certificate of Completion SMP #33-2019 at 600 Wethersfield St. (Map 11, Parcel 6, Lot 10) Bitterroot LLC filed by North Coast Contracting owned by Grant and Sharon Baxter: Proposed construction of a single family dwelling, garage, porch, deck, driveway, subsurface sewage disposal system, retaining wall, associated grading and utilities. Total site disturbance is approximately 24,646 square feet. Agent Baeslack gave a verbal report on the site conditions that related to the Stormwater Mgt. Permit and recommended issuance of a Complete Certificate of Completion SMP #33-2019 with ongoing conditions.

Streiff moved to issue a Complete Certificate of Completion with ongoing conditions. Terrien seconded and the motion passed unanimously.

Status Reports: Permits & Enforcement

Notice of Violation at 367 Central St. (Map 21, Parcel 34, Lot 3) George Gallant: Proposed clearing and grading of the 100' Buffer Zone to Bordering Vegetated Wetlands for construction of a 16' x 80' gravel driveway extension without a permit. Mr. George Gallant was in attendance to discuss the Notice of Violation with the Commission. He explained that the change to the driveway was made to resolve issues with the pitch and washing out during heavy rainstorms. Agent Baeslack gave a brief work overview. He advised that Mr. Gallant had submitted a Request for Determination for after-the-fact permitting of the work. The Commission agreed that this would satisfy the Notice of Violation and nothing further needed be done.

Adjournment:

Accomplished at 10:29 PM by a motion made by Haag. Garner seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent