

**CONSERVATION COMMISSION
MINUTES of MEETING
Wednesday, May 11, 2022
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 5/31/2022**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Howard Terrien, Howard Vogel and Ann Witzig
Absent: Jena Haag
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.

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 April 19, 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 April 4, 2006. Terrien seconded and the motion passed unanimously by roll call vote.

Administrative Discussion(s):

Emergency Certificate 41 Emily Lane (Map 9, Parcel 23, Lot 25) Tompkins-Desjardins Trust – Temporary breaching of beaver dam. Agent Baeslack reported he had been advised by the Board of Health about water level concerns at Emily Lane due to beaver activity. A request was made to temporarily breach the dam in order to lower the water level to facilitate the trapping of the beavers. An Emergency Certificate had been issued and Agent Baeslack requested that the Commission confirm this action.

Vogel moved to confirm the issuance of the Emergency Certificate. Witzig seconded and the motion passed unanimously by roll call vote.

Request to Determine Applicability at 8 Taylor Lane (Map 12, Parcel 3, Lot 4) filed by owner Michael Madden: Proposed filling of approximately 4,000 sq. ft. to establish a maintained lawn and fencing of perimeter possibly within the 100’ Buffer Zone to Bordering Vegetated Wetlands. Mr. Michael Madden was in attendance and gave a brief proposed project overview of the work. Agent Baeslack gave a verbal report with site visit

photographs. The Commission reviewed Agent Baeslack's memo dated May 11, 2022 with recommendations for conditions.

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

Notice of Intent DEP #63-0735 at 221 Boxford Road (Map 2, Parcel 19, Lot E) filed by Melissa Ann & Richard LeBel: Proposed installation of a 12' x 24' above ground pool with 2' deck and "after the fact" installation of a 12' x 20' shed and a 20' x 20' deck possibly within the 100' Buffer Zone to Bordering Vegetated Wetland and 200' Riverfront Area of the Mill River. Mr. Richard LeBel and Mrs. Melissa Ann LeBel were in attendance. Mr. LeBel presented the Commission with a description of the proposed work. Agent Baeslack gave a verbal report on the "after-the-fact" portion of the application. He explained that an Amended Order of Conditions DEP #63-0142 had been issued in 1993 that required a Notice of Intent for all work within the 100' Buffer Zone of the Bank of the Mill River. The shed installation and original construction of the deck had not been reviewed or permitted previously by the Commission. Agent Baeslack had advised the LeBels to include those items with the application for the pool and deck expansion so that everything would be documented. The Commission reviewed Agent Baeslack's memo dated May 11, 2022 with recommendations for conditions.

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

Notice of Intent DEP #63-0734 at 40 Independent St. & 47 Summer St. (Map 15, Parcel/Lots 3 & 16) filed by Deborah Eagan, Town Administrator, Town of Rowley: Proposed construction of stormwater infiltration Best Management Practices (BMPs) and fill and stabilize an area of eroded bank at an outfall possibly within 100' Buffer Zone to Bordering Vegetated Wetlands and 200' Riverfront Area of Ox Pasture Brook. Mr. Nick Cristofori of Comprehensive Environmental Inc. (CEI) was in attendance on behalf of the applicant and presented the project to the Commission. The project goal to intercept stormwater runoff and infiltrate it to lessen the amount being discharged from both sites to Ox Pasture Brook by the existing single catch basin. Various components of the work were discussed. The Commission reviewed Agent Baeslack's memo dated May 11, 2022 with recommendations for conditions.

Witzig moved to issue an Order of Conditions with special conditions as discussed. Streiff 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 and advised that previous comments had been addressed and revised materials submitted. Agent Baeslack stated he had reviewed all the new submittals and recommended the hearing be closed and an Order of Conditions be issued that would also address the compliance issue involved with the issued Wetlands Enforcement Order.

Vogel moved to issue an Order of Conditions with appropriate conditions for a commercial project in a Zone II. Terrien 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%. Mr. Nicholas Betts of Meridian Associates was in attendance on the applicant's behalf.

See above narrative and comments.

Witzig moved to issue the SMP with appropriate conditions for a commercial project in a Zone II as discussed. Streiff 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 23) filed by James Decoulos of Danielsville LLC: 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. Agent Baeslack presented a request from Mr. James Decoulos of Danielsville LLC to continue the hearing to the meeting of May 31, 2022.

Streiff moved to continue the public hearing as requested by the Applicant to the meeting of May 31, 2022. Witzig seconded and the motion passed by a roll call vote of four (4) yeas.

Howard Terrien **returned** to the meeting.

Project Comment Requests:

Earth Removal Application for 77 Dodge Road (Map 9, Parcel/Lot 34) Herrick Farm Trust – Agent Baeslack reported on an Earth Removal Application on which the Town Administrator Deborah Eagan had asked him for comments and to conduct a site visit with the Applicant. Agent Baeslack advised that the application lacked the needed details to consider a site visit at this time. He recommended that approval of the application be continued until more information was provided. Agent Baeslack stated that the Planning Board had submitted similar comments to the Town Administrator. No action was required from the Conservation Commission at this time.

Katie Ln Subdivision 510 Newburyport Tnpk. (Map 19, Parcel 8, Lot 4A) Taylor Lane LLC
– Agent Baeslack gave a brief description of the proposed work and site history. He advised he had not submitted comments to the Planning Board and that he had concerns with the current Plan because it would remove the 25' No Cut/No Disturbance Area(s). The Plan did include a possible donation of forested wetlands to the Town which abuts with already protected conservation land. The Commission agreed with Agent Baeslack's concerns regarding the 25' No Cut/No Disturbance Area(s) and approved his forwarding these concerns to the Planning Board for consideration.

Adjournment:

Accomplished 9:06 PM by a motion made by Terrien. Witzig seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent