

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, July 13, 2021
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 8/3/2021**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, 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).

Administrative: The Commission approved the payroll which had been reviewed and signed prior to the meeting.

Acceptance of Minutes: After the Commission reviewed the minutes, Witzig moved to accept the Minutes of June 22, 2021. Terrien seconded and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Streiff moved to accept the Minutes of April 24, 2007. Haag seconded and the motion passed unanimously.

Request for Emergency Certification-Immediate Response Action for Mass DEP RTN 3-36938: 51 Summer St (Map 15, Parcel/Lot 15) owned by Island Park Corporation, filed by Frank C. Romano, President and 47 Summer St (Map 15, Parcel/Lot 16) owned by Town of Rowley, Light Department. Agent Baeslack gave the Commission a report on the spill of diesel fuel on the property at 51 Summer Street which impacted the abutter property owned by the Rowley Light Department, 47 Summer Street. DEP had been on site with an LSP contracted by the property owner on the day of the spill. Baeslack advised that the spill had been contained and covered with polyethylene to avoid further leaching due to the ongoing rain. An outside contractor will be engaged to proceed with the cleanup supervised by Lauren Lesinski, LSP. Baeslack's recommendation was to issue the Emergency Certification so the cleanup could proceed with conditions requiring use of erosion controls.

Haag moved to confirm the issuance of the Emergency Certification. Witzig seconded and the motion passed unanimously by roll call vote.

Dodge Reservation Conservation Area, 390 Wethersfield Street: Agent Baeslack presented a request from Ms. Sherritt of 305 Wethersfield Street to use the front parking area of the Dodge Reservation for a private family function due to parking limitations at their residence. Agent Baeslack advised that he had contacted the YMCA, Camp Cedar Mill, to determine if there would be any conflicts with camp operations. The YMCA staff had communicated with the office that use of the parking area as a one-time use would not be in conflict with any YMCA camp activities on that date of September 18, 2021. The

Commission discussed authorizing the use of 13 spaces on a one-time basis. Agent Baeslack stated he would advise Ms. Sherritt that parking would be at their own risk and the Town would have no liability.

Vogel moved to issue a one-time-only permit for private function parking at 390 Wethersfield Street on September 18, 2021. Terrien seconded and the motion passed unanimously by roll call vote.

DCR Signage at Pingree Farm: Agent Baeslack presented signage used by DCR for lands protected under Conservation Restriction under DCR management. At a monitoring site visit with a DCR representative, he had been advised that DCR wanted to install markers for the Conservation area on the perimeter of the Pingree Farm Conservation Area.

Streiff moved to authorize the installation of the DCR signage. Haag seconded and the motion passed unanimously by roll call vote.

New Request for Determination of Applicability at 367 Central Street (Map 21, Parcel 34, Lot 3) filed by George T. Gallant III: Proposed relocation (after the fact) of a 17' x 110' gravel driveway to replace existing driveway within forested 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. George Gallant was in attendance to address any questions from the Commission. Agent Baeslack gave a brief summary of his site inspection with photographs and reviewed his memo dated July 13, 2021 with recommendations for conditions. The abandonment of the discontinued section of driveway was still to do and would be accomplished with the proposed garage construction.

Vogel moved to issue a Negative Determination Option #3 with special conditions as discussed. Witzig seconded and the motion passed unanimously by roll call vote.

New Request for Determination of Applicability at 255 Newbury Road (Map 1, Parcel/Lot 26) filed by Thomas Marsh, Trustee for 255 Newbury Road Nominee Trust: Proposed soil evaluations for design of subsurface sewage disposal system possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Trustee Thomas Marsh was in attendance on behalf of the Applicant. Agent Baeslack gave a brief summary of his site inspection with photographs and reviewed his memo dated July 13, 2021 with recommendations for conditions. There was a brief discussion regarding a discrepancy between the plan and the Assessor's information regarding configuration and dimensions of the parcel. Mr. Marsh advised that the Assessor's office had agreed with the plan and the error would be corrected.

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

New Notice of Intent at 600 Newburyport Turnpike (Map 19, Parcel/Lot 15) filed by Jay and Jaime Stanley: Proposed construction (after the fact) of an expanded paved parking area 85' x 56' (4760 sq. ft.) with retaining wall within the 100' Buffer Zone of Bordering

Vegetated Wetlands and the 200' Riverfront Area of the Mill River. Mr. Bill Manuell of Wetlands and Land Management was in attendance on behalf of the applicant and gave an overview of the work on site in 2003/2004. He reviewed the correction items which had been discussed with the Agent at the field visit. Agent Baeslack gave a summary of his site inspection with photographs and reviewed his recommendations for conditions. The Commission discussed the following: 1) installation of a paved apron around the catch basin; 2) repair of the concrete "shea" blocks; 3) restoration of a 25' No Cut/No Disturb Zone in the protective boulders northerly area of the lot; 4) gravel shoulder returned to grass; 5) install bollards or lolly columns to avoid overhang of vehicles over the river; and 6) repositioning of the dumpster to the paved area. Agent Baeslack advised that Mr. Manuell had discussed these conditions with the Applicants and they were in agreement with this work with the exception of the bollards/lolly columns due to the site restrictions. Mr. Jay Stanley joined the meeting to discuss the equipment overhanging the river. He stated that the equipment was new and there was no leaking. The vehicles on the trailers were parked over the parking lot paved area. The beaver tail of the trailers were the only portion of the vehicle overhanging the river. The Commission stated that they still had concerns about any leaking of the equipment that might be stored on the trailers. He explained that the picture of the trailer overhanging the river was his father's equipment not his. It was only one trailer that needed the additional length. The vehicles were parked to avoid any interference with Route 1. Mr. Stanley did speculate that if a light was installed at the Central Street/Glen Street and Route 1 intersection, the parking situation might be able to be revisited. The Commission discussed installing the lolly columns at the 21' elevation to give additional footage for the trailers. The Commission agreed to the installation at the 21' elevation. Agent Baeslack advised that the use of rock salt should be prohibited and a spill containment kit be on site.

Witzig moved to close the public hearing and issue an Order of Conditions with special conditions as discussed contingent upon receipt and approval of revised plans within 14 days. Haag seconded and the motion passed unanimously by roll call vote.

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 Tompkins-Desjardins Trust: Proposed project change new construction of an OSRD with 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. Agent Baeslack presented a request from the Applicant's representative, James DeCoulos, requesting that the hearing be continued to the next meeting.

Vogel moved to continue the public hearing as requested by the Applicant to the meeting of August 3, 2021. Streiff seconded and the motion passed unanimously by roll call vote.

Continued Notice of Intent at land off Daniels Road (Map 9, Parcel/Lot 23) filed by James Decoulos of Danielsville LLC, owned by the Tompkins-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. Agent Baeslack presented a request from the Applicant's representative, James DeCoulos, requesting that the hearing be continued to the next meeting.

Vogel moved to continue the public hearing as requested by the Applicant to the meeting of August 3, 2021. Streiff seconded and the motion passed unanimously by roll call vote.

Certificate of Compliance Request(s):

Request for Certificate of Compliance for DEP #63-0688 at 600 Wethersfield Street (Map 11, Parcel 6, Lot 10) Bitterroot LLC filed by North Coast Contracting: Proposed 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 reported on his site inspection with photographs and also advised that an additional inspection of the plantings would be scheduled for September. The contractor had agreed that if 50% or more of the plantings had not taken, they would be replaced. Agent Baeslack recommended the issuance of the Complete Certificate of Compliance at this time because the plantings had not been part of the original Order.

Haag moved to issue a Complete Certificate of Compliance with ongoing conditions. Streiff seconded and the motion passed unanimously by roll call vote.

Status Reports: Permits & Enforcement

Enforcement Order 385 Wethersfield St (Map 19, Parcel 8, Lot 7) Vincent Pugliares: Filling (placing landscape debris, grass clippings, and organic material) 3000 sq. ft. plus within Bordering Vegetated Wetlands (BVW) 310 CMR 10.55, Bordering Land Subject to Flooding (BLSF) and 200' Riverfront Area of the Mill River. Agent Baeslack reported on the conditions which were covered by the Enforcement Order and recommended conditions for the remediation of the area.

Vogel moved to confirm and ratify the Enforcement Order and authorize the issuance of an Enforcement Directive. Witzig seconded and the motion passed unanimously by roll call vote.

Adjournment:

Accomplished at 9:38 PM by a motion made by Haag. Shinnick seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent