

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, October 24, 2023
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 11/14/2023

Present: Chair Daniel Shinnick, Vice Chair Howard Vogel, Nancy Miller, and Sam Streiff
Absent: Howard Terrien and Ann Witzig
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 October 3, 2023, Vogel moved to accept the minutes. Miller seconded and the motion passed unanimously by roll call vote.

Acceptance of Minutes: After the Commission reviewed the minutes of June 28, 2005, Streiff moved to accept the minutes with edit. Vogel seconded and the motion passed unanimously by roll call vote.

Review and Approval of 2024 Meeting Schedule: The Commission reviewed the proposed 2024 Meeting Schedule with Submittal dates. Vogel moved to accept the proposed schedule. Shinnick seconded and the motion passed unanimously by roll call vote.

Discussion(s):

Request for waiver/exception Determination issued Soil Evaluations for 248 Newbury Road, (Map 1, Parcel 20) Doria L. Weymouth: Ms. Maureen Herald of Norse Environmental Services and Mr. John Colantoni of Turtle Crossing LLC were in attendance to address questions from the Commission regarding a waiver/exception to conditions for soil evaluations. The Commission reviewed the Special Conditions issued with the Determination for soil evaluations. Agent Baeslack presented a request to allow the present use of a larger excavator along the route of the past violation of the prohibition on the larger equipment. Herald explained that the soil conditions and depth of boulders on some lots exceeded the physical capabilities of the mini excavator to handle the deep hole tests. Baeslack presented recommended conditions that should prevent fatal encounters with the species of special concern on site. The Commission discussed scheduling of the work in reduced seasonal activity time of year for the species.

Streiff moved to allow the exception with conditions as discussed. Vogel seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at 156 Main Street (Map 25, Parcel 30)

Philip R. Light: Proposed soil evaluations and installation of replacement sewage disposal system with Invasive plant species suppression and control possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and 200' Riverfront Area of Ox Pasture Brook. Mr. Chuck Johnson of C. G. Johnson Engineering was in attendance of behalf of the applicant. Mr. Johnson reviewed the proposed work and advised that the request to remove Japanese Knotweed was being withdrawn at this time. The Commission reviewed Agent Baeslack's email memo dated October 24, 2023 with recommended special conditions.

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

Notice of Intent at 18 West Ox Pasture Lane (Map 17, Parcel 18, Lot 1) Martin

Hastings: Proposed construction of a 30' x 50' garage and section of gravel driveway possibly with 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Thor Akerley of Williams & Sparages was in attendance on behalf of the applicant and gave a brief project summary. The Commission reviewed Agent Baeslack's email memo dated October 24, 2023 with recommendations for special conditions for construction in the outer portion of the 100' Buffer Zone to Bordering Vegetated Wetlands on a previously developed lot.

Vogel moved to issue an Order of Conditions DEP #63-0751 with typical conditions. Miller seconded and the motion passed unanimously by roll call vote.

The following two matters were discussed simultaneously:

Request for Certificate of Compliance for DEP #63-0691 at 491 Main Street now Bella Way (Map 31, Parcels 26 and 27A) Paul Vorrias: Proposed construction of a common driveway, a single family dwelling 28 x 64, and a garage 28 x 36, stormwater facilities, grading and utilities possibly within 100' Buffer Zones, Bordering Vegetated Wetlands, Salt Marsh, Land Subject to Coastal Storm Flowage, and the Great Marsh ACEC. Agent Baeslack presented a request from the applicant's representative, Ms. Kristan Farr of Hancock Associates, to continue this agenda item to the meeting of October 24, 2023 to allow for finalization of an as-built plan.

Streiff moved to continue this agenda item to the meeting of November 14, 2023 as requested by the applicant. Miller seconded and the motion passed unanimously.

Request for Certificate of Completion for SMP 35-2019 at 491 Main Street now Bella Way (Map 31, Parcels 26 and 27A) Paul Vorrias: Proposed construction of a common driveway, a single family dwelling 28 x 64, a barn 30 x 60 and two garages 24 x 24 and 28 x 36, stormwater facilities, grading and utilities with total site disturbance of approximately 34,000 square feet. Agent Baeslack presented a request from the applicant's representative,

Ms. Kristan Farr of Hancock Associates, to continue this agenda item to the meeting of October 24, 2023 to allow for finalization of an as-built plan.

Streiff moved to continue to the meeting of November 14, 2023 as requested by the applicant. Miller seconded and the motion passed unanimously.

Status Reports: Permits & Enforcement

Enforcement Order at 92 Leslie Road (Map 7, Parcel 19, Lot 10) DiBenedetto: Cutting, clearing, and grading (altering), placement of fill (filling), and ditching (removal) in the 100' Buffer Zone to Bordering Vegetated Wetlands (BVW) 310 CMR 10.02 of approx. 4,000 sq. ft. and Bordering Vegetated Wetlands (BVW) 310 CMR 10.55 approx. 800 sq. ft. (state & local) without application or an issued permit. Agent Baeslack provided an update on this matter that the services of a wetlands professional had been engaged and a site visit held. No action was taken by the Commission.

Enforcement Order at 98 Leslie Road (Map 7, Parcel 19, Lot 9) Jeffers: Placement of fill (filling), and fill remaining in place in Bordering Vegetated Wetlands (BVW) 310 CMR 10.55 approx. 1,000 sq. ft. (state & local) without application or an issued permit. Agent Baeslack provided a verbal status update on this matter. No action was taken by the Commission.

Adjournment:

Accomplished 8:31PM by a motion made by Streiff. Miller seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent