

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, March 6, 2018
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 3/27/2018**

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Judy Kehs,
Daniel Shinnick, Sam Streiff 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 30, 2018. Garner seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Streiff moved to accept the Minutes of September 10, 2013. Kehs seconded the motion and the motion passed unanimously.

Mehaffey Farm Conservation Restriction, 179 Newbury Road (Map1, Parcel/Lot 35) Essex County Greenbelt Association – Ms. Vanessa Johnson-Hall of Essex County Greenbelt was present to review the most recent edits made to the Mehaffey Farm Conservation Restriction, Amendment and the Memorandum of Agreement which had been requested by Town Counsel Judy Pickett. Turner requested that the “Memorandum of Understanding” (MOU) be referred to as the “Memorandum of Agreement” (MOA) because technically there is no MOU. Turner pointed out some technical revisions that needed to be addressed. Agent Baeslack advised the Commission of concerns expressed by the Board of Selectmen relating to parking for public access and recommended the Commission move for an open continuance until these concerns were addressed.

Vogel moved for Open Continuance on the Mahaffey Farm Conservation Restriction with Essex County Greenbelt Association. Turner seconded the motion and the motion passed unanimously.

Review:

FY2019 Funding for Conservation Secretary Position – The Commission discussed using WPA NOI funds to fund six (6) hours of the 16 hour Conservation Secretary position. The Commission came to a consensus to use the funds as discussed and authorized Agent

Baeslack to request confirmation on use of the funds from the Board of Selectmen. Agent Baeslack read the draft of the request letter.

Streiff moved to utilize the WPA Funds for the FY19 wage budget line to fund six (6) hours of the Conservation Secretary position. Garner seconded the motion and the motion passed unanimously.

Discussions:

Concept Project 420 Newburyport Turnpike (Map 18, Parcel/Lot 3) Sandy Patrican of Four Twenty Newburyport Turnpike LLC– Due to a scheduling conflict, a written request had been received from owner Sandy Patrican to continue this matter to the next scheduled meeting on March 27, 2018. Turner advised that he was an abutter to part of this property and would recuse himself from the formal deliberations but would sit in on the information discussion.

Shinnick moved to continue the matter as requested by the applicant to March 27, 2018. Garner seconded the motion and the motion passed unanimously.

The Meadows at Stony Brook Subdivision located off Meadows Lane – Agent Baeslack stated that five (5) lots of the Meadows at Stony Brook that had been noted as “open space” as part of the approved mid-1990’s subdivision plan were never fully transferred to the Commission’s care and custody. He explained that two of the lots had conservation value and the remaining parcels were very small and had no habitat or environmental value as per criteria applied to review a property to determine eligibility. Agent Baeslack recommended that steps be taken to transfer the two conservation value parcels to the care and custody of the Commission and allow the Board of Selectmen and/or Planning Board to determine the disposition of the remaining parcels. Turner expressed his disagreement and advised that the disposition of the five parcels had been the subject of two separate town votes. The Commission moved to a vote on the matter.

Streiff moved to proceed with the transfer of two parcels to the RCC. Kehs seconded the motion. Turner moved to amend the motion to proceed with the transfer of all five parcels to the RCC. Streiff seconded the motion to amend and the motion did not pass with a vote of five (5) nays and two (2) yeas. The original motion (not amended) passed with six (6) yeas with one abstaining.

New Request for Determination of Applicability (after the fact) at 239 Main Street (Map 26, Parcel 26, Lot 4) and Town of Right of Way Michael A. Sabatini: Proposed placement of gravel and grading to re-establish shoulders on existing 14’ driveway within a Town Right of Way within the 100’ Buffer Zone of Bordering Vegetated Wetlands to satisfy Enforcement Order Amended Feb. 13, 2018. Owner Michael Sabatini and Ms. Michelle Faulkner were present to answer any questions from the Commission. Agent Baeslack gave a verbal report on the work which had been done without permitting and provided recommendations for conditions if the Commission was to issue a Determination.

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

New Abbreviated Notice of Resource Area Delineation at 430 Wethersfield St., Land off Wethersfield St. and Taylor Ln., Land off Taylor Ln., and Land off Daniels Rd. (Map 12, Parcels 2, 3, 4 and Map 9, Parcel 23) Robert Nixon, Taylor Lane LLC respectively owned by Cheryl J. Moran and Patricia A. Simon, Redstone Realty LLC, and Tompkins Desjardins Trust: Proposed identification wetland resource areas. The applicant, Robert Nixon, Mr. Steve Erickson of Norse Environmental and Ms. Jill Mann representing the applicant were present to answer any questions from the Commission. Agent Baeslack requested ten (10) days to review the plans and request plan revisions before issuing the ORAD. This was agreed to by both the Commission and the applicant's representative, Mr. Erickson.

Turner moved to close the public hearing and issue an ORAD contingent on ten (10) day plan review and resulting plan revisions. 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. The request from the applicant's representative, Robert Blanchette of W.C. Cammett Engineering, to continue the hearing until the next scheduled meeting on March 27, 2018 was read for the record by Page.

Garner moved to continue the public hearing as requested by the applicant to March 27, 2018. Kehs 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%. The request from the applicant's representative, Robert Blanchette of W.C. Cammett Engineering, to continue the hearing until the next scheduled meeting on March 27, 2018 was read for the record by Page.

Garner moved to continue the public hearing as requested by the applicant to March 27, 2018. Kehs seconded the motion and the motion passed unanimously.

Status Reports: Permits & Enforcement

New Enforcement Order at 58 Glen Street (Map 21, Parcel 5, Lot 5) David Mariani:

Owner David Mariani was in attendance to answer questions from the Commission. Agent Baeslack reported to the Commission on the work done without permitting. The Commission determined that an “after the fact” application for permitting was in order and the posts with signage would be installed to better delineate the restricted No Cut/No Disturb Zone.

Turner moved to ratify the Enforcement Order issued. Streiff seconded the motion and the motion passed unanimously.

New Enforcement Order at 430 Wethersfield St. (Map 12, Parcel/Lot 3) Hopkington Forestry & Land Clearing property owned by Cheryl J. Moran and Patricia A. Simon:

No one was in attendance to answer questions from the Commission. Agent Baeslack gave a verbal report of the site conditions which included deterioration of the farm access driveway that crosses Taylor Brook and a discharge of suspended sediments. The Commission came to a consensus for Agent Baeslack to issue an Enforcement Order. The matter will be on the agenda for the next scheduled meeting on March 27, 2018.

Adjournment:

Accomplished at 10:00 PM by a motion made by Vogel. Streiff seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent