

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, August 20, 2019
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 10/22/2019**

Present: Vice Chair Sam Streiff, Judy Kehs and Howard Vogel
Absent: Chair Daniel Shinnick, Robert Garner
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 7:30 PM (all Legal ads were read to open new agenda items at time noticed).

In the absence of the Chair, Vice Chair Sam Streiff conducted the meeting.

Administrative: Commissioners reviewed and authorized the payroll and reimbursement of various Vendor Bill requests.

New Request for Determination of Applicability 113 Newbury Rd (Map 5, Parcel/Lot 52) Alfred P. McGrath Trust: Proposed soil evaluations for subsurface sewage disposal system design and installation possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and DEP Approved Groundwater Protection Area Zone II. Mr. Thomas Mannelta of Thomas Mannelta Inc., as the applicant's representative, was in attendance to present the project and answer questions from the Commission. The Commission reviewed Agent Baeslack's memo dated August 20, 2019 with a recommendation for the issuance of a Negative Determination option #3 with special conditions.

Kehs moved to close the public hearing and issue a Negative Determination option #3 with the special conditions as discussed. Vogel seconded and the motion passed unanimously.

New Notice of Intent application land off Kathleen Circle (Map 7, Parcel/Lot 17) Gateway II Trust of 1997, John Coughlin: Proposed construction of a subsurface 8" Cement-mortar Lined Ductile Iron water main connection from Forest Ridge Drive to Kathleen Circle and associated staging area possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. John Coughlin, Trustee of Gateway II Trust, and his representative, Mr. Charles Wear III of Meridian Associates, were in attendance to present the project and answer any questions from the Commission. The Commission reviewed Agent Baeslack's memo dated August 20, 2019 with recommendations for plan revisions. Agent Baeslack verbally gave a recommendation to issue an Order of Conditions with special conditions contingent upon receipt of revised plans. Mr. Robert Kempton of 43 Kathleen Circle addressed the Commission and advised he wanted to state for the record that the easement in question was a "private drainage" easement and not a "public utility corridor". He did not believe it was meant for a water main. Agent Baeslack advised that the application before the Commission did not include Mr. Kempton's property at 43 Kathleen

Circle or the property at 47 Kathleen Circle and that no private properties were part of the application although the full project would affect individual properties. Mr. Coughlin stated he would be arranging a homeowners' meeting with the Water Department to address questions the Commission could not address.

Vogel moved to close the public hearing and issue an Order of Conditions with the special conditions discussed contingent upon receipt of revised plans within ten (10) business days and review/approval. Kehs seconded and the motion passed unanimously.

Status Reports: Permits & Enforcement

- **34 Dodge Road (Map 5, Parcel 104, Lot 3) Guiseppe Guigliano, owner** - Depositing fill containing construction and demolition debris in violation of issued permit SMP #24-2017. No one was in attendance to answer questions from the Commission. Agent Baeslack gave a verbal report that no communication had been received from the property owner and that confirmation of delivery of the notice of a fine had not been received from the Post Office. The material was still in place. The Commission briefly discussed what the procedure would be going forward. At this time, there is no further action for the Commission.
- **579 Wethersfield Street (Map 11, Parcel 58, Lot 6) Gregory Kassiotis owner** - Depositing manure and stall sweepings in local regulated wetland resource areas. Agent Baeslack gave a verbal report on the actions taken to return to compliance on the property and asked that the Commission vote to issue a Return to Compliance Letter.

Vogel moved to issue a Return to Compliance Letter. Kehs seconded and the motion passed unanimously.

- **53 Emily Lane (Map 9, Parcel 23, Lot 23) Pavel N. Bukhovko** - Ownership change without resolving Enforcement matters. Owners, Mr. and Mrs. Pavel Bukhovko, were in attendance to answer questions from the Commission. Mr. Bukhovko explained they had recently purchased the property and had tried to have the previous owner resolve the outstanding compliance issues. It became clear that this was not going to happen, and they moved forward with the sale and were going to proceed to resolve the issues themselves. Mr. Bukhovko advised they had contracted Atlantic Engineering to assist in getting the compliance issues resolved. Agent Baeslack gave a verbal report on the compliance issues and advised that there were currently two (2) outstanding Orders. He advised he had received a confirmation letter from Atlantic Engineering of their hiring to resolve the compliance issues. He recommended that Enforcement Orders be issued for the lack of a Certificate of Compliance on the two outstanding Orders. This would put the new owners' names on record and preserve the Commission's authority to require the new owners' to resolve the issues.

Vogel moved to issue two (2) Enforcements Orders for DEP #63-0434 and #63-0564 for lack of a Certificate of Compliance. Kehs seconded and the motion passed unanimously.

- **20 Cindy Lane (Map 6, Parcel 10, Lot 9-1) Paul Imbriano** – Failure to resolve violations with issued Order and obtain Certificate of Compliance DEP #63-0553 since November 19, 2018. Attorney James Juliano of Scafidi Juliano, LLP was in attendance as the property owner's representative to answer questions from the Commission. Agent Baeslack gave a verbal report of the outstanding compliance issues and advised that no Certificate of Compliance had been obtained. He recommended that an Enforcement Order be issued to allow for the compliance matters to be resolved. Mr. Juliano also addressed the Commission and advised a site visit had already been scheduled and the property owner's had every intention to resolve any compliance issues and close out the outstanding Order.

Kehe moved to issue an Enforcement Order for DEP #63-0553 for lack of a Certificate of Compliance. Vogel seconded and the motion passed unanimously.

Adjournment:

Accomplished at 9:12 PM by a motion made by Vogel. Kehe seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent