

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, November 15, 2022
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 12/6/2022**

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

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 of October 25, 2022, Vogel moved to accept the Minutes. Witzig seconded and the motion passed unanimously by roll call vote.

Acceptance of Minutes: After the Commission reviewed the minutes of September 5, 2006, Streiff moved to accept the Minutes. Terrien seconded and the motion passed unanimously by roll call vote.

Commissioner Terrien **recused** himself from the next item.

Stormwater Management Permit Application SMP#57-2022 at land off Daniels Road (Map 9, Parcel 23) Danielsville LLC: Proposed construction of a new road servicing ten (10) residential lots including underground utilities, stormwater BMPs and a shared septic system. Total site disturbance is approximately 120,000 sq. ft. (2.75 acres). Mr. James Decoulos of Decoulos & Company was in attendance on behalf of the Applicant. He opened the discussion explaining this application was in connection with a previously approved Amended Order of Conditions DEP #63-0625 that had approved nine (9) building lots. The SMP Application included an additional lot that may be developed in the future and would require an application related to wetlands. H.L. Graham Associates, Inc., the peer reviewer, has recommended that the lot be included although no development is being considered at this time. The Commission reviewed Agent Baeslack’s review email dated November 15, 2022. Agent Baeslack reviewed conditions related to the submittal and review by the RCC/staff of the required SWPPP Plan.

Haag moved to issue a Stormwater Management Permit for SMP #57-2022 with the conditions as discussed. Witzig seconded and the motion passed unanimously by roll call vote.

Mr. Decoulos gave the Commission an update of the overall plans for the area and the anticipated start of installation of the permitted boardwalk.

Commissioner Terrien **returned** to the meeting.

Certificate of Compliance Request(s):

Request for Certificate of Compliance DEP #63-0695 at 264-268 Newburyport Turnpike (Map 13, Parcel 13) JWTC Wick LLC (dba Joint Operations): Proposed reconfiguration of the access drive and parking lot, landscaping, and installation of a grass lined swale. Mr. John Morin of The Morin-Cameron Group was in attendance on behalf of the Applicant. He advised that the work was complete and the site was stable with one minor deviation as shown on the as-built plan. The Commission reviewed Agent Baeslack's Site Visit Report dated November 15, 2022 which noted outstanding items related to excess building materials, discarded landscaping debris, and installed erosion controls.

Vogel moved to issue a Complete Certificate of Compliance with ongoing conditions for DEP #63-0695 contingent upon field verification of the removal of the excess building materials, discarded landscaping debris, and installed erosion controls. Terrien seconded and the motion passed unanimously by roll call vote.

Request for Certificate of Completion SMP #37-2019 at 264-268 Newburyport Turnpike (Map 13, Parcel 13) JWTC Wick LLC (dba Joint Operations): Proposed construction of a 950 sq. ft. building addition, reconfiguration of the access drive and parking lot, landscaping, and installation of a grass lined swale. Mr. John Morin of The Morin-Cameron Group was in attendance on behalf of the Applicant. He advised that the work was complete and the site was stable. He reviewed the minor plan deviations which were covered in the Submittal. The Commission reviewed Agent Baeslack's Site Visit Report dated November 15, 2022 which included outstanding items related to excess building materials, discarded landscaping debris, and installed erosion controls.

Witzig moved to issue a Complete Certificate of Completion for SMP #37-2019 with ongoing conditions contingent upon field verification of the removal of the excess building materials, discarded landscaping debris, and installed erosion controls. Haag 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 recommended continuing this item pending receipt of a report on the invasive species removal. Mr. John Morin of The Morin-Cameron Group was in attendance on behalf of the Applicant and confirmed that a request to

continue was appropriate. He advised that the invasive species removal was scheduled to begin later in the week.

Vogel moved to continue this item to the meeting of December 6, 2022. Streiff 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 he was expecting the needed as-built plan by the next meeting which would allow the Commission to finalize this item. He asked that the matter be continued to the meeting of December 6, 2022.

Haag moved to continue this item to the meeting of December 6, 2022. Vogel seconded and the motion passed unanimously by roll call vote.

Status Reports: Permits & Enforcement

Notice of Violation at 124 Newburyport Turnpike (Map 14, Parcel 29) Simboli Companies: Grading and clearing associated with construction of a gravel storage yard and vehicle storage with access drive in the DEP Approved Groundwater Protection Area Zone II and the 100' Buffer Zone without obtaining a Wetlands Permit and altering with disturbance exceeding 20,000 square feet of surface area without a Stormwater Management permit. Agent Baeslack reported that the property owner, Mr. Anthony Simboli of Simboli Companies, had advised him that he had a conflict and would be unavailable for the meeting. Mr. Simboli had also advised that professional firms had been engaged to address the violations but did not indicate their attendance at the meeting. Agent Baeslack reviewed the email correspondence with Mr. Simboli and stated that a site visit had not been scheduled since the issuance of the November 7, 2022 Notice of Violation. The site visit is necessary to verify the specifics of the compliance concerns. No representative for Mr. Simboli was presently in attendance, as requested, to answer the Commissions questions. The Commission discussed the options to accomplish the request for a site visit. Agent Baeslack noted that enough unpermitted activities could be verified from the public way to consider the issuance of an Enforcement Order due to the work being within the DEP Approved Groundwater Protection Area Zone II (Wetlands Bylaw Only). The Enforcement Order could require a site visit as well as the submittal of a Notice of Intent Application for the work already performed. Agent Baeslack advised that the Commission had the authority in the future to consider the issuance of fines under the Bylaw. The Commission concurred with Agent Baeslack's recommendation to issue an Enforcement Order.

Streiff moved to issue an Enforcement Order to request the scheduling of a site visit and appropriate actions to resolve compliance issues. Haag 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: Agent Baeslack

reported that required actions specified in the Order of Conditions to address the previous Enforcement Order at the site had not been communicated to the office. He advised the Commission that a site visit had not yet been conducted but that Mr. Stanley had called and it was scheduled for Thursday. He asked that the Commission continue the matter to the December 6, 2022 meeting when he hoped to have more information. Haag moved to continue the matter to the meeting of December 6, 2022. Terrien seconded and the motion passed unanimously by roll call vote.

Adjournment:

Accomplished 8:48 PM by a motion made by all and duly seconded by all. The motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent