

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, February 13, 2018
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 3/27/2018**

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Judy Kehs (arrived 7:32 pm), Daniel Shinnick, Sam Streiff (arrived 7:40 pm) and Howard Vogel
Absent: NA
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).

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

Acceptance of Minutes: After the Commission reviewed the minutes, Shinnick moved to accept the Minutes of January 23, 2018. Garner seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Vogel moved to accept the Minutes of June 18, 2013. Shinnick seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Garner moved to accept the Minutes of July 30, 2013. Shinnick seconded the motion and the motion passed unanimously.

2017 Conservation Department Annual Town Report: After the Commission reviewed the Conservation Dept. Town Report draft, Turner moved to accept the 2017 Report with submitted edits. Kehs seconded the motion and the motion passed unanimously.

Mehaffey Farm, 179 Newbury Road (Map1, Parcel/Lot 35) Essex County Greenbelt Assoc.: Ms. Vanessa Johnson-Hall of Greenbelt was in attendance to present the official Mehaffey Farm Conservation Restriction and plan for review and possible approval. She advised the Commission that the CR had been pre-screened by EEA Division of Conservation Services. Ms. Johnson-Hall also provided the Commission with a draft Memorandum of Understanding between Greenbelt and the Town. Agent Baeslack advised that he was working with Town Counsel Judy Pickett on reviewing the documents. The Commission asked for time to review the documents and have the agenda item continued to March 6, 2018.

Shinnick moved to continue the public hearing to the meeting of March 6, 2018. Garner seconded the motion and the motion passed unanimously.

Discussion - Concept Plan 430 Wethersfield Street (Map12, Parcel/ Lot 3) Robert Nixon of Bitterroot LLC: Mr. Robert Nixon of Bitterroot LLC and Attorney Jill Mann were in attendance to present, discuss, and answer questions from the Commission relating to a concept plan for an Open Space Residential Development at 430 Wethersfield Street. Agent Baeslack gave a verbal overview of the wetland resource areas within the overall project limits.

New Notice of Intent for 420 Newburyport Turnpike (Map 18, Parcel/Lot 3)

420 Newburyport Turnpike LLC: Proposed construction of a gravel trailer storage area which includes the filling of an existing 290' x 45' infiltration basin and the construction of a new 180' x 40' subsurface infiltration basin as a replacement possibly within the restricted 25' No Cut/No Disturbance Zone (800+ sq. ft.) and 100' Buffer Zone of Bordering Vegetated Wetlands. Owner Representatives, Sandy Patrican of 420 Newburyport Turnpike LLC and Charles Wear of Meridian Associates, were in attendance to answer questions from the Commission. Prior to hearing opening the Commission discussed the waiver of the Bylaw Fee because the area in question had been previously disturbed. Agent Baeslack read into the record the letter of January 26, 2018, from Meridian Associates requesting the waiver and advised that only a Category F of the Bylaw Fee for commercial development was being asked to be waived. Agent Baeslack gave a brief history relating to the restricted Buffer Zone area adjacent to the proposed work.

Streiff moved to waive the Bylaw Fee for Category F. Garner seconded the motion and the motion passed unanimously.

The Commission opened the public hearing and reviewed the submitted application and plans. Agent Baeslack gave a verbal report with his recommendations and advised the Commission that DEP had not issued a number. He advised that the hearing could be closed contingent upon receipt of the DEP number and no significant technical review comments.

Turner moved to close the public hearing and issue an Order of Conditions with typical project conditions contingent upon issuance of a DEP file number and that any DEP comment be appropriately addressed. Shinnick seconded the motion and the motion passed unanimously.

Continued Notice of Intent application DEP #63-0669 at land off Wethersfield Street (Map 11, Parcels 54, 54-1, and 58), 599, 607, 615 and 623 Wethersfield Street (Map 11, Parcel/Lots 53, 58-1, 58-2 and 58-2A) and land off of Pineneedle Lane, Georgetown, MA (Map 11, Parcel/Lot 56) Rowley Solar, LLC, owner Maven Revocable Trust:

Proposed construction of a 11.25 acre solar photovoltaic system, gravel access drive, stormwater facilities, utilities, and associated grading within the 100' Buffer Zone to a Bordering Vegetated Wetlands and Isolated Vegetated Wetlands. Ms. Bonni Berkowitz and Ms. Barbara Berkowitz were in attendance to address the Commission. Ms. Berkowitz tendered the balance of the Wetlands Bylaw Fee for the additional disturbance indicated on the most recent submitted plans. She advised the Commission that no further information was being presented and requested a continuance to the meeting of March 6, 2018. The Commission

advised the attending citizens that at this time there would be no deliberation on the matter. The Commission did answer questions relating to hearing procedures, access to information submitted to the Commission and advised some citizens that their questions were more appropriate for other Town Boards or Departments.

Vogel moved to continue the public hearing with the applicant's permission to the meeting of March 6, 2018. Streiff seconded the motion and the motion passed unanimously.

Continued Stormwater Permit Application SMP #30-2017 at land off Wethersfield Street (Map 11, Parcels 54, 54-1, and 58), 599, 607, 615 and 623 Wethersfield Street (Map 11, Parcel/Lots 53, 58-1, 58-2 and 58-2A) and land off of Pineneedle Lane, Georgetown, MA (Map 11, Parcel/Lot 56) Rowley Solar, LLC, owner Maven Revocable Trust: Proposed construction of a 11.25 acre solar photovoltaic system, gravel access drive, stormwater facilities, utilities, and associated grading possibly within the 100' Buffer Zone to a Bordering Vegetated Wetland. Total site disturbance is approximately 491,000 square feet and a slope disturbance of 60,000 square feet at greater than 15%. Ms. Bonni Berkowitz and Ms. Barbara Berkowitz were in attendance to address the Commission. Ms. Bonni Berkowitz advised the Commission that no further information was being presented at this time and requested that the Commission continue the hearing to the meeting of March 6, 2018.

Vogel moved to continue the public hearing as the applicant's requested to the meeting of March 6, 2018. Streiff seconded the motion and the motion passed unanimously.

Status Reports: Permits & Enforcement

New Enforcement Order - Subdivision Roadway at 239 Main St. (Map 26, Parcel 26, Lot 4) Michael Sabatini: Mr. Michael Sabatini was in attendance to answer questions from the Commission. Agent Baeslack advised the Commission of work done without a wetlands application submittal on the access right-of-way to 239 Main Street within the 100' Buffer Zone to a Bordering Vegetated Wetland. Mr. Sabatini had deposited gravel and repurposed asphalt to maintain the shoulders of the drive. An Enforcement Order had been issued and Mr. Sabatini immediately contacted the Commission Office. Erosion control was ordered to be put in place to stabilize the area, and Mr. Sabatini advised the Commission that he would place an order as soon as possible. The Commission agreed with the issuance of the Enforcement Order and to amend it to require Mr. Sabatini to file a Request for Determination of Applicability to obtain "after the fact" permitting and complete the project by June 30, 2018.

Vogel moved to confirm, ratify and amend the issued Enforcement Order as discussed. Shinnick seconded the motion and the motion passed unanimously.

Certificate of Compliance Request(s):

Continued Certificate of Compliance Request for DEP #63-0650 at 414 Haverhill Street (Map 14, Parcel 34, Lot 1) Gateway Trust II of 1997:

Mr. Charles Wear of Meridian Associates was present to answer any questions from the Commission. Agent Baeslack advised that due to continued monitoring of wetlands replication and invasive species suppression areas, if approved, the Commission should issue a partial Certificate of Compliance with ongoing conditions.

Vogel moved to issue a partial Certificate of Compliance with ongoing conditions for #63-0650. Streiff seconded the motion and the motion passed unanimously.

Continued Certificate of Completion Request for SMP #18-2016 at 414 Haverhill Street (Map 14, Parcel 34, Lot 1) Gateway Trust II of 1997:

Mr. Charles Wear of Meridian Associates was present to answer any questions from the Commission. Agent Baeslack advised that due to continued monitoring of the constructed bio retention basin area he would recommend the Commission issue a partial Certificate of Compliance with ongoing conditions.

Vogel moved to issue a partial Certificate of Compliance with ongoing conditions for SMP #18-2016. Streiff seconded the motion and the motion passed unanimously.

Adjournment:

Accomplished at 10:06 PM by a motion made by Turner. Kehs seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent