

Mn January 3, 2023

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, January 3, 2023  
TOWN HALL ANNEX, 39 CENTRAL STREET  
APPROVED: 1/24/2023**

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). 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:** Commissioners reviewed and authorized the payroll and reimbursement of various Vendor Bill requests.

**Acceptance of Minutes:** After the Commission reviewed the minutes of December 6, 2022, Witzig 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 17, 2006, Streiff moved to accept the Minutes. Vogel seconded and the motion passed unanimously by roll call vote.

**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. Mr. DeRosa discussed the revisions he made to the planting plan. Based on the exchange with the Commission at the previous meeting, he increased the number of trees to be replanted to twenty (20) native tree species. Agent Baeslack recommended that native oaks comprise up to half the number proposed for planting. The Commission discussed the size of the trees and other conditions including monitoring and replacement of any first-year mortality.

Witzig moved to issue a Negative Determination Option #3 with conditions as discussed. Terrien 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 updated the

**Mn January 3, 2023**

Commission on the status of the disturbed Riverfront Area and advised that a replanting plan will be submitted and implemented in the spring. Meanwhile he is awaiting the area being marked by a surveyor so the erosion control sock can be deployed in order to allow construction to proceed.

**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. Mr. William Manuell of Wetlands and Land Management was in attendance on behalf of the property owner. The Commission reviewed Agent Baeslack's Site Visit Report dated January 3, 2023. Agent Baeslack advised that an existing conditions plan had been submitted. The Commission discussed the sampling of the reprocessed asphalt (RAP) spread as cover on the storage yard. Agent Baeslack advised that the runoff from the RAP should be sampled. One testing site had already been located and a couple of others were being considered. Mr. Manuell asked what contaminants should be tested for. It was advised to seek the LSP's opinion on the sampling. The Commission discussed how the testing materials would be collected. Mr. Manuell advised that an LSP had been engaged to assist with the testing. The Commission agreed that the issues discussed could be addressed by the submittal of a Bylaw Notice of Intent and Stormwater Management Permit application. Submittal should be made by February 21, 2023 for the March 7, 2023 meeting.

Witzig moved to continue this matter to the meeting of March 7, 2023. Terrien seconded and the motion passed unanimously by roll call vote.

**Adjournment:**

Accomplished 8:30 PM by a motion made by Vogel and seconded by Streiff, which passed unanimously.

Submitted by Brent Baeslack, Conservation Agent