

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, October 26, 2021  
TOWN HALL ANNEX, 39 CENTRAL STREET  
**APPROVED: 11/16/2021****

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

**Administrative:** The Commission approved the payroll and vendor bills which had been distributed and reviewed prior to the meeting.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Haag moved to accept the Minutes of October 5, 2021. Streiff 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 August 7, 2007. Terrien seconded and the motion passed unanimously by roll call vote.

**Open Space Deed for Falcon Ridge OSRD** – Agent Baeslack updated the Conservation Commission on the status of the review with Conservation Office and Town Counsel. Agent Baeslack presented the final version of the deed that had been presented to Applicant’s counsel. The Commission reviewed the proposed deed and deemed it acceptable based on Town Counsel’s input. Agent Baeslack stated he had to review the subdivision plan set and note locations for the placement of iron rods to mark boundary points where open space was abutting private lots.

Vogel moved to accept the deed for open space as part of the Falcon Ridge OSRD contingent upon installation of iron rods marking the boundaries and Board of Selectmen acceptance. Haag seconded and the motion passed unanimously by roll call vote.

**Tax Title Parcel – land off Daniels Rd. (Map 9, Parcel/Lot 37):** The Commission discussed the possibility of having this parcel transferred to the care and custody of the Conservation Commission. Agent Baeslack gave a parcel description (unharvested woodlands) and the reason for taking custody to provide future connectivity from open space by Daniels Road to the currently protected Dodge Reservation (Taylor Brook corridor).

Vogel moved to send a letter of request to the Board of Selectmen transferring land off Daniels Rd. (Map 9, Parcel/Lot 37) to care and custody of the Commission with Town

Meeting Article support. Terrien seconded and the motion passed unanimously by roll call vote.

**Tax Title Parcel – 347 Wethersfield St. (Map 19, Parcel 8, Lot 16):** The Commission discussed the possibility of having this parcel transferred to the care and custody of the Conservation Commission. Agent Baeslack gave a parcel description and the reasoning for taking custody. He advised that this parcel would need to have the previous owner's fill and scattered man-made debris removed. The Commission discussed the merits of transferring the property and the clean-up costs.

Haag moved to send a letter of recommendation to the Board of Selectmen for the transfer of 347 Wethersfield St. (Map 19, Parcel 8, Lot 16) to care and custody of the Commission pending investigation of clean-up costs. Streiff seconded and the motion passed unanimously by roll call vote.

**Request for Determination of Applicability at 570 Main Street (Map 31, Parcel 16, Lot 2A) filed by Steve Hardy:** Proposed construction of a 24' x 24' garage with 8' x 10' breezeway and reconstruction of an existing railroad tie wall with restoration of front lawn possibly within the 100' Buffer Zone to Border Vegetated Wetlands. Owner Steve Hardy was in attendance as was Ms. Tracy Sharkey of Guaranteed Builders, Inc. who gave the Commission a brief project overview. Ms. Sharkey confirmed receipt of Agent Baeslack's memo dated October 26, 2021 and agreed with the conditions outlined. Agent Baeslack gave a verbal report on the pre-meeting site inspection. The Commission reviewed Agent Baeslack's memo dated October 26, 2021 with recommendations for conditions.

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

**Stormwater Management Permit Application at 244 Haverhill Street (Map 14, Parcel/Lot 5) filed by Cole Landscaping Inc.:** Proposed redevelopment including removal of existing concrete and pavement, new landscaping, new bulk outdoor storage bins, salt storage building, creation of stoned detention/settling pond, and stabilization of existing gravel areas with crushed stone. Total site disturbance is approximately 68,500 square feet (1.57 acre). This Application was filed in response to the issuance of a Stormwater Management Enforcement Order requirement (see next agenda item). Mr. Greg Cole of Cole Landscaping and Mr. George Zambouras of Atlantic Engineering were in attendance. Mr. Zambouras provided the Commission with a brief project overview. Agent Baeslack gave a verbal report on the pre-meeting site inspection with recommendations for conditions. He noted the property owner immediately took recommended steps as suggested by the Agent at the first site visit and then ceased development activities as directed.

Streiff moved to issue a Stormwater Management Permit #50-2021 with conditions as discussed. Haag seconded and the motion passed unanimously by roll call vote.

**Enforcement Order for 244 Haverhill Street (Map 14, Parcel/Lot 5) Cole Landscaping Inc.:** For disturbance of approximately 49,000 square feet of surface area including removal

of existing asphalt paving and concrete, grading of same, and importation crushed stone. Excavation of drainage basin and construction of a stone and crushed rock berm at rear of property. Failure to manage a soil stockpile and deploy erosion controls to mitigate sediment laden run off.

Terrien moved to confirm and ratify the Enforcement Order. Vogel seconded and the motion passed unanimously by roll call vote.

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

**Abbreviated Notice of Resource Area Delineation at land off Daniels Road (Map 9, Parcel/Lot 23) owned by Tompkins Desjardins Trust, filed by Robert Nixon of Taylor Lane LLC:** Proposed delineation of regulated wetland resource areas. Agent Baeslack presented a request from the Applicant's representative, Ms. Maureen Herald of Norse Environmental, that the hearing be continued to the meeting of October 26, 2021. The request was made to allow the field verification of the delineation to continue.

Haag moved to continue the public hearing with the Applicant's consent to the meeting of November 16, 2021. Streiff seconded and the motion passed by a roll call vote of four (4) yeas.

Commissioner Terrien **returned** to the meeting.

The Chairman opened the following four (4) hearings to be discussed concurrently. The discussions continued past the posted time for the last hearing. Agent Baeslack presented a request to continue to the meeting of November 16, 2021 submitted by the Applicant's representative.

**Notice of Intent at 35 Prospect St. Lot #1 (Map 15, Parcel 77, Lot 1) owned by Pine Tree Realty Trust filed by Michael McNiff of MPM Companies, LLC:** Proposed construction of a single family dwelling with associated driveway, utilities and grading within the 100' Buffer Zone to Bordering Vegetated Wetlands.

**Notice of Intent at 35 Prospect St. Lot #2 (Map 15, Parcel 77, Lot 2) owned by Pine Tree Realty Trust filed by Michael McNiff of MPM Companies, LLC:** Proposed construction of a single family dwelling with associated driveway, utilities and grading within the 100' Buffer Zone to Bordering Vegetated Wetlands.

**Notice of Intent at 35 Prospect St. Lot #3 (Map 15, Parcel 77, Lot 3) owned by Pine Tree Realty Trust filed by Michael McNiff of MPM Companies, LLC:** Proposed construction of a single family dwelling with associated driveway, utilities and grading within the 100' Buffer Zone to Bordering Vegetated Wetlands.

**Notice of Intent at 35 Prospect St. Lot #4 (Map 15, Parcel 77, Lot 4) owned by Pine Tree Realty Trust filed by Michael McNiff of MPM Companies, LLC:** Proposed construction of a single family dwelling with associated driveway, utilities and grading within the 100' Buffer Zone to Bordering Vegetated Wetlands.

Vogel moved to continue the four (4) hearings for 35 Prospect Street as requested by the Applicant to the meeting of November 16, 2021. 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:** Proposed project change for 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 within the 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. James Decoulos was in attendance and updated the Commission on the project status and requested the hearing be continued to the November 16, 2021 meeting to allow for review of the newly submitted materials.

Vogel moved to continue the public hearing as requested by the Applicant to the meeting of November 16, 2021. Haag seconded and the motion passed by a roll call vote of four (4) 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. Mr. James Decoulos was in attendance and updated the Commission on the project status and requested the hearing be continued to the November 16, 2021 meeting to allow for review of the newly submitted materials.

Streiff moved to continue the public hearing as requested by the Applicant to the meeting of November 16, 2021. Haag seconded and the motion passed by a roll call vote of four (4) yeas.

Commissioner Terrien **returned** to the meeting.

**Request for Certificate of Compliance for 699 Haverhill Street (Map 8, Parcel/Lot 27)  
#63-0678 issued to Lucia-Herrick Realty Trust submitted by North Coast Construction:**

For construction of a single family dwelling, driveway, utilities, clearing and grading possibly within the 200' Riverfront Area of unnamed stream and 100' Buffer Zone of Bordering Vegetated Wetlands. Agent Baeslack requested that this item be continued to the meeting of November 16, 2021 to allow for a final site inspection.

Haag moved to continue this item to the meeting of November 16, 2021. Streiff seconded and the motion passed unanimously by roll call vote.

**Adjournment:**

Accomplished at 9:28 PM by a motion made by Shinnick. Haag seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent