

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, May 30, 2023
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 6/20/2023

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 Chapter 2 of the Acts of 2023 which extends the expiration of the provisions pertaining to the Open Meeting Law to March 31, 2025. 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 May 10, 2023, Haag moved to accept the minutes. Witzig seconded and the motion passed by roll call vote.

Acceptance of Minutes: After the Commission reviewed the minutes of March 15, 2005, Streiff moved to accept the minutes with edit. Terrien seconded and the motion passed by roll call vote.

Discussion(s):

Bradstreet Farm Conservation- Discussion of Agricultural Use License – Mr. Jeff Head and Ms. Pamela Head of Chickadee Farm were in attendance. Agent Baeslack gave a brief update on the License status. He explained it had expired in 2019 just prior to the State of Emergency for the COVID pandemic. Town Counsel had advised to consider the License extended to the end of 2023 and issue a new License for 2024. Annual Reports outlining the activities performed for the years 2019-2023 should be submitted, with proof of liability insurance and any fees due. Mr. Head stated he understood the requirements and would work with Agent Baeslack to bring everything up-to-date. The Commission discussed the Annual Fee payment, and Agent Baeslack asked if the fee could be waived in lieu of work on other Conservation Areas which had been done in previous years. The Commission agreed to this arrangement.

221 Main Street (Map 25, Parcel 35, Lot 1)- Waiver of requirement to file under Stormwater and Erosion Control Bylaw Town of Rowley – Agent Baeslack read for the record the letter received from Williams and Sparages dated May 15, 2023 and signed by

Richard Williams requesting a Waiver from the requirement to file under the Stormwater and Erosion Control Bylaw. Agent Baeslack reviewed his memo dated May 30, 2023. Mr. Richard Williams of Williams and Sparages was in attendance and advised that there would be no change in the runoff with the construction of the cricket pitch. The Commission agreed to waive the requirement for a Submittal.

Haag moved to waive the requirement for the Submittal of a Stormwater Management Permit Application. Vogel seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability for 221R Main Street (Map 25, Parcel 35, Lot 1) Town of Rowley, Board of Selectmen: Proposed construction of a cricket field (79,000 sq. ft.) of which 21,000 sq. ft. is within the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Richard Williams of Williams and Sparages was in attendance and presented the project to the Commission. The Commission reviewed Agent Baeslack's memo dated May 30, 2023. The Commission discussed the installation of posts and signage to delineate the No Cut/No Disturb Zone and whether it would interfere with game play. Mr. Mohit Saini of Boxford was in attendance representing the Hoysala Social and Sports Club who are constructing the field. He advised that the posts would not be a danger to players or interfere with game play. The Commission agreed to the installation of the posts with signage and Agent Baeslack would update the conditions.

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

Request for Certificate of Compliance RCC #05-2015 at 165 Newburyport Turnpike (Map 14, Parcel 13) Route 1 Realty Trust: Proposed demolition of the existing building (gas station) and remediation of site per Release Abatement Measure Plan RTN #3-31368. There was no one in attendance for this matter. The Commission reviewed Agent Baeslack's memo dated May 30, 2023.

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

Request for Certificate of Compliance DEP #63-0216 for 57 Saunders Lane (Map 23, Parcel 86, Lot 8) Donald Godfrey: Proposed construction of single family residence with driveway and grading partially within the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Donald Godfrey and Mrs. Carole Godfrey were in attendance with their representative, Ms. Elizabeth Wallis of Hayes Engineering. Agent Baeslack provided a parcel history and the Commission reviewed his memo dated May 30, 2023. The Commission reviewed the proposed restoration and planting plan. Agent Baeslack asked that the Commission consider allowing the dog pens to remain although they did intrude somewhat into the No Cut/No Disturb Zone. The new fencing to be installed would protect additional space of another lot area which would compensate for the minor dog pen intrusion. Ms. Wallis briefly reviewed the benefits of the plantings proposed for the restoration. Agent Baeslack recommended the issuance of a Complete Certificate of Compliance contingent upon receipt of a contract for the planting and the ongoing maintenance with replacement for any plantings that did not

thrive through the fall of 2024. Mr. Godfrey advised that he had a contract in hand with Hayes Engineering for the monitoring. Ms. Wallis advised that the stock replacement was not part of the contract. The Commission discussed the requirement to have the stock replaced. Agent Baeslack advised that he would provide Mr. Godfrey with a contact to obtain the necessary guarantee for replacement. Mr. Godfrey asked if the fence requirement could be replaced with the post and signage as discussed in a previous hearing. The Commission advised that the fence requirement was to deter incursions into the No Cut/No Disturb Zones on residential lots. Agent Baeslack advised that the Certificate of Compliance would be held until proof of contracts regarding the planting/monitoring and possible replacement had been received.

Vogel moved to issue a Complete Certificate of Compliance contingent upon items discussed above and field verification. Witzig seconded and the motion passed unanimously by roll call vote.

Continued Request for Certificate of Compliance DEP #63-0663 at 42 Newbury Road (Map 5, Parcel 40) John P. Sullivan, Jr. (from April 18, 2023): Agent Baeslack requested to continue this item to the meeting of June 20, 2023.

Haag moved to continue this item to the meeting of June 20, 2023. Witzig seconded and the motion passed unanimously by roll call vote.

Continued Request for Certificate of Completion SMP #22-2017 at 42 Newbury Road (Map 5, Parcel 40) John P. Sullivan, Jr. (from April 18, 2023): Agent Baeslack requested to continue this item to the meeting of June 20, 2023.

Haag moved to continue this item to the meeting of June 20, 2023. Witzig seconded and the motion passed unanimously by roll call vote.

Notice of Violation at 124 Newburyport Turnpike (Map 14, Parcel 29) Simboli Companies: Agent Baeslack advised there was no update but he anticipated a Submittal possibly for the meeting of June 20, 2023.

Chairman Shinnick and Commissioner Witzig advised they would be out of town for the next meeting.

Adjournment:

Accomplished 8:55 PM by a motion made by Haag and duly seconded by Streiff which passed unanimously.

Submitted by Brent Baeslack, Conservation Agent