

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, June 21, 2022  
TOWN HALL ANNEX, 39 CENTRAL STREET  
**APPROVED: 7/12/2022****

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Jena Haag, Howard Terrien,  
Howard Vogel and Ann Witzig  
Absent: NA  
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/or 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 May 31, 2022. Vogel 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 May 16, 2006. Haag seconded and the motion passed unanimously by roll call vote.

**Administrative Discussion(s):**

**Public Meeting for Stormwater Team Review of MS4 Stormwater Activities for Public Input** – Ms. Cece Gerstenbacher of Merrimac Valley Planning Commission was in attendance. She reviewed the Town's current activities relating to compliance with the MS4 Stormwater Permit. No action needed to be taken by the Commission.

**Notice of Intent To Convert Land from Chapter 61 Status To Residential Use At Land Off Daniels Road (Portion of Map 9, Parcel 23), Emily Lane (Map 9, Parcel 23, Lots 24 and 25) and Wethersfield Street (Map 11, Parcel 6)** – Mr. James Decoulos of Decoulos Engineering was in attendance to discuss the conversion of land from Chapter 61 to Residential Use on behalf of Rowley Farms LLC. He reviewed the parcels which would be converted. Approximately 118.8 acres were included in the Purchase and Sale Agreement for \$5,775,000. The Town had the right of first refusal to purchase the land. Agent Baeslack advised that one of the parcels off Wethersfield Street had originally been offered to the Town as open space. The process for transferring the land had not been completed due to defects on the Survey Plan. The Commission discussed protection of the portion of the

parcels which bordered the Mill River and requested that the matter be continued to the next meeting to allow for more time to review the submitted materials. Mr. Decoulos agreed to the continuance.

Shinnick moved to continue this matter to the meeting of July 12, 2022. Haag seconded and the motion passed unanimously by roll call vote.

Due to the time, the next two hearings were opened concurrently:

**Notice of Intent at 236-240 Newburyport Turnpike (Map 13, Parcel/Lot 11 and Parcel 12, Lot 2) Filed by Kristin Carlson of Harborlight Community Partners:** Proposed construction of an infiltration basin, walkway, fencing, removal of invasive plant species, and restoration planting of native species with grading associated with a Supportive Senior Housing Development possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. Ms. Evin Guvendiren and Mr. Michael DeRosa of DeRosa Environmental Consulting and Ms. April Ferraro of RJOC & Associates were in attendance on behalf of the Applicant. Ms. Kristin Carlson of Harborlight Community Partners was also in attendance. Ms. Guvendiren gave a brief project overview and Mr. DeRosa reviewed the invasive control and restoration project. Due to the lack of a DEP number and the upcoming site visit, a request was made to continue the public hearing to the meeting of July 12, 2022.

Witzig moved to continue the public hearing with the Applicant's permission to the meeting of July 12, 2022. Streiff seconded and the motion passed unanimously by roll call vote.

**Stormwater Management Permit at 236-240 Newburyport Turnpike (Map 13, Parcel 11 and Parcel 12, Lot 2) Filed by Kristin Carlson of Harborlight Community Partners:** Proposed construction of a Supportive Senior Housing Development with demolition of an existing structure, four new buildings (20,550 sq. ft.), a garage, terraces, associated parking, access way, utilities and grading. Total site disturbance is approximately 115,000 square feet with approximately 800 square feet at a slope greater than 15%. Ms. Evin Guvendiren and Mr. Michael DeRosa of DeRosa Environmental Consulting and Ms. April Ferraro of RJOC & Associates were in attendance on behalf of the Applicant. Ms. Kristin Carlson of Harborlight Community Partners was also in attendance. Ms. Ferraro gave a brief overview of the stormwater components. A request was made to continue the public hearing to the meeting of July 12, 2022.

Witzig moved to continue the public hearing with the Applicant's permission to the meeting of July 12, 2022. Streiff seconded and the motion passed unanimously by roll call vote.

**Notice of Intent at 1-25 Heritage Way (Map 025, Parcel 098, Lot 01-5) Filed by Rowley Village Green:** Proposed construction of a 216 square feet retaining wall to replace a failing wall with 1300 square feet disturbance possibly within Bordering Vegetated Wetlands and 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Greg Hochmuth of Williams & Sparages was in attendance on behalf of the Applicant and reviewed the project with the Commission. Mr. Hochmuth advised that DeRosa Environmental Consulting would continue to perform knotweed suppression. Agent Baeslack advised that conditioning the ongoing

suppression work would need to be dealt with prior to work on the replication area. He expressed concerns about “meshing” the previous suppression conditions with the new project. Mr. Hochmuth suggested that the hearing be continued to the meeting of July 12, 2022 due to the lack of a DEP number and to allow a representative from DeRosa Environmental Consulting to be available.

Streiff moved to continue the public hearing with the Applicant’s permission to the meeting of July 12, 2022. Haag seconded and the motion passed unanimously by roll call vote.

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

**Request to Amend Order of Conditions DEP #63-0725 at Land Off Daniels Road (Map 9, Parcel/Lot 23) Filed by James Decoulos of Danielsville LLC:** Proposed amendment to issued Order of Conditions for protection of proposed Open Space in an OSRD project. Mr. James Decoulos of Danielsville LLC was in attendance on behalf of the Applicant to request that the Order of Conditions for DEP #63-0725 be struck or modified regarding condition #33 addressing the Open Space. The Commission reviewed the proposed language submitted by Mr. Decoulos. Agent Baeslack advised that a draft of the Conservation Restriction being proposed was not included with the submittal. He advised that the Planning Board had commented but a response from the Board of Selectmen had not been received. Mr. Decoulos stated that Attorney Jill Mann was drafting the Conservation Restriction and agreed to a continuance of the hearing to the meeting of July 12, 2022 to allow for the submission of the draft.

Witzig moved to continue the public hearing as requested by the Applicant to the meeting of July 12, 2022. Vogel seconded and the motion passed by a roll call vote of five (5) yeas.

**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 fourteen (14) acres of protected Open Space within the 100’ Buffer Zone of Bordering Vegetated Wetlands. Applicant Representative James Decoulos of Danielsville LLC was in attendance and advised that the final plans dated June 8, 2022 had been submitted together with an updated Stormwater Management Report. Agent Baeslack stated that the office was waiting for the final approval from H.L. Graham Associates. Mr. Decoulos advised that an email had been sent at 5:07 pm with that approval. Agent Baeslack reviewed the email and stated that it was acceptable. Mr. Decoulos reviewed the plan revisions which included changes requested from the Conservation Agent and H.L. Graham Associates. Agent Baeslack recommended that the hearing be closed and an Amended Order of Conditions be issued. He asked Mr. Decoulos about the status of the Stormwater Management Permit. Mr. Decoulos advised that the Application should be submitted the following week.

Haag moved to close the public hearing and issue an Amended Order of Conditions. Witzig seconded and the motion passed by a roll call vote of five (5) yeas.

Terrien **returned** to the meeting.

**Reopened Hearing for 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. Agent Baeslack reported on a meeting with Mr. Nick Cristofori of CEI and Ms. Pamela Merrill of DEP to discuss the comments issued by Ms. Merrill. Mr. Cristofori was preparing revised plans in response to the comments and discussion with Ms. Merrill. The plans would not be available for review until the meeting of August 2, 2022. Agent Baeslack requested that the hearing be continued to that date.

Streiff moved to continue the hearing with the Applicant's permission to the meeting of August 2, 2022. Vogel seconded and the motion passed unanimously by roll call vote.

**Certificate of Compliance Request(s):**

**Continued Request for Certificate of Completion SMP #25-2017 at 34 Dodge Road (Map 5, Parcel 104, Lot 3) Giuseppe Giugliano** - construction of a residential dwelling, subsurface sewage disposal system, and access driveway, grading, well and other utilities. Agent Baeslack advised the request had not been received to date and requested that the matter be tabled to the next meeting.

The Commission discussed the following two (2) items concurrently:

**Request for Certificate of Compliance DEP #63-0579 at 63 & 79 Main Street (Map 25, Parcels 97 & 98) Charles Construction Company:** Proposed construction of an access driveway, multi-unit dwellings, with associated garages, parking, utilities, village green common area, and site grading. Mr. John Morin of The Morin-Cameron Group was in attendance on behalf of Applicant and reviewed the changes which had been pointed out in the letter accompanying the As-built Plan. He explained the knotweed suppression had occurred in 2013/14 and again in 2016, but a Certificate of Compliance was not requested. Now in 2022, the knotweed had returned. At Agent Baeslack's suggestion, Mr. Morin requested the Commission consider issuing the Certificate of Compliance contingent upon the successful knotweed removal as conditioned. The Commission did not agree to the contingency due to the possibility of a two (2) year growing season holding up the issuance. Mr. Morin agreed to coordinate with Mr. Michael DeRosa of DeRosa Environmental Consulting to determine the project timeframe as well as contacting Mr. Greg Hochmuth of Williams & Sparages regarding the knotweed suppression being done in connection with the retaining wall repair. Mr. Morin agreed to a continuance to the meeting of July 12, 2022.

Vogel moved that this matter be continued to the meeting of July 12, 2022. Witzig seconded and the motion passed unanimously by roll call vote.

**Request for Certificate of Completion SMP #02-2010 at 63 & 79 Main Street (Map 25, Parcels 97 & 98) Charles Construction Company:** Proposed construction of an approximate seven hundred fifty (750) foot roadway, associated utilities and drainage, sewage disposal system and twenty-five (25) townhouse units.

Streiff moved to issue a Complete Certificate of Completion with ongoing conditions contingent upon removal of the mulch from the raingarden overflows. Haag seconded and the motion passed unanimously by roll call vote.

**Remote Meetings** - Agent Baeslack advised that the July 12, 2022 meeting could be the last conducted remotely. An extension to the use of remote meetings is part of the Commonwealth FY23 Budget, which had not passed at this time.

**Adjournment:**

Accomplished 10:04 PM by a motion made by Vogel. Witzig seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent