

**CONSERVATION COMMISSION**  
**MINUTES of MEETING**  
**Tuesday, March 7, 2023**  
**TOWN HALL ANNEX, 39 CENTRAL STREET**  
**APPROVED: 3/28/2023**

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). 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 February 14, 2023, Witzig moved to accept the minutes. Terrien seconded and the motion passed by roll call vote.

**Acceptance of Minutes:** After the Commission reviewed the minutes of January 25, 2005, Streiff moved to accept the minutes. Haag seconded and the motion passed by roll call vote.

**Discussion(s):**

**Remote Meeting Expiration** - The Commission briefly discussed the possible expiration on March 31, 2023 of the option to meet remotely. The next meeting on March 28 will be held remotely. If the remote meeting option is extended, the Commission will continue to meet remotely.

**Mill River Tires** – Agent Baeslack advised the Commission of a report of the dumping of tires (6) in the Mill River. Pat Snow, Highway Surveyor, verified that tires were in the river at the Wethersfield Street Bridge. He is investigating options to remove them.

**New Request for Determination of Applicability at 870 Haverhill Street (Map 4, Parcel 3, Lot 1-32) 870 Haverhill Street LLC:** Proposed soil testing and percolation testing possibly within the DEP Approved Groundwater Protection Area Zone II. Mr. Robert Grasso of Engineering Land Services, LLC was present on behalf of the applicant and gave a brief project overview of the replacement of the subsurface septic fields. The Commission

reviewed Agent Baeslack's memo dated March 7, 2023 with recommended conditions and discussed the need for a new permit if the work was approved. Mr. Grasso advised that with a new system approximately 40% of the leaching area would be eliminated and that the area within the Buffer Zone would be left to "die off" in place. The Commission agreed to modify the Determination conditions so that work could proceed on the new system without the filing of a new separate RDA Application.

Streiff moved to issue a Positive Determination option #5 with revised conditions and Negative option #4. Terrien seconded and the motion passed by roll call vote.

**New Request for Determination of Applicability at 2 Taylor Lane (Map 12, Parcel 3, Lot 1) Mike Esposito:** Proposed construction of a 44' x 18' in-ground pool with associated patio possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. No one was in attendance for the applicant at the start of the hearing. Agent Baeslack presented the project. Mr. Giovanni Fodera of Fodera Engineering arrived to represent the applicant. The Commission reviewed Agent Baeslack's memo dated March 7, 2023 with recommended conditions.

Haag moved to issue a Negative Determination option #3 with conditions. Witzig seconded and the motion passed by roll call vote.

**New Notice of Intent at 13 Dodge Road (Map 5, Parcel 109, Lot 3) Carl & Veronica Buczala:** Proposed construction of a 26' x 30' garage and 6' x 8' deck possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and the 200' Riverfront Area. Mr. Michael Seekamp of Seekamp Environmental Consulting was present on behalf of the applicants. Mr. Carl Buczala and Ms. Veronica Buczala were also present. Mr. Seekamp gave a brief project overview and review of the wetland resource areas present on site. The Commission reviewed Agent Baeslack's memo dated March 7, 2023 with recommendations for conditions.

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

**New Notice of Intent at 155 Newburyport Turnpike (Map 14, Parcel/Lot 14) McDonald's USA, LLC:** Proposed improvements to the existing building and parking lot including an addition of a second drive-thru lane, possibly located within the 100' Buffer Zone to Bordering Vegetated Wetlands and DEP Approved Groundwater Protection Area Zone II. Mr. Jared Walsh and Mr. William Lucas of Bohler Engineering were present on behalf of the applicant and presented the proposed project. The Commission reviewed Agent Baeslack's memo dated March 7, 2023 with recommendations for revisions to the plans and special conditions. The recent proposed FEMA depiction of bordering land subject to flooding was adopted as being accurate representation of the resource area on site. The project called for specific inspection and possible upgrades being made to the existing stormwater drainage system existing in the rear project work site area.

Haag moved to issue an Order of Conditions with conditions as discussed contingent upon receipt and approval of revised plans within fourteen (14) days. Streiff seconded and the motion passed unanimously by roll call vote.

**New Request for Certificate of Compliance DEP #63-0676 for 137 Hillside Street (Map 19, Parcel 1, Lot 11) Rocco & Luci DiTullio:** Proposed construction of a 60' x 28' L-shaped addition, expansion of existing driveway, demolition of the existing deck, rebuilding of same, and regrading of the existing infiltration basin with the 100' Buffer Zone to Bordering Vegetated Wetlands. Agent Baeslack submitted a request from Mr. John Morin of The Morin Cameron Group on behalf of the applicant to continue this item to the meeting of April 18, 2023 due to snow cover on the site.

Vogel moved to continue the Request for Certificate of Compliance to the meeting of April 18, 2023. Haag seconded and the motion passed unanimously by roll call vote.

Mr. Cole Symes of Symes Associates on behalf of the applicant was in attendance for the following four (4) items.

**New Request for Certificate of Compliance DEP #63-0714 at 439 Main Street (Map 27, Parcel 46, Lot 1) Concord Pastures LLC:** Proposed construction of a single family dwelling, garage, driveway, subsurface infiltration, associated grading and utilities within the 100' Buffer Zone of Bordering Vegetated Wetlands and 100' Buffer Zone to the ACEC. The Commission reviewed Agent Baeslack's memo dated March 7, 2023.

Streiff moved to issue a Complete Certificate of Compliance for DEP #63-0714 with ongoing conditions. Terrien seconded and the motion passed unanimously by roll call vote.

**New Request for Certificate of Completion SMP #40-2021 at 439 Main Street (Map 27, Parcel 46, Lot 1) Concord Pastures LLC:** Proposed construction of a single family dwelling, garage, driveway, subsurface infiltration, associated grading and utilities with 25,875 square feet of disturbance (0.59 acres). The Commission reviewed Agent Baeslack's memo dated March 7, 2023.

Streiff moved to issue a Complete Certificate of Completion for SMP #40-2021 with ongoing conditions. Terrien seconded and the motion passed unanimously by roll call vote.

Agent Baeslack advised the Commission of a request from the new owners of 439 Main Street (Map 27, Parcel 46, Lot 1) to replace the post and rail fence delineating the No Cut/No Disturb Zone with a 54" high metal fence as an enclosure for dogs. The No Cut/No Disturb signage would be removed from the split rail fence and added to the new fence. The Commission had no concerns with this project but requested that Agent Baeslack be allowed to inspect the new fence once installed for purpose of verification.

**New Request for Certificate of Compliance for DEP #63-0713 at 441 Main Street (Map 27, Parcel 46, Lot 2) Concord Pastures LLC:** Proposed construction of a single family dwelling, garage, driveway, subsurface infiltration, associated grading and utilities within the

100' Buffer Zone of Bordering Vegetated Wetlands and 100' Buffer Zone to the ACEC. The Commission reviewed Agent Baeslack's memo dated March 7, 2023.

Haag moved to issue a Complete Certificate of Compliance for DEP #63-0713 with ongoing conditions. Terrien seconded and the motion passed unanimously by roll call vote.

**New Request for Certificate of Completion for SMP #41-2021 for 441 Main Street (Map 27, Parcel 46, Lot 2) Concord Pastures LLC:** Proposed construction of a single family dwelling, garage, driveway, subsurface infiltration, associated grading and utilities with 33,501 square feet of disturbance (0.77 acres). The Commission reviewed Agent Baeslack's memo dated March 7, 2023.

Haag moved to issue a Complete Certificate of Completion for SMP #41-2021 with ongoing conditions. Terrien 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. Mr. William Manuell of Wetlands and Land Management was present on behalf of the property owner. Agent Baeslack stated that an Enforcement Order had been issued. Mr. Manuell advised the Commission that a Notice of Intent and Stormwater Management Permit Application would be filed for review at the April meeting. He reviewed a testing report of the water runoff from the milled asphalt on site, which indicated there were no reportable contaminant amounts in the samples. Mr. Manuell advised that the current conditions were temporary while the owner determined how the property would be developed. The Commission discussed possible runoff monitoring and it was noted that the photo attached to the report was not of the testing site. Agent Baeslack pointed out that the testing area depicted on the aerial photo did not appear to be the location of the milled asphalt. Mr. Manuell advised he would confirm the testing area and determine the photo source. Clarification will be included with the Notice of Intent filing.

Shinnick moved to continue this agenda item to the meeting of March 28, 2023. Terrien seconded and the motion passed unanimously by roll call vote.

**Adjournment:**

Accomplished 9:20 PM by a motion made by Witzig and seconded by Terrien, which passed unanimously.

Submitted by Brent Baeslack, Conservation Agent