

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, January 24, 2017  
TOWN HALL ANNEX, 39 CENTRAL STREET  
APPROVED: February 14, 2017**

Present: Vice Chair Curt Turner, David DelMonico (arrived 7:38 pm), Robert Garner, Judy Kehs, and Sam Streiff  
Absent: Chair Arthur Page and 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 7:30 PM (all Legal ads were read to open new agenda items at time noticed).

In the absence of Chairman Page, Vice Chairman Turner assumed the duties of running the meeting.

**Administrative:** Commissioners reviewed and authorized the payroll and reimbursement of various Vendor Bill requests.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Garner moved to accept the Minutes of January 3, 2017. DelMonico seconded the motion and the motion passed unanimously.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Streiff moved to accept the Minutes of May 11, 2016. DelMonico seconded the motion and the motion passed unanimously.

**Acceptance of Minutes:** After the Commission reviewed the minutes, DelMonico moved to accept the Minutes of March 3, 2015. Streiff seconded the motion and the motion passed unanimously.

**MACC Annual Environmental Conference and Mass Land Conservation Conference:** Agent Baeslack advised the Commission of the MACC Annual Environmental Conference and Mass Land Conservation Conference.

**Regional Resource Management Plan Effort:** Agent Baeslack reviewed a request from the Essex Town Administrator for participation in a Regional Resource Management Plan effort working toward convening a summit of local communities to draft a Plan for docks and pier development in the ACEC. The Commission agreed that Agent Baeslack could participate in the effort as his time allowed.

Streiff moved to authorize Agent Baeslack to represent the Commission at the Regional Resource Management Plan effort as time allowed. DelMonico seconded the motion and the

motion passed with four yeas (Commissioners DelMonico, Garner, Kehs, and Streiff) and one nay (Commissioner Turner).

**New Notice of Intent application for 759 Main Street (Map 34, Parcel/Lot 7) Michael**

**Young:** Proposed demolition of existing 18' x 15' storage shed and construction of a new 24' x 24' shed possibly within Land Subject to Coastal Storm Flowage, Coastal Bank, ACEC, Salt Marsh, and Buffer Zones to coastal resources. Owner Michael Young and his representative, Mary Rimmer of Rimmer Environmental, were in attendance to address questions from the Commission. Vice Chair Turner questioned if the new building would be on a poured slab foundation. Ms. Rimmer answered yes, as the concrete blocks supporting the old shed were to be removed at time of demolition. Agent Baeslack recommended that a condition requiring secondary containment be provided for any hazardous liquids stored there and that an ongoing condition allow the owner to take actions controlling and suppressing invasive plant species after written notification of the RCC office and approval of methods to be used. The Commission reviewed Agent Baeslack's memo dated January 24, 2017. Baeslack also recommended that a 10' width No Cut / No Disturbance Zone be established post construction with three posts with signs installed. The Commission was satisfied with the project as presented and the discussed special conditions.

Streiff moved to close the public hearing and issue an Order of Conditions with standard and discussed special conditions. Garner seconded the motion and the motion passed unanimously.

**New Notice of Intent application for 305 Newburyport Turnpike (Map 17, Parcel 20 Lot 47) Edward Surette Prime Realty Trust:**

Proposed construction of a 3,640 sq. ft. commercial building, 11,400 sq. ft. expanded parking area, grading, utilities, stormwater facilities, and 3,800 sq. ft. wetlands filling with replication within Bordering Vegetated Wetlands (BVW) and the 100' Buffer. Trustee Edward Surette with his counsel, Matthew Caffrey, and Bill Manuell of Wetlands and Land Management, Inc. were in attendance to answer questions from the Commission. Mr. Manuell reviewed the projects current status including the expiration of the original Order of Conditions. Agent Baeslack noted that a review should be completed of the new proposed stormwater management facilities and this can be accomplished within a Planning Board technical review if the project was filed there. Mr. Surette advised that no Planning Board filing had been made, but it would be done soon. The Commission decided the hearing should continue to determine if a Planning Board filing was required and that it would include a project review. If no filing by the Planning Board will be required, the Commission would discuss the hiring of a peer reviewer at their next meeting. Agent Baeslack also discussed the culvert under Vinton's Lane, which was not depicted, on the submitted plans. Mr. Manuell noted the culvert had been investigated in the field (found to be clay tile) and would be accounted for on revised plans.

DelMonico moved to continue the public hearing with the applicant's permission to the meeting of February 14, 2017. Garner seconded the motion and the motion passed unanimously.

**Status Reports: Permits & Enforcement**

**New Enforcement Order DEP File #063-644 for 124 Haverhill Street (Map 15, Parcel/Lot 97) Town of Rowley and T. Ford Company, Inc.:** Failure to control project site erosion. Town Administrator Deborah Eagan, Mr. Leo Laviolette of T. Ford Company, and Selectman Dave Petersen were in attendance to discuss the matter with the Commission. Agent Baeslack presented two Enforcement Orders (EO), which had been issued at the DEP's recommendation for failure to control erosion on the project site. Baeslack asked the Commission to confirm and ratify the Enforcement Orders as issued. He advised that the recommended actions had been taken on the site and that revised plans had been provided. He read into the record a January 23, 2017 letter from Town Administrator Deborah Eagan relating to the work done on site and stating the Town's intent to comply with the EO. This letter was required under the Enforcement Order's terms. Mr. Laviolette advised their letter (T. Ford's) had not yet been drafted, as they were waiting to hear what the Town provided. Their letter would be forthcoming.

Streiff moved to ratify the Enforcement Orders issued and to incorporate the revised plans and calculations into each respective permit. Kehs seconded the motion and the motion passed unanimously.

**New Notice of Violation under the Stormwater Management and Erosion Control Bylaw at 104 Newburyport Turnpike (Map 14, Lot 14-2) for Mark Bernhardt and Charles Peabody dba Hydrant Regency, LLC, owned by Clark and Heather L'Abbe:** Failure to install effective erosion controls after disturbing earth and clearing vegetation on slopes and failure to control and prevent sediment and stormwater from entering a public right of way. No one was in attendance to represent any of the parties. Agent Baeslack advised that a site field visit had been held and erosion controls had been put in place. It has not yet been determined if a Stormwater Management Permit will be required. The Commission did not direct that further action be taken at this time. Agent Baeslack will continue to follow up and monitor the site conditions.

**Prospect Hill Access Project at 124 Haverhill Street:** Mr. Steven Comley, Sr. arrived at 9:20 pm and asked to address the Commission on the Prospect Hill Access Roadway project after closure of the earlier agenda item. Mr. Comley Sr. related his concerns regarding erosion from the project entering wetlands and also asked questions concerning project costs and bidding. The Commission advised Mr. Comley Sr. that this matter had been discussed at the posted time and recommended that he review the recorded portion of the meeting relating to this issue. They also advised Mr. Comley Sr. to contact the Board of Selectmen for answers to concerns that did not come under the Commission's jurisdiction such as project costs and the bidding process.

**Adjournment:**

Accomplished at 9:30 PM by a motion made by DelMonico. Garner seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent