

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, March 28, 2023
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 4/18/2023

Present: Vice Chair Sam Streiff, Jena Haag, Howard Terrien, Howard Vogel and Ann Witzig
Absent: Chair Daniel Shinnick
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 March 7, 2023, Vogel moved to accept the minutes. Haag seconded and the motion passed by roll call vote.

Acceptance of Minutes: After the Commission reviewed the minutes of February 8, 2005, Streiff moved to accept the minutes with edit. Witzig seconded and the motion passed by roll call vote.

Discussion(s):

Proposed National Grid gas line maintenance at Fenno Drive bridge (WPA Exemption): Agent Baeslack advised the Commission of recent correspondence from National Grid relating to gas line maintenance which is exempt under the Wetlands Protection Act. The work sequence had been revised to incorporate construction site best management practices to address the Agent's initial concerns about protection of nearby wetland resource areas including Ox Pasture Brook.

Review of Proposed Budget for Fiscal Year 2024 (Portion retroactive for FY23): Agent Baeslack presented a proposed budget for fiscal year 2024. This included monies for fiscal year 2023 to adjust for the increase in the hourly wage of the Conservation Secretary after finalization of the Memorandum of Agreement with the union. He also explained that the FY24 budget was level funded with no increases in the expense line.

Haag moved to submit the budget as presented to the Board of Selectmen and Finance Committee. Terrien seconded and the motion passed unanimously by roll call vote.

The Commission then voted on the use of NOI funds for six (6) hours/week of the Conservation Secretary wages.

Haag moved to send a request to the Board of Selectmen to authorize the use of the NOI funds for the Conservation Secretary wages. Witzig seconded and the motion passed unanimously by roll call vote.

The Commission briefly discussed options for conducting public meetings if the use of remote meetings was not signed into law by Governor Healy. The consensus was that remote meetings would continue if possible but contingency plans needed to be in place.

Request for Determination of Applicability at Stackyard Rd., Patmos Rd., and various locations in the Great Marsh (see Rowley Landowners listing) filed by US Fish & Wildlife Service: Proposed invasive plant control by mechanical and chemical techniques possibly within the Salt Marsh, Land Subject to Coastal Storm Flowage and the Great Marsh ACEC. Ms. Liana Dinunzio and Ms. Nancy Pau of US Fish & Wildlife Service were in attendance and presented the proposed work. The Commission reviewed Agent Baeslack's memo dated March 28, 2023.

Haag moved to issue a negative Determination options #2 and #3 with conditions. Terrien seconded and the motion passed unanimously by roll call vote.

The Commission addressed the next two items concurrently.

Request for Certificate of Compliance DEP #63-0663 at 42 Newbury Road (Map 5, Parcel 40) John P. Sullivan, Jr.: Demolition of an existing building, construction of a portion of subdivision roadway and installation of an infiltration basin possibly within 100' of Bordering Vegetated Wetlands and DEP Approved Groundwater Protection Area Zone II. Agent Baeslack advised of concerns and omissions that had been brought up at the field inspection on March 27, 2023. He recommended continuance of both requests. The Commission agreed.

Witzig moved to continue this item to the meeting of April 18, 2023. Haag seconded and the motion passed unanimously by roll call vote.

Request for Certificate of Completion SMP #22-2017 at 42 Newbury Road (Map 5, Parcel 40) John P. Sullivan, Jr.: Demolition of an existing barn and portions of another building, removal of existing driveway, construction of a subdivision roadway, 2-unit dwelling, maintenance building, and stormwater facilities. See discussion above.

Witzig moved to continue this item to the meeting of April 18, 2023. Haag seconded and the motion passed unanimously by roll call vote.

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 advised that there had been a delay in submitting the required Notice of Intent application due to personal circumstances of the applicant's engineering representative. A request to continue this item to the meeting of May 10, 2023 had been received. Also, sampling of the water runoff from the spread reprocessed asphalt had been completed on the correct parcel but work previously done on the abutting lot had been mistakenly added to the report submitted to the Commission. A corrected report was being prepared and would be submitted when available.

Vogel moved to continue this item to the meeting of May 10, 2023. Haag seconded and the motion passed unanimously by roll call vote.

Adjournment:

Accomplished 8:22 PM by a motion made by Terrien and duly seconded by Haag which passed unanimously.

Submitted by Brent Baeslack, Conservation Agent