

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, December 6, 2022
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 1/3/2023

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Jena Haag, and Howard Terrien
Absent: Howard Vogel 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). This remote meeting was held pursuant to Governor Baker's March 12, 2020 Order, as Extended on July 16, 2022, with the Governor's signing of An Act Relative to Extending Certain State of Emergency Accommodations which extends the expiration of the provisions pertaining to the Open Meeting Law to March 31, 2023. The public could not physically attend this meeting, but every effort was made to allow the public to view the meeting in real time.

Acceptance of Minutes: After the Commission reviewed the minutes of November 15, 2022, Haag moved to accept the Minutes. Terrien seconded and the motion passed unanimously by roll call vote.

Acceptance of Minutes: After the Commission reviewed the minutes of October 3, 2006, Streiff moved to accept the Minutes. Haag seconded and the motion passed unanimously by roll call vote.

89 Warehouse Lane (Map 26, Parcel 10): The Commission reviewed Agent Baeslack's Site Visit Report. He reported that the Shellfish Commission's storage structure and the signage that restricted access to "Rowley residents only" were both not allowed under the Conservation Restriction per the state DCS personnel. Agent Baeslack advised that the Harbormaster had already removed the signs with that language. He asked for authorization to communicate via letter to the Shellfish Commission to relocate their storage structure.

Haag moved to advise the Shellfish Commission to relocate the storage structure. Terrien seconded and the motion passed unanimously by roll call vote.

Agent Baeslack gave a brief report on the remainder of the visit. He reviewed the possibility that the property at 347 Wethersfield Street (tax title taking) might be eligible for replacement of the land needed for the expanded parking. While the former well #1 site at 42 Haverhill Street was not acceptable since by virtue of its former drinking water supply usage protection was already conferred under Article 97.

Request for Determination of Applicability for 15 Wild Pasture Lane (Map 23, Parcel 19A) 15 WP LLC: After-the-fact removal of twenty (20) mature trees and proposed planting of eight (8) native trees as replacement within the 100' Buffer Zone to Bordering Vegetated Wetlands.

Mr. Michael DeRosa of DeRosa Environmental Consulting was in attendance on behalf of the applicant and reviewed the cutting already conducted and proposed plantings for replication. The Commission reviewed Agent Baeslack's memo dated December 6, 2022 which included a recommendation to require one to one replacement with commercially raised planting stock of a native species as has been the Commission's policy. Agent Baeslack reported on the site visit to the property and advised of a landscaping debris pile which blocked the easement to a stormwater management basin facility servicing the Wild Pasture's Estates roadway system. The Commission agreed that the planting of only eight (8) trees to replace 20 felled trees was not sufficient. The Commission requested that a revised planting plan be submitted with one to one replacement. Mr. DeRosa stated he would discuss this with his client. A request was made to continue the hearing to January 3, 2023.

Haag moved to continue the public hearing to the meeting of January 3, 2023. Terrien seconded and the motion passed unanimously by roll call vote.

Continued 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. Agent Baeslack advised that the final report on the knotweed removal had been received and a site visit to confirm the removal had been conducted. He recommended that a complete Certificate of Compliance with ongoing conditions be issued.

Streiff moved to issue a complete Certificate of Compliance with ongoing conditions. Terrien seconded and the motion passed unanimously by roll call vote.

Continued Request for Certificate of Completion SMP #25-2017 at 34 Dodge Road (Map 5, Parcel 104, Lot 3) Giuseppe Giugliano: Proposed construction of a residential dwelling, subsurface sewage disposal system, access driveway, grading, well, and other utilities. Agent Baeslack advised the Commission the as-built plan had been received and recommended the Commission approve issuance of a complete Certificate of Completion with ongoing conditions. He also requested the authorization to revoke the fine issued to the current property owner, Pastor Alex Silva. The Commission agreed to the revocation of the issued fine and issuance of the complete Certificate of Completion.

Haag moved to issue a complete Certificate of Completion with ongoing conditions. Terrien seconded and the motion passed unanimously by roll call vote.

Notice of Non-Compliance with Order of Conditions DEP #63-0718 at 600 Newburyport Turnpike (Map 19, Parcel 15) Jay and Jaime Stanley: Mr. Jaime Stanley was in attendance to address questions from the Commission. Agent Baeslack reported on two (2) site visits to the property. He advised that restoration work had been started as approved under the Order of Conditions for DEP #63-0718. Mr. Stanley advised the Commission on the scheduling for the work that remained to be completed. Another site visit was scheduled for Agent Baeslack to inspect the work already completed. The Commission

agreed to continue this matter to the April, 2023 meeting to allow for restoration work to be performed in the spring.

Terrien moved to continue the matter to the April, 2023 meeting. Streiff seconded and the motion passed unanimously by roll call vote.

Request for Return to Compliance at Long Hill Road (Map 4, Parcel 35) owned by Tompkins Desjardins Trust for work performed by Bryan D. Cahill of 31 Red Pine Way (Map 4, Parcel 35, Lot 2): Cutting vegetation (altering), stumping, grading and earth disturbance of Bordering Vegetated Wetlands (BVW) (310 CMR 10.55) and the 100' Buffer Zone to BVW (310 CMR 10.53) along the existing Red Pine Way (private easement) with an approximate cumulative total disturbance exceeding 5,000 square feet. Failure to use appropriate erosion controls and possible culverting of an intermittent stream without proper permitting. Agent Baeslack advised that he had received the required report on the restoration work and recommended the issuance of the Return to Compliance letter.

Streiff moved to issue a Return to Compliance letter. Haag seconded and the motion passed unanimously by roll call vote.

Notice of Non-Compliance with Order of Conditions DEP #63-0741 at 43 Taylor Lane (Map 12, Parcel 3, Lot 7) ADVA Construction/Design: Agent Baeslack reported on his site visit on Monday, December 6, 2022. He advised of the inadvertent clearing in the Riverfront Area. As part of the restoration, wooden stakes would be installed to mark the boundaries of where the re-planting of the Riverfront Area needed to occur. A restoration plan would be prepared by a qualified professional and submitted for approval. The Commission was agreeable with this plan.

Adjournment:

Accomplished 8:54 PM by a motion made by Terrien and seconded by Haag. The motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent