

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, November 16, 2021
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 12/7/2021

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Jena Haag, Howard Terrien,
Howard Vogel and Ann Witzig
Absent: N/A
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 26, 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 August 28, 2007. Witzig seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at 27 Mehaffey Lane (Map 2, Parcel 5, Lot 4) filed by David Cantone: Proposed construction of a 16' x 32' in ground pool with a 6'-12' variable width surrounding patio possibly within the DEP Approved Groundwater Protection Area Zone II and the 100' Buffer Zone to Isolated Vegetated Wetlands. No one was in attendance to represent the Applicant. Agent Baeslack presented the project and reviewed his memo dated November 15, 2021 with recommendations for special conditions managing the pool water and pool maintenance. He noted the possible vernal pool down gradient from the proposed in ground pool location.

Vogel moved to issue a Positive Determination Option #5 and Negative Determination Option #3 with conditions as discussed. Haag seconded and the motion passed unanimously by roll call vote.

Stormwater Management Permit Application at 14 Bell Circle (Map 6, Parcel 10, Lot 16) filed by John Gikas: Proposed construction of a single family dwelling, associated driveway, subsurface sewage disposal system, stormwater facilities, utilities, and grading. Total site disturbance is approximately 36,950 (0.85 acres). Mr. Nick Gikas, Mr. John Gikas and Ms. Allison Gikas were in attendance and Mr. Nick Gikas gave a brief project overview. The Commission reviewed Agent Baeslack's memo dated November 11, 2021 with recommendations for conditions typical for single family dwelling construction.

Terrien moved to issue the Stormwater Management Permit with conditions as discussed. Haag seconded and the motion passed unanimously by roll call vote.

Stormwater Management Permit Application at 19, 25, 35 & 47 Prospect Street (Map 15, Parcel 77, Lots 1-4) owned by Pine Tree Realty Trust filed by Michael McNiff of MPM Companies, LLC: Proposed construction of four (4) single family dwellings with associated driveways, subsurface sewage disposal systems, utilities, and grading. Total site disturbance is approximately 107,237 (2.46 acres). Mr. Bob Griffin of Griffin Engineering was in attendance on behalf of the Applicant and gave a brief description of the work being conducted on the entire lot which necessitated the filing for a Stormwater Management Permit. Agent Baeslack provided comments from his memo with recommendations for appropriate special conditions. The Commission and Applicant agreed to create drainage easements for the SMP BMPs.

Vogel moved to issue the Stormwater Management Permit with conditions as discussed. Haag seconded and the motion passed unanimously by roll call vote.

The Chairman opened the following four (4) hearings to be discussed concurrently. The discussions continued past the posted time for the last hearing. Mr. Bob Griffin of Griffin Engineering was in attendance on behalf of the Applicant. He advised that new plans had been submitted for each individual lot. Agent Baeslack presented some suggested plan revisions. On all lots, he recommended closer spacing of resource area signage.

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.

Streiff moved to issue an Order of Conditions for 19, 25, 35 and 47 Prospect Street with conditions as discussed and contingent upon receipt of revised plans within fourteen (14) days. Witzig seconded and the motion passed unanimously by roll call vote.

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 December 7, 2021. The request was made to allow for the finalization of plans.

Witzig moved to continue the public hearing as requested by the Applicant to the meeting of December 7, 2021. Streiff seconded and the motion passed unanimously by a 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, Applicant's Representative, was in attendance and updated the Commission on the project status and requested the hearing be continued to the December 7, 2021 meeting to allow for finalization of newly submitted materials.

Vogel moved to continue the public hearing as requested by the Applicant to the meeting of December 7, 2021. Haag seconded and the motion passed by a roll call 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 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. Applicant's Representative James Decoulos was in attendance and updated the Commission on the project status and requested the hearing be continued to the December 7, 2021 meeting to allow for finalization of newly submitted materials.

Streiff moved to continue the public hearing as requested by the Applicant to the meeting of December 7, 2021. Haag seconded and the motion passed by a roll call vote of five (5) yeas.

Commissioner Terrien **returned** to the meeting.

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. Mr. Said Abuzahra and Mr. Thomas Swanson were in attendance on behalf of the Applicant. The Commission reviewed Agent Baeslack's email dated November 16, 2021, which included some minor remaining

conditions and a recommendation to issue the Partial Certificate of Compliance contingent upon field verification that the remaining issues had been resolved. Agent Baeslack advised that hard copies of the materials submitted were also needed.

Witzig moved to issue a Partial Certificate of Compliance contingent upon field verification of the site conditions. Terrien seconded and the motion passed unanimously by roll call vote.

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

Proposed 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. No one was in attendance on this matter. The Commission reviewed Agent Baeslack's memo with a recommendation to issue the Certificate of Compliance contingent upon receipt of revised plan.

Vogel moved to issue a Complete Certificate of Compliance for DEP #63-0678 contingent upon receipt of revised plan and field verification of placement of correct signage and installation of downspout overflows. Haag seconded and the motion passed unanimously by roll call vote.

Enforcement Order for 31 Red Pine Way (Map 4, Parcel/Lot 35) Bryan D. Cahill owned by Tompkins Desjardins Trust: Cutting vegetation (altering), stumping, grading and earth disturbance of Bordering Vegetated Wetlands (BVW) (310 CMR 10.55, 100' Buffer Zone to BVW (310 CMR 10.53), and 200' Riverfront Area to Muddy Brook (310 CMR 10.58) along the existing Red Pine Way (private easement) with an approx. cumulative total disturbance exceeding 5000 square feet. Failure to use appropriate erosion controls and possible culverting of an intermittent stream without proper permitting. Use of potentially contaminated fill (reprocessed asphalt) within resource areas and adjacent to flowing surface water. Mr. Brian Cahill and his representative, Mr. William Manuell of Wetlands and Land Management, were in attendance. Mr. Manuell provided a brief overview of the proposed restoration work and advised that he would be unavailable from November 25 to December 6 to prepare the required restoration plan for December 7, 2021. He requested additional time but advised that there were tasks that could be accomplished prior to the January 4, 2022 meeting. Mr. Cahill confirmed that the dislodged solitary tree stumps had been collected and removed for appropriate disposal as directed at the site visit.

Streiff moved to confirm and ratify the issued Enforcement Order and amend submittal date for the restoration plan to January 4, 2022. Terrien seconded and the motion passed unanimously by roll call vote.

Adjournment:

Accomplished at 9:11 PM by a motion made by Shinnick. Haag seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent