

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, April 19, 2022
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 5/11/2022**

Present: Vice Chair Sam Streiff, Jena Haag, Howard Terrien, and Howard Vogel
Absent: Chair Daniel Shinnick and 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). The remote meeting was held pursuant to Governor Baker's March 12, 2020 Order, as Extended on June 15, 2021, with the Governor's signing of Senate Bill # 2475, suspending certain provisions of the Open Meeting Law. The public may not physically attend this meeting, but every effort will be made to allow the public to view the meeting in real time.

In the absence of the Chairman, Vice Chair Sam Streiff chaired the meeting.

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 March 29, 2022. 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 March 21, 2006. Terrien seconded and the motion passed unanimously by roll call vote.

Administrative Discussions:

Saunders Lane Parcel "A" (Map 17, Parcel 36, Lot 28) Open Space Acceptance – The Commission reviewed Agent Baeslack's email dated April 19, 2022 which provided a history of the parcel as related to the Developer, Rowley Pines Trust and Town Counsel's review of current title deficiencies in considering acceptance.

Haag moved to accept Open Space designated as Parcel "A" with the deed as presented. Terrien seconded and the motion passed unanimously by roll call vote.

Volunteer Invasive Plant Species Suppression Project by Szczechowicz Landscape Services Inc. & Greener Solutions LLC at Dodge Reservation on Smith Lane near trail intersection #8 – Agent Baeslack presented a proposal from Szczechowicz Landscape Services to perform volunteer invasive plant species suppression at the Dodge Reservation. Agent Baeslack noted that he anticipated that insurance liability coverage

would need to be addressed using the same criteria recently communicated from the Selectmen's office for entry into the Dodge Reservation.

Haag moved to authorize the work as discussed and directed the Agent to contact other Departments for potential requirements. Terrien seconded and the motion passed unanimously by roll call vote.

The Commission opened the next two hearings concurrently.

Notice of Intent DEP #63-0733 at land off Stackyard Rd Tower #1 (Map 36, Parcel/ Lot 1) filed by Marine Biological Laboratory owned by MA Division of Fisheries & Wildlife: Proposed placement of an eddy flux tower and monitoring equipment on wooden platforms with temporary walkways (existing) possibly within Salt Marsh, Great Marsh ACEC, Land Subject to Coastal Storm Flowage, Riverfront Area and Priority or Estimated Habitats of rare species (NHESP). Mr. Michael DeRosa of DeRosa Environmental Consulting was in attendance and advised that a letter from NHESP had been received. Agent Baeslack reviewed recommended conditions from DEP.

Vogel moved to close the public hearing and issue an Order of Conditions with special conditions as discussed previously. Terrien seconded and the motion passed unanimously by roll call vote.

Notice of Intent DEP #63-0731 at land off Low Country Tower #2 (Map 37, Parcel/ Lot 25) filed by Marine Biological Laboratory owned by U. S. Fish & Wildlife Service: Proposed placement of an eddy flux tower and monitoring equipment on wooden platforms with temporary walkways (existing) possibly within Salt Marsh, Great Marsh ACEC, Land Subject to Coastal Storm Flowage, Riverfront Area and Priority or Estimated Habitats of rare species (NHESP). Mr. Michael DeRosa of DeRosa Environmental Consulting was in attendance. Agent Baeslack advised that a letter from NHESP had been received and a DEP file number issued.

Haag moved to close the public hearing and issue an Order of Conditions with special conditions as discussed previously. Terrien seconded and the motion passed unanimously by roll call vote.

The Commission opened the next two hearings concurrently.

Notice of Intent DEP #63-0732 at 85 Newburyport Turnpike (Map 14, Parcel 22, Lot 3) filed by Elmer Palencia: Proposed construction of commercial landscaping offices 20' x 40', phased vehicle storage and service area buildings, bulk material storage, paved parking area and access drive possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and DEP Approved Groundwater Protection Area Zone II. Mr. Nicholas Betts of Meridian Associates was in attendance on the applicant's behalf. He advised that he had received Agent Baeslack's comments which would be addressed and requested a continuance.

Terrien moved to continue the public hearing as requested by Applicant to the meeting of May 11, 2022. Haag seconded and the motion passed unanimously by roll call vote.

Stormwater Management Permit Application SMP #53-2022 at 85 Newburyport Turnpike (Map 14, Parcel 22, Lot 3) filed by Elmer Palencia: Proposed construction of commercial landscaping offices 20' x 40', phased vehicle storage and service area buildings, bulk material storage, paved parking area and access drive. Total site disturbance is approximately 165,530 square feet (3.8 acres) with 29,220 square feet at a slope greater than 15%. See narrative above. Mr. Nicholas Betts of Meridian Associates was in attendance on the applicant's behalf and requested a continuance.

Streiff moved to continue the public hearing as agreed by Applicant to the meeting of May 11, 2022. Haag seconded and the motion passed unanimously by roll call vote.

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

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, requested that the hearing be continued to the meeting of April 19, 2022.

Vogel moved to continue the public hearing as requested by the Applicant to the meeting of May 11, 2022. Haag seconded and the motion passed by a roll call vote of three (3) yeas.

Howard Terrien **returned** to the meeting.

Status Reports: Permits & Enforcements

Enforcement Order 45 Stackyard Road (Map 33, Parcel/Lot 16) David S. Hayes: Altering by clearing the 100' Buffer Zone to Bordering Vegetated Wetlands and Salt Marsh, possible land disturbance. Siting a mobile home trailer and upgrading an existing seasonal camp building without appropriate permitting review within Land Subject to Coastal Storm Flowage and the Great Marsh ACEC per state Wetlands Protection Act and the Town's Wetlands Protection Bylaw. Mr. David Hayes was in attendance. Agent Baeslack gave a report on the current conditions and suggested recommendations for resolving the issues. Mr. Hayes agreed to work with the Agent to bring the site into compliance.

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

Enforcement Order 20 Central Street (Map 25, Parcel/Lot 7) TRS Ox Brook Real Estate TRS Gerald N. Fandetti, Trustee: Alteration (cutting vegetation) of bank and 100' Buffer Zone to stream 310 CMR 10.02, placement of fill in Bordering Land Subject to Flooding 310 CMR 10.57, altering 200' Riverfront Area of Ox Pasture Brook 310 CMR 10.58. Mr. Michael DeRosa

of DeRosa Environmental Consulting was in attendance on behalf of the property owner. Agent Baeslack gave a report on the work which had been done without a review by the Conservation office or the Commission or a valid Determination or Order of Conditions. Mr. DeRosa explained that his firm had been engaged to address the violations and outlined how this would be accomplished. He anticipated that an “after the fact” Notice of Intent application would be prepared and filed. Agent Baeslack asked that the matter be continued to July 12, 2022 to allow the property owner time to respond and submit the application.

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

Adjournment:

Accomplished 8:47 PM by a motion made by Terrien. Haag seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent