

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, September 14, 2021
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 10/5/2021**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Howard Terrien, and Ann Witzig
Absent: Jena Haag, Howard Vogel
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 and vendor bills 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 August 24, 2021. Terrien 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 June 26, 2007. Witzig seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at land off Daniels Road (Map 9, Parcel/Lot 23) filed by Falcon Ridge Associates LLC: Proposed soil evaluations for design of stormwater management facilities possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. Ms. Maureen Herald of Norse Environmental, who was in attendance on behalf of the Applicant, explained that the soil evaluation was for exploratory purposes to determine possible development. The work would be done to meet Planning Board requirements. She advised that the soil evaluations were exempt under the Wetlands Protection Act but were jurisdictional under the Town of Rowley Wetland Bylaw. Shinnick asked why this activity would be exempt under the WPA. Ms. Herald stated that under the Regulations, soil testing was considered a temporary and minor activity. Agent Baeslack advised that it has been the Commission's position that soil testing was not temporary or minor under either the WPA or the Town's Wetlands Bylaw. He recommended that the Applicant may want to consider a discussion with the Board of Health regarding the proposed test pits that were within the 100' Buffer Zone since BOH regulations do not allow installation of septic systems within the 100' Buffer Zone. Shinnick asked Agent Baeslack to read his memo dated September 14, 2021 for the record. Agent Baeslack reviewed the recommended conditions. He explained the conversation he had with the Applicant, who had advised that work would be done with a medium-sized tracked excavator and had suggested that stump grinding material be used to protect crossings (2) in wetland areas. The Commission asked Ms. Herald about removing the test pits that were within the 100' Buffer Zone. Ms. Herald suggested that the test pits remain for planning purposes and they would

only be testing in areas in the outer 50' of the Buffer Zone. The Commission was agreeable to leaving the test pits as presented on the condition that they were 50 feet or more away from the delineated wetland line.

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

Request for Determination of Applicability at 6 Taylor Lane (Map 12, Parcel 3, Lot 3) filed by Falcon Ridge Associates LLC: Proposed grading for the construction of a septic system to service a single family residence possibly within 100' Buffer Zone of Bordering Vegetated Wetlands. Ms. Maureen Herald of Norse Environmental, who was in attendance on behalf of the Applicant, gave a project overview. The Commission reviewed Agent Baeslack's memo dated September 14, 2021. Agent Baeslack advised that some minor changes had been made to allow for the squaring off of the lot to accommodate a fence installation for a proposed in-ground pool and slightly larger yard. Baeslack suggested that a revised plan should not be needed since the change was not a structural change and he considered it minor. There was a brief discussion regarding the pool location which had not been depicted on the plan in relation to the reserve area.

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

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

A quorum was not available for the next two hearings due to Terrien's recusal. The Commission advised Mr. James Decoulos, who was in attendance on behalf of the Applicant, that he could provide an update regarding discussions with other Boards but no further deliberations could be made by the Commission. Mr. Decoulos gave a status report on his meetings with the Board of Health, Planning Board, and Board of Selectmen.

Continued Request to Amend Order of Conditions DEP #63-0625 at land off Daniels Road (Map 9, Parcel/Lot: Proposed project change for 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 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 meeting of September 14, 2021.

Shinnick moved to continue the public hearing as requested by the Applicant to the meeting of October 5, 2021. Streiff seconded and the motion passed by a roll call vote of three (3) 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 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 meeting of September 14, 2021.

Shinnick moved to continue the public hearing as requested by the Applicant to the meeting of October 5, 2021. Streiff seconded and the motion passed by a roll call vote of three (3) yeas.

Commissioner Terrien **returned** to the meeting.

Adjournment:

Accomplished at 8:26 PM by a motion made by Witzig. Terrien seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent