

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, December 7, 2021
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 1/4/2022

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, Witzig moved to accept the Minutes of November 16, 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 September 18, 2007. Haag seconded and the motion passed unanimously by roll call vote.

Acceptance of Gift of Land 28 Glen Street (Map 21, Parcel 5, Lot 1) from Mr. Philip McGowan: The Commission reviewed the draft Deed for the transfer of the Philip McGowan land gift. The Commission reviewed Agent Baeslack's December 7, 2021 memo. The Commission approved, agreed and signed the Deed to accept the land. The Commission expressed its thanks to Mr. McGowan for gifting the land.

Haag moved to accept and sign the Deed for the transfer of 28 Glen Street. Streiff seconded and the motion passed unanimously by roll call vote.

Discussion of possible sale of 36 School Street (Map 24, Parcel/Lot 120): The Commission reviewed Agent Baeslack's memo dated December 7, 2021 recommending a drainage easement for the storm treatment system be included in any deed to transfer the property. He asked for guidance on how to proceed regarding the incursion onto the property from an abutting property. The Commission agreed with Agent Baeslack's assessment and asked that he proceed with the coordination of the Board of Selectmen's Office.

Request to Remove Trees on Ice Pond Conservation Area - Mr. Mark Leff at 19 Ice Pond Dr. (Map 5, Parcel 9, Lot 3): Agent Baeslack submitted a request from Mr. Mark Leff of 19 Ice Pond Drive to remove three (3) pine trees which bordered his property on the Ice Pond Conservation Area. Mr. Mark Leff was in attendance to answer questions from the

Commission. The Commission reviewed Agent Baeslack's memo dated December 7, 2021. The Commission agreed to the removal of the three (3) trees with the condition that two (2) replacement trees be planted on the conservation land. Mr. Leff agreed to this condition.

Vogel moved to approve removal of three (3) trees as discussed with the condition that two (2) replacement trees be planted. Haag seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at 29 Bob Merry Lane (Map 12, Parcel 3, Lot 17) filed by Falcon Ridge Associates LLC: Proposed installation of driveway, grading and associated utilities for a single family home possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Ms. Maureen Herald of Norse Environmental, Applicant's Representative, who was in attendance gave the Commission a brief project overview. The Commission reviewed Agent Baeslack's memo dated December 7, 2021 which included recommendations for conditions.

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

Request for Determination of Applicability at 248 Newbury Road (Map 1, Parcel/Lot 20) including land off Newbury Road (Map 1, Parcel/Lots 21 and 22; Map 6, Parcel/Lot 16) filed by John Colantoni of Triple Q, Inc. owned by Doria Weymouth and Lucia Herrick Realty Trust: Proposed soil evaluations possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands, 100' Vernal Pool Habitat Area, and NHESP Priority Habitats of Rare Species. Mr. John Colantoni of Triple Q and his representative, Mr. Bill Manuell of Wetlands and Land Management, were in attendance. Mr. Manuell gave a brief overview on how the soil evaluations would be conducted and advised that a protocol for endangered species protection would be implemented because the Natural Heritage had designated the area as habitat for Blandings turtles. The Commission reviewed Agent Baeslack's memo dated December 7, 2021 which included recommendations for conditions and incorporated the turtle protection protocols submitted.

Vogel moved to issue a Determination Positive Option #5 and Negative Option #3 with conditions as discussed. Haag 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 January 4, 2022 meeting to allow for final plan revisions.

Streiff moved to continue the public hearing as requested by the Applicant to the meeting of January 4, 2022. Terrien seconded and the motion passed unanimously by a roll call vote.

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

The Commission opened the hearings for the following two items simultaneously:

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 reviewed the plan revisions with the Commission. He requested the hearing be continued to the January 4, 2022 meeting to allow for finalization of the Peer Review Report.

Haag moved to continue the public hearing as requested by the Applicant to the meeting of January 4, 2022. Witzig seconded and the motion passed by a roll call vote of five (5) yeas.

Continued Notice of Intent DEP file #63-0715 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 advised that the project had been issued a DEP number. He reviewed the revisions to the plan previously submitted and requested the hearing be continued to the January 4, 2022 meeting to allow for finalization of Peer Review Report.

Haag moved to continue the public hearing as requested by the Applicant to the meeting of January 4, 2022. Witzig seconded and the motion passed by a roll call vote of five (5) yeas.

Commissioner Terrien **returned** to the meeting.

Adjournment:

Accomplished at 9:54 PM by a motion made by Haag. Terrien seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent