

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, July 11, 2023
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 8/1/2023

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.

Conservation Commission Reorganization: The Commission discussed the reorganization of the Commission. Chairman Shinnick agreed to continue in the position of Chairman. Commissioner Streiff advised that he preferred to step down as Vice-Chairman but would like to continue as the Commission's Community Preservation Committee representative. Commissioner Vogel agreed to assume the position of Conservation Commission Vice-Chairman. The Commission discussed a Clerk position but determined that it was not necessary. Commissioner Vogel agreed to continue as the Commission's representative on the Open Space Committee.

Witzig moved to appoint Daniel Shinnick as Chairman. Terrien seconded and the motion passed unanimously by roll call vote.

Witzig moved to appoint Howard Vogel as Vice Chairman. Terrien seconded and the motion passed unanimously by roll call vote.

Vogel moved to appoint Sam Streiff as representative to the Community Preservation Committee. Terrien seconded and the motion passed unanimously by roll call vote.

Streiff moved to appoint Howard Vogel as representative to the Open Space Committee. Witzig seconded and the motion passed unanimously by roll call vote.

Acceptance of Minutes: After the Commission reviewed the minutes of June 20, 2023, Terrien moved to accept the minutes. Witzig seconded and the motion passed unanimously by roll call vote.

Acceptance of Minutes: After the Commission reviewed the minutes of April 5, 2005, Streiff moved to accept the minutes. Terrien seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at 195 Wethersfield Street (Map 17, Parcel 26) Michael DiPlatzi: Proposed delineation review and proposed soil testing possibly within the 100' Buffer Zone to Isolated Vegetated Wetlands and Bordering Vegetated Wetlands, Vernal Pool, and Vernal Pool Habitat. Mr. Thorsen Akerley of Williams & Sparages was in attendance on behalf of the applicant. He reviewed the site resource areas and explained that the applicant was not requesting the Commission to confirm the delineation at this time. He agreed with the conditions for the soil testing as outlined in Agent Baeslack's memo dated July 10, 2023. Agent Baeslack explained the Positive Determination relating to the delineation request. The Commission agreed with the recommendation to require a submittal of an Abbreviated Notice of Resource Area Delineation for review and delineation approval.

Witzig moved to issue a Positive Determination Option #2.b. and Negative Determination Option #3. with conditions. Terrien seconded and the motion passed unanimously by roll call vote.

Notice of Intent at 185 Leslie Road (Map 6, Parcel 3) Peter Georgoulakos: Proposed construction of a single family home with all associated grading and utilities possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Peter Georgoulakos was in attendance with his representative, Mr. Patrick Seekamp of Seekamp Environmental Consulting, who reviewed the project with the Commission. Agent Baeslack gave a verbal report on the pre-meeting site inspection and advised of concerns regarding the project staking and missing wetlands flagging. Mr. Seekamp advised that the issues would be resolved and another site visit scheduled. It was agreed that the public hearing would be continued to August 1, 2023.

Streiff moved to continue the public hearing to the meeting of August 1, 2023. Witzig seconded and the motion passed unanimously by roll call vote.

Stormwater Management Permit Application SMP #60-2023 at 185 Leslie Road (Map 6, Parcel 3) Peter Georgoulakos: Proposed construction of a single-family dwelling 3,456 sq. ft., detached barn 2,400 sq. ft., pool, driveway access, associated grading, drainage facilities, and utilities with total site disturbance of approximately 169,741 sq. ft. Mr. Peter Georgoulakos was in attendance with his representative, Mr. Patrick Seekamp of Seekamp Environmental Consulting, who reviewed the project with the Commission. Agent Baeslack gave a verbal report on the pre-meeting site inspection and advised of concerns regarding the project staking. Agent Baeslack was advised that changes would be made to the plans regarding stormwater runoff. Mr. Seekamp agreed to a continuance to allow for submittal of revised plans.

Vogel moved to continue the public hearing to the meeting of August 1, 2023. Terrien seconded and the motion passed unanimously by roll call vote.

Continued Notice of Intent at 58-66 Forest Ridge Drive (Map 7, Parcel 10, Lot 5-8)

Gateway II Realty Trust of 1997: Proposed construction of 36,000 square foot two-story commercial building with parking area, associated utilities, grading, and ROW change, possibly within 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. John Coughlin, a Trustee of Gateway II Realty Trust, and Mr. Charles Wear and Ms. Devon Morse of Hancock Associates were in attendance on behalf of the applicant. The repositioned wetlands flagging has been field surveyed for plan revisions. Mr. Wear advised that comments from the Planning Board's peer reviewer had recently been submitted and the recommended revisions would be added to the plans. He asked that the hearing be continued to allow for revised plans and submittal of a SWPPP for review.

Witzig moved to continue the public hearing as requested by the applicant to the meeting of August 1, 2023. Streiff seconded and the motion passed unanimously by roll call vote.

Stormwater Management Permit Application SMP #58-2023 at 58-66 Forest Ridge Drive (Map 7, Parcel 10, Lot 5-8) Gateway II Realty Trust of 1997:

Proposed construction of a 36,000 square foot two-story commercial building with parking area, associated utilities, grading, and a ROW change with total site disturbance of approximately 70,000 sq. ft. Trustee of Gateway II Realty Trust Mr. John Coughlin, Mr. Charles Wear and Ms. Devon Morse of Hancock Associates were in attendance on behalf of the applicant. Mr. Wear advised that comments from the Planning Board's peer reviewer had recently been submitted and recommended revisions would be made to the plans. He asked that the hearing be continued to allow for revised plans and the submittal of a SWPPP for review.

Witzig moved to continue the public hearing as requested by the applicant to the meeting of August 1, 2023. Terrien seconded and the motion passed unanimously by roll call vote.

The following two hearings were opened simultaneously:

Notice of Intent DEP #63-0748 at land off Forest Ridge Drive (Map 7, Parcel 17)

Gateway II Realty Trust of 1997: Proposed construction of portions of a parking area, grading, and stormwater facilities associated with two new commercial buildings possibly within 100' Buffer Zone to Bordering Vegetated Wetlands. Trustee of Gateway II Realty Trust Mr. John Coughlin, Mr. Charles Wear and Ms. Devon Morse of Hancock Associates were in attendance on behalf of the Applicant. Mr. Wear reviewed the project with the Commission. Agent Baeslack advised that a pre-meeting site visit had not been scheduled and recommended that the hearing be continued.

Vogel moved to continue the public hearing to the meeting of August 1, 2023. Terrien seconded and the motion passed unanimously by roll call vote.

Stormwater Management Permit Application SMP #59-2023 at land off Forest Ridge Drive (Map 7, Parcel 17) Gateway II Realty Trust of 1997:

Proposed construction of two

new commercial buildings, paved parking area, stormwater drainage facilities, associated grading, and utilities with total site disturbance of approximately 280,000 sq. ft. Trustee of Gateway II Realty Trust Mr. John Coughlin, Mr. Charles Wear and Ms. Devon Morse of Hancock Associates were in attendance on behalf of the applicant. See above for discussion and vote.

Notice of Intent at 255 Newbury Road (Map 1, Parcel 26) 255 Newbury Road Nominee Trust: Proposed demolition of existing structure and construction of a single family dwelling, driveway, subsurface septic system, associated grading, retaining walls, and utilities possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and intermittent stream. Mr. Thomas Marsh, Trustee of 255 Newbury Road Nominee Trust was in attendance with his representative, Mr. John Morin of The Morin-Cameron Group. Mr. Morin reviewed the proposed project, which included a modified No Cut/No Disturb Area and remediation. Agent Baeslack gave a verbal report with site visit photographs and requested that a revised plan be submitted prior to the issuance of an Order of Conditions.

Witzig moved to issue an Order of Conditions with conditions as discussed contingent upon receipt of a revised plan. Streiff seconded and the motion passed unanimously by roll call vote.

Request for Certificate of Compliance DEP #63-0727 at ROW Dodge Road (Maps 5 and 9) Rowley Water Department: The Commission reviewed Agent Baeslack's email memo dated June 10, 2023 with the recommendation that a Complete Certificate of Compliance be issued.

Vogel moved to issue a Complete Certificate of Compliance for DEP #63-0727. Witzig seconded and the motion passed unanimously by roll call vote.

Request for Certificate of Compliance SMP #38-2020 at 185 Leslie Road (Map 6, Parcel 3) Estate of John R Connolly: Mr. Peter Georgoulakos was in attendance with his representative, Mr. Patrick Seekamp of Seekamp Environmental Consulting. Agent Baeslack advised that this request was to close out a previous Stormwater Permit under which no work had been commenced. He recommended the Commission vote to issue a Certificate of Completion for an invalid Stormwater Management Permit.

Streiff moved to issue a Certificate of Compliance for the invalid SMP #38-2020. 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): Mr. John Morin of The Morin-Cameron Group was in attendance on behalf of the applicant and provided the Commission with an overview of the work completed to bring the site into compliance. The Commission reviewed Agent Baeslack's email memo dated July 11, 2023 with a recommendation to issue a Complete Certificate of Compliance with ongoing conditions.

Terrien moved to issue a Complete Certificate of Compliance with ongoing conditions for DEP #63-0676. Witzig seconded and the motion passed unanimously by roll call vote.

The next two Requests were taken simultaneously:

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). The Commission reviewed Agent Baeslack's email memo dated July 11, 2023 requesting that the request be continued pending receipt of the As-built Plans.

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). The Commission reviewed Agent Baeslack's email memo dated July 11, 2023 requesting that the request be continued pending receipt of the As-built Plans.

Streiff moved to continue the Request for Certificate of Compliance for DEP #63-0663 and the Request for Certificate of Completion for SMP #22-2017 to the meeting of August 1, 2023. Vogel seconded and the motion passed unanimously by roll call vote.

The next two Requests were taken simultaneously:

Continued Request for Certificate of Compliance DEP #63-0669 at 623 Wethersfield Street et al. (Map 11, Parcel/Lots 53, 58, 58-1, 58-2, 58-2A) Rowley Solar LLC (from January 24, 2023). Mr. Dennis Hamel of GM2 was in attendance and advised the Commission that the As-built Plan should be finalized within the week. Agent Baeslack requested this agenda item be continued so that the plans can be reviewed by H.L. Graham Associates and a site visit conducted.

Continued Request for Certificate of Completion SMP #30-2017 at 623 Wethersfield Street et al. (Map 11, Parcel/Lots 53, 58, 58-1, 58-2, 58-2A) Rowley Solar LLC (from January 24, 2023). Mr. Dennis Hamel of GM2 was in attendance and advised the Commission that the As-built Plan should be finalized within the week. Agent Baeslack requested this agenda item be continued so that the plans can be reviewed by H.L. Graham Associates and a site visit conducted.

Terrien moved to continue the Request for Certificate of Compliance for DEP #63-0669 and the Request for Certificate of Completion for SMP #30-2017 to the meeting of August 1, 2023. Witzig seconded and the motion passed unanimously by roll call vote.

Notice of Violation & Non-Compliance at 24 Cooper Pond Rd (Map 5, Parcel 48, Lot 20-A): The Commission reviewed Agent Baeslack's site visit report dated July 11, 2023. When the final items for compliance are completed, a Request for Certificate of Compliance with an As-built Plan will be submitted.

Adjournment:

Accomplished 10:05 PM by a motion made by Witzig. Vogel seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent