

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, May 10, 2023
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 5/30/2023**

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 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 April 18, 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 March 8, 2005, Streiff moved to accept the minutes with edit. Terrien seconded and the motion passed by roll call vote.

Discussion(s):

Beaver Control Device at the Mill River in Georgetown-Rowley State Forest – Agent Baeslack briefly reviewed his site inspection of the beaver “deceiver” installed as part of a boardwalk foot bridge replacement in 2016 on the Bay Circuit Trail at the headwaters of the Mill River in the George-Rowley State Forest. He advised that “deceiver” was in need of maintenance (outlet pipe not conducting flow) and contractors were being contacted by DCR to see if maintenance of the device could be arranged.

National Grid Gas Line Replacement on Fenno Drive Bridge – Agent Baeslack reviewed the notice from National Grid regarding the replacement of a gas line on the Fenno Drive bridge scheduled for the month of May.

Request for Determination of Applicability at 590 Wethersfield Street (Map 11, Parcel 6, Lot 11) Wayne and Kimberley Banks: Proposed installation of a 21' x 27' brick patio and 4' x 17' brick path within the 100' Buffer Zone to Bordering Vegetated Wetlands.

Mr. Wayne Banks and Mrs. Kimberley Banks were in attendance. Mr. Banks presented the proposed plan for the patio. The Commission reviewed Agent Baeslack's memo dated May 10, 2023 with recommendations for conditions. It was noted that this project was not included with the Determination for the shed recently reviewed by the Commission on the same property.

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

Request for Determination of Applicability at 46 Leslie Road (Map 7, Parcel 18, Lot 3) Matt DiBoot of Rowley Animal Hospital owned by 46 Leslie Road LLC: After-the-fact paving of driveway and parking area within the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Matt DiBoot and Ms. Danielle DiBoot for the Rowley Animal Hospital were in attendance. Agent Baeslack advised that the application had been filed for work which had been completed without permitting in order to comply with an earlier Planning Board permitting decision from the 1980s. The Commission reviewed Agent Baeslack's memo dated May 10, 2023 with recommendations for conditions that noted all work activity was in a previously developed area.

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

Notice of Intent at 1000 Haverhill Street (Map 4, Parcel 20) Sheriff Abuzahra for Ruby Holdings, LLC: Proposed construction of two (2) storage buildings, associated parking and site work, removal of reclaimed asphalt product (RAP) and installation of crushed stone storage area and fencing within DEP Approved Groundwater Protection Area Zone II. Mr. Anthony Capachietti of Hayes Engineering and Attorney Kevin Geaney were in attendance on behalf of the applicant. Mr. Capachietti explained that the work proposed had previously been permitted and the Order of Conditions had expired. The current application was for the remainder of the work with size modifications to the buildings. He then briefly reviewed the work proposed. Agent Baeslack gave a verbal report on the site inspection on May 9, 2023. He also advised that the previous Order of Conditions was still "open" (no Certificate of Compliance issued) but recommended that a Request for Certificate of Compliance not be submitted until the work on the current application was completed and both projects could be finalized concurrently. The Commission agreed with Agent Baeslack's recommendation.

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

Continued Notice of Intent at 614 Main Street (Map 31, Parcel 18) Mark Savory for The Savory Residential Realty: Proposed soil testing possibly within 100' Buffer Zone to Bordering Vegetated Wetlands, Land Subject to Coastal Storm Flowage and 100' Buffer Zone to the Great Marsh ACEC. Mr. John Dick was in attendance on behalf of the applicant. Mr. Mark Savory was also present. Agent Baeslack reported on the site inspection to locate the test pits and presented the sketch plan with the locations. He advised that the work had been performed prior to any discussion regarding the location of the resource areas. Mr.

Savory advised that erosion controls had been put in place and he had used hand tools to restore the soils in the test pit areas. The Commission discussed the issuance of an Order of Conditions and the conditions including mitigation to be incorporated.

Streiff moved to issue an Order of Conditions with a condition prohibiting work in the ACEC with conditions discussed, including restoration. Witzig seconded and the motion passed unanimously by roll call vote.

Notice of Violation at 614 Main Street (Map 31, Parcel 18) Mark Savory for The Savory Residential Realty: Soil testing possibly within 100' Buffer Zone to Bordering Vegetated Wetlands, Land Subject to Coastal Storm Flowage and 100' Buffer Zone to the Great Marsh ACEC without appropriate prior permitting. See discussion and vote above.

Request for Certificate of Completion SMP #50-2021 at 244 Haverhill Street (Map 14, Parcel 5) Cole Landscaping Inc.: Redevelopment including removal of existing concrete and pavement, new landscaping, new bulk outdoor storage bins, salt storage building, creation of stoned detention/settling pond, and stabilization of existing gravel areas with crushed stone for total site disturbance is approximately 68,500 square feet (1.57 acre). Mr. Greg Cole of Cole Landscaping was in attendance with his representative, Mr. George Zambouras of Atlantic Engineering. Mr. Zambouras reviewed the as-built plan and advised of the minor change made to the paving area which was reduced in size. Agent Baeslack gave a verbal report with photographs of his compliance site inspection.

Terrien moved to issue a complete Certificate of Completion for SMP #50-2021 with ongoing conditions. Witzig seconded and the motion passed unanimously by roll call vote.

Request for Certificate of Compliance DEP #63-0681 at 221R Main Street (Map 25, Parcel 35, Lot 1 and Parcel 37, Lot 1) Town of Rowley: Proposed construction of playing fields, expansion of gravel area and installation of water quality swales within the 100' Buffer Zone to Bordering Vegetated Wetlands. Agent Baeslack advised that the project had not been started and the Town was requesting a Certificate of Compliance stating that the Order of Conditions is invalid.

Streiff moved to issue a Certificate of Compliance declaring the Order of Conditions DEP #63-0681 is invalid. Terrien seconded and the motion passed unanimously by roll call vote.

Continued Request for Certificate of Compliance DEP #63-0676 at 137 Hillside Street (Map 19, Parcel 1, Lot 11) Rocco & Luci DiTullio (from Feb. 14, 2023): Agent Baeslack presented a request from the applicant's representative to continue this item to July 11, 2023.

Witzig moved to continue this item to the meeting of July 11, 2023. Vogel 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 presented a request from the applicant to continue this item to May 30, 2023.

Vogel moved to continue the item to the meeting of May 30, 2023. Terrien 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): See discussion and vote above.

Notice of Violation at 124 Newburyport Turnpike (Map 14, Parcel 29) Simboli Companies: Agent Baeslack advised that a revised LSP report had been received confirming that the testing had been completed on the correct site. He also advised that the office was still trying to determine when the Notice of Intent application would be filed but had no further information at this time.

Adjournment:

Accomplished 9:12 PM by a motion made by Witzig and duly seconded by Terrien which passed unanimously.

Submitted by Brent Baeslack, Conservation Agent