

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, August 1, 2023
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 8/22/2023

Present: Chair Daniel Shinnick, Jena Haag, Sam Streiff, Howard Terrien,
and Ann Witzig
Absent: Vice Chair Howard Vogel
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 July 11, 2023, Witzig moved to accept the minutes. Terrien seconded and the motion passed unanimously by roll call vote.

Acceptance of Minutes: After the Commission reviewed the minutes of April 19, 2005, Haag moved to accept the minutes. Streiff seconded and the motion passed unanimously by roll call vote.

Candidate Interview for Appointment to Commission: The Commission met with Ms. Nancy Miller who had submitted a letter of interest for appointment to the Commission. The Commission discussed her interest and qualifications with her.

Haag moved to recommend Ms. Miller to the Board of Selectmen for appointment to the Commission. Terrien seconded and the motion passed unanimously by roll call vote.

Pingree Farm Conservation Area (east & west) Review Agricultural Use License & Ad: The Commission reviewed the draft Agricultural Use License to be used for the Pingree Farm Conservation Area which was modeled on the existing license governing Bradstreet Farm.

Haag moved to approve the Pingree Farm Conservation Area (east & west) Agricultural Use License contingent upon review and approval by Town Counsel. Witzig seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at 582 Wethersfield Street (Map 11, Parcel 5) Leesa Lavigne, Executor for Lavigne Family Trust: Proposed soil evaluations and installation of a replacement sewage disposal system possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and the 200' Riverfront Area of the Mill River. Mr. Daniel Johnson of Domestic Septic Design was in attendance on behalf of the Applicant and reviewed the project for the Commission. The Commission reviewed Agent Baeslack's email memo dated August 1, 2023 with recommendations for conditions. Baeslack noted the proposed dual testing and system installation conditions since this is a replacement system and it is anticipated to be located in previously disturbed and developed areas of the property.

Witzig moved to issue a Negative Determination option #3 with conditions as discussed and option #5. Streiff seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at 3 Farnham Road (Map 11, Parcel 49) Thomas Malinowski: Proposed enlargement of an existing 5' x 12' deck to 14' x 20' within 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. Thomas Malinowski was in attendance and reviewed the proposed project with the Commission. The Commission reviewed Agent Baeslack's email memo dated August 1, 2023 with recommendations for 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 Determination of Applicability at 888 Haverhill Street (Map 4, Parcel 4) NPH Real Estate LLC: Proposed soil evaluations and installation of a replacement sewage disposal system within the DEP Approved Groundwater Protection Area Zone II. Mr. Greg Bernard was in attendance on behalf of the applicant and reviewed the project with the Commission. The Commission reviewed Agent Baeslack's email memo dated August 1, 2023 with recommended conditions. Baeslack noted the proposed dual testing and system installation conditions since this is a replacement system and it is anticipated to be located in previously disturbed and developed areas of the property.

Terrien moved to issue a Positive Determination options #5 and #6 with conditions as discussed. Streiff seconded and the motion passed unanimously by roll call vote.

The following two hearings were continued simultaneously:

Continued 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. Agent Baeslack presented a request from the applicant's representative that the public hearing be continued to August 22, 2023.

Haag moved to continue the public hearing to August 22, 2023. Witzig seconded and the motion passed unanimously by roll call vote.

Continued 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. Agent Baeslack presented a request from the applicant's representative that the public hearing be continued to August 22, 2023.

Haag moved to continue the public hearing to August 22, 2023. Witzig seconded and the motion passed unanimously by roll call vote.

The following two hearings were continued simultaneously:

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 a 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 of Gateway II Realty Trust of 1997 was in attendance with his representative, Mr. Mike Connors of Hancock Associates. Mr. Connors reviewed the comments received from H.L. Graham Associates and discussed possible revisions based on these new recommendations. Agent Baeslack discussed issues with the parcels/street addresses used on the plans and requested a plan revision to address the discrepancies. He also discussed several issues with the recently submitted plans and the Stormwater Pollution Prevention Plan (SWPPP). The Commission discussed the submittal of a plan sheet specifically for the SWPPP. Agent Baeslack agreed to forward a recommended plan revision memo. The Commission agreed to the request to continue the public hearing to the meeting of August 22, 2023.

Haag moved to continue the public hearing as requested by the applicant to the meeting of August 22, 2023. Terrien 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. Mr. John Coughlin of Gateway II Realty Trust of 1997 was in attendance with his representative, Mr. Mike Connors of Hancock Associates. Mr. Connors reviewed the comments received from H.L. Graham Associates and discussed possible revisions based on these new recommendations. Agent Baeslack discussed issues with the parcels/street addresses used on the plans and requested a plan revision to address the discrepancies. He also discussed several issues with the recently submitted plans and the Stormwater Pollution Prevention Plan (SWPPP). The Commission discussed the submittal of a plan sheet specifically for the SWPPP. Agent Baeslack agreed to forward a recommended plan revision memo. The Commission agreed to the request to continue the public hearing to the meeting of August 22, 2023.

Haag moved to continue the public hearing as requested by the applicant to the meeting of August 22, 2023. Terrien seconded and the motion passed unanimously by roll call vote.

The following two Hearings were continued simultaneously:

Continued 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. The applicant and his representative had left the meeting following the previous hearings. The Chairman asked for a continuance to August 22, 2023.

Shinnick moved to continue the public hearing to the meeting of August 22, 2023. Witzig seconded and the motion passed unanimously by roll call vote.

Continued 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. The applicant and his representative had left the meeting following the previous hearings. The Chairman asked for a continuance to August 22, 2023.

Shinnick moved to continue the public hearing to the meeting of August 22, 2023. 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): Mr. John Sullivan was in attendance. Agent Baeslack advised he had received a final as-built plan but minor revisions were needed and requested that the Commission vote to issue the Certificate of Compliance contingent upon receipt and approval of plan revisions.

Streiff moved to issue a Complete Certificate of Compliance contingent upon receipt and approval of revised plans. 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): Mr. John Sullivan was in attendance. Agent Baeslack advised he had received a final as-built plan but minor revisions were needed and requested that the Commission vote to issue the Certificate of Compliance contingent upon receipt and approval of plan revisions

Streiff moved to issue a Complete Certificate of Compliance contingent upon receipt and approval of revised plans. 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 #63-0669 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): Agent Baeslack advised that a site visit was being scheduled and an as-built plan had been received and reviewed. He recommended that the Commission vote to issue the Certificate of Compliance contingent upon a satisfactory compliance site inspection.

Terrien moved to issue a Complete Certificate of Compliance contingent upon a satisfactory compliance site inspection. Streiff seconded and the motion passed unanimously by roll call vote.

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): Agent Baeslack advised that a site visit was being scheduled and an as-built plan had been received and reviewed. He recommended that the Commission vote to issue the Certificate of Compliance contingent upon a satisfactory compliance site inspection.

Terrien moved to issue a Complete Certificate of Compliance contingent upon a satisfactory compliance site inspection. Streiff seconded and the motion passed unanimously by roll call vote.

Adjournment:

Accomplished 9:31 PM by a motion made by Haag. Witzig seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent