

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, August 22, 2023
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 9/12/2023

Present: Chair Daniel Shinnick, Vice Chair Howard Vogel, Sam Streiff, Howard Terrien,
and Ann Witzig
Absent: Nancy Miller
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 August 1, 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 May 5, 2005, Streiff moved to accept the minutes. Terrien seconded and the motion passed unanimously by roll call vote.

Public meeting Stormwater Team review MS4 stormwater activities for public input – Agent Baeslack presented the MS4 Year 5 Update video. Due to technical issues with the audio, it was agreed that the video would be distributed to the individual Commission members for review.

Volunteer Invasive Plant Species Suppression Project by Szczechowicz Landscape Services Inc. & Greener Solutions LLC Fall 2023 – Agent Baeslack advised that the Board of Selectmen had approved the acceptance of a donation from Szczechowicz Landscape Services for suppression of invasive plants (Burning Bush) on Smith Lane at the homestead site. He asked that the Commission also vote to accept the donation. Shinnick moved to accept the volunteer time for suppression of invasive plant species provided by Szczechowicz Landscape Services, Inc. Witzig seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at 248 Newbury Road (Map 1, Parcel 20) and land off Newbury Road (Map 1, Parcels 21 and 22; Map 6, Parcel 13) Turtle

Crossing LLC: proposed soil evaluations within the 100' Buffer Zone to Bordering Vegetated Wetlands, 100' Vernal Pool Habitat Area, and NHESP Priority Habitats of Rare Species. Ms. Maureen Herald of Norse Environmental Services was in attendance on behalf of the applicant and gave a brief overview of the project. She advised that a letter had been received from NHESP which stated that the work proposed would not have adverse effects on the site. The Commission reviewed Agent Baeslack's email memo dated August 22, 2023 which contained recommendations for conditions and seasonal timing restrictions. The Commission agreed with the conditions and moved to close the public hearing. Agent Baeslack advised a check needed to be received for the payment of the legal notice published in the Newburyport Daily News. Mr. John Colantoni advised that a check had been sent directly to the newspaper. The Conservation office would confirm receipt of payment prior to issuance of the Determination.

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

Commissioner Terrien **recused** himself from the next hearing.

Request for Determination of Applicability at land off Emily Lane, Lot 24A (Map 9, Parcel 23, Lot 30) Danielsville, LLC: proposed soil evaluations for design of a subsurface sewage disposal system possibly in the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. James Decoulos of Decoulos & Co was in attendance on behalf of the applicant and gave a brief overview of the proposed project. The Commission discussed the removal of the debris on the site. Mr. Decoulos advised that the current owner was not responsible for the debris and had only owned the property for approximately 18 months. He also advised that the removal could be done as part of the soil evaluations. The Commission reviewed Agent Baeslack's email memo dated August 22, 2023 with recommendations for conditions that included rehangng the wetlands delineation flagging which was found missing on the site. Mr. Decoulos stated he would forward the payment for the legal notice to the Conservation office.

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

Commissioner Terrien **returned** to the meeting.

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 September 12, 2023.

Vogel moved to continue the public hearing to September 12, 2023. Terrien 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 September 12, 2023.

Vogel moved to continue the public hearing to September 12, 2023. Terrien 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. Charles Wear of Hancock Associates was in attendance on behalf of the applicant and reviewed the revisions made to the plans based on comments from HL Graham Associates as part of the stormwater review and also comments from Agent Baeslack. He stated that the Planning Board had already approved the plan.

Streiff moved to issue a typical Order of Conditions upon submittal and approval of revised plans. Witzig 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. Charles Wear of Hancock Associates was in attendance on behalf of the applicant and reviewed the revisions made to the plans based on comments from HL Graham Associates as part of the stormwater review and also comments from Agent Baeslack. He stated that the Planning Board had already approved the plan.

Streiff moved to issue a Stormwater Management Permit upon submittal and approval of revised plans. Witzig 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. Mr. Charles Wear of Hancock Associates was in attendance on behalf of the applicant and reviewed revisions

made to the plans. He advised that the final review had not been received from HL Graham Associates. Agent Baeslack requested a continuance to allow for time for review of the plans and final signoff from HL Graham Associates.

Streiff moved to continue the public hearing to the meeting of September 12, 2023. Terrien 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. Mr. Charles Wear of Hancock Associates was in attendance on behalf of the applicant and reviewed revisions made to the plans. He advised that the final review had not been received from HL Graham Associates. Agent Baeslack requested a continuance to allow for time for review of the plans and final signoff from HL Graham Associates. Streiff moved to continue the public hearing to the meeting of September 12, 2023. Terrien seconded and the motion passed unanimously by roll call vote.

Request for Certificate of Compliance DEP #63-0745 at 155 Newburyport Turnpike (Map 14, Parcel 14) McDonald's USA, LLC: improvements to the existing building including reconfiguration of drive-thru features (second lane), site accessibility upgrades, and exterior building remodeling. The Commission reviewed Agent Baeslack's email memo dated August 22, 2023.

Witzig moved to issue a Complete Certificate of Compliance with ongoing conditions. Vogel seconded and the motion passed unanimously by roll call vote.

Request for Certificate of Compliance DEP #63-0730 at 24 Cooper Pond Road (Map 5, Parcel 48, Lot 20-A) Alex Anninos: construction of a 23' x 39' in-ground swimming pool, patio, fence, grading, and "after-the-fact" installation of a patio, retaining wall and a fence. The Commission reviewed Agent Baeslack's email memo dated August 22, 2023 with a recommendation to waive installation of posts with No Cut/No Disturbance Zone signage. The Commission agreed to the waiver.

Terrien moved to issue a Complete Certificate of Compliance with ongoing conditions and waiver of the installation of sign posts. Streiff seconded and the motion passed unanimously by roll call vote.

Adjournment:

Accomplished 9:08 PM by a motion made by Witzig. Streiff seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent