

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, February 14, 2017  
TOWN HALL ANNEX, 39 CENTRAL STREET  
APPROVED: March 7, 2017**

Present: Chair Arthur Page, David DelMonico, Robert Garner, Judy Kehs (arrived 7:35 pm), Sam Streiff and Howard Vogel  
Absent: Vice Chair Curt Turner  
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, Streiff moved to accept the Minutes of January 24, 2017. Vogel seconded the motion and the motion passed unanimously.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Garner moved to accept the Minutes of April 14, 2015. 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 24, 2015. Garner seconded the motion and the motion passed unanimously.

**Discussion:**

**Prospect Hill Access Road Project:** Agent Baeslack reported that he had conducted a site visit on February 8, 2017 and the site was stable with a light covering of snow. For the benefit of Chairman Page who had been absent from the previous meeting, he also reviewed the past discussion relating to this matter. Agent Baeslack also advised the Commission that, although Mr. Comley had missed the scheduled discussion of this matter on January 24, 2017, Vice Chairman Turner, acting as Chairman, had allowed Mr. Comley to address the Commission with his concerns. The Commission had advised Mr. Comley that the site had been stabilized to its satisfaction and that the concerns regarding project bids and budgeting should be addressed to the Board of Selectmen. The Chairman then opened the meeting to the public and recognized Mr. Steven Comley, Sr., who was present on behalf of the organization "We The People". Mr. Comley expressed his appreciation for the work done by the Commission to protect the natural resources in Rowley. He then presented the Commission with an "outline" of concerns which had been brought to his attention. He asked the Commission to review the document and address the concerns at a future meeting. These concerns not only covered the Prospect Hill Access Road issues but also the blockage of streams and the subsequent flooding. Agent Baeslack advised the

Commission that no application or other documentation had been filed concerning specific stream blockages and flooding. Mr. Comley advised the Commission that he would submit documentation once the matter was on an agenda. The Commission responded that, if the issue fell under the jurisdiction of the Commission, once an appropriate application was filed the matter would be included on a future agenda. He was also advised to contact the appropriate federal governmental agency or Northeast Massachusetts Mosquito Control. The appropriate agency would then work with the town to get the necessary work completed. In addition, applications would need to be filed by the property owners where the work would need to be completed in the regulated wetland resource area. The Chairman closed the discussion on this matter.

**New Request for Determination of Applicability application for 435 Haverhill Street (Map 13, Parcel 8) filed by Superintendent Marybeth Wiser, Rowley Water Department:**

Proposed removal and replacement of security fence and gate assembly at Well #2 Pump Station possibly within the DEP Approved Groundwater Protection Area Zone I and the 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. Ryan Neyland of Tata & Howard, Inc. was present to represent the Water Department and answer questions from the Commission. The Commission reviewed Agent Baeslack's memo dated February 14, 2017. The Commission agreed with the recommendations outlined in Agent Baeslack's memo and moved to close the hearing.

Vogel moved to close the public hearing and upon review and approval of revised plans within 14 days consider issuance of a Negative Determination Option #3 incorporating special conditions as discussed. Streiff seconded the motion and the motion passed unanimously.

**New Request for Determination of Applicability application for 435 Haverhill Street (Map 13, Parcel 8) filed by Superintendent Marybeth Wiser, Rowley Water Department:**

Proposed testing, cleaning and redevelopment of Well #2 possibly within the DEP Approved Groundwater Protection Area Zone I and the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Ryan Neyland of Tata & Howard, Inc. was present to represent the Water Department and answer questions from the Commission. Agent Baeslack presented his recommendations for the project. Commissioner DelMonico requested that Mr. Neyland clarify the procedure for the testing, cleaning and redevelopment. The Commission agreed with the recommendations discussed and moved to close the hearing.

DelMonico moved to close the public hearing and issue a Negative Determination Option #3 with special conditions as discussed. Kehs seconded the motion and the motion passed unanimously.

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

Proposed construction of a 3640 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 and the 100' Buffer Zone. Agent Baeslack presented a written request from the applicant to continue the meeting.

Streiff moved to continue the meeting to March 7, 2017 with permission from the applicant. Garner seconded the motion and the motion passed unanimously.

**Discussions:**

**414 Haverhill Street Gateway II Trust of 1997 Town Rowley Land Gift DEP #63-650:**

Agent Baeslack advised the Commission that a letter had been received from Town Counsel Attorney Thomas Mullen recommending that the Commission require a surveyed plan to avoid exemptions under the Title Insurance relating to boundary line disputes. The Commission agreed with this recommendation.

**Review:**

**FY16 Annual Town Report Conservation Dept.:** The Commission reviewed and discussed the draft of the FY16 Annual Report prepared for inclusion in the Town Annual Report.

DelMonico moved to accept the report as submitted. Garner seconded the motion and the motion passed unanimously.

**351 and 355 Wethersfield Street Transfer of Tax-Taking Property:** Agent Baeslack advised the Commission of a Town Treasurer request received while the Town Offices were closed due to weather conditions. Because of the timing, the item could not be added to the agenda. Agent Baeslack asked if the Commission would consider the issue and the Commission agreed. Agent Baeslack advised that two properties at 351 and 355 Wethersfield Street had been taken for non-payment of taxes and were available to be transferred to the Commission's care and custody. The Commission had considered one of the properties earlier. Agent Baeslack explained the properties were of interest due to the flood plain, river corridor, wetlands and proximity to other properties already in the Commission's custody as open space. He asked permission to continue directing efforts to transfer these two properties to the care and custody of the Commission. The Commission authorized efforts to transfer the properties.

**Adjournment:**

Accomplished at 8:45 PM by a motion made by DelMonico. Garner seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent