

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, March 28, 2017
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: April 18, 2017**

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

Acceptance of Minutes: After the Commission reviewed the minutes, Vice Chair Turner moved to accept the Minutes of July 7, 2015. Kehs seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Garner moved to accept the Minutes of June 16, 2015. Streiff seconded the motion and the motion passed unanimously.

New Request for Determine of Applicability at 545 Newburyport Turnpike (Map 22, Parcel 34, Lots 1 – 28) owned by Fox Meadows Condominium and filed by Ronda A. Ziner of E.P. Management Corporation: Proposed installation of irrigation well and associated supply lines possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. Chuck Johnson of C.G. Johnson Engineering, Mr. David Blakeslee of Fox Meadows Condominium, and Mr. Bill Kennedy were in attendance. Mr. Johnson presented the project and answered questions from the Commission. The Commission reviewed and discussed Agent Baeslack's memo dated March 28, 2017. The Commission agreed with Agent Baeslack's recommendations to condition the project and the alternative options incorporated in the plan.

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

Continued Notice of Intent DEP #63-658 at 305 Newburyport Turnpike (Map 17, Parcel 20, Lot 47) filed by Edward Surette, Trustee of 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 possibly within Bordering Vegetated Wetlands (BVW) and the 100' Buffer Zone of Bordering Vegetated Wetlands. Trustee Edward Surette and Mr. William Manuell of Wetlands and Land Management Inc. were present to answer questions from the Commission. Mr. Manuell presented the project to the Commission and explained that the initial hearing had been continued pending a peer review from the Planning Board engineer on the drainage system. Comments and recommendations had been received from the peer reviewer and only minor changes had been made to the plan that had previously been presented. Mr. Manuell presented a plan for the removal of invasive species in conjunction with the replication plan. He advised that this had been suggested by Agent Baeslack at the Planning Board site visit. Agent Baeslack suggested that the Invasive Control Plan be revised to include a survey plot which will gauge the success of the plan by measuring a 50% reduction after the second year. Mr. Manuell asked that the hearing be continued pending the final meeting with the Planning Board.

Vice Chair Turner moved to continue the meeting to April 18, 2017 with permission from the applicant. Streiff seconded the motion and the motion passed unanimously.

New Certificate of Compliance Request #63-497 for 89 Fenno Drive (Map 28, Parcel 27) Town of Rowley, Board of Selectmen: Agent Baeslack advised that an Order of Conditions that had been issued to the Town for the removal of debris and resource area restoration had expired and no Certificate of Compliance had been requested. To close the file, a Request for a Certificate of Compliance had been prepared. No one was in attendance to represent the Town. The Commission reviewed and discussed Agent Baeslack's memo dated March 28, 2017 and were satisfied that the resource areas were fully restored.

Garner moved to issue a complete Certificate of Compliance for #63-497. Kehs seconded the motion and the motion passed unanimously.

New Certificate of Compliance Request #63-593 for 29 Central Street (Map 24, Parcel/Lot 133) Allan Gaspar, Rowley Grange #204: No one was in attendance to represent the applicant. The project involved the installation of a compact sewage disposal system in 200' Riverfront to Ox Pasture Brook. Agent Baeslack advised the Commission that the Request for a Certificate of Compliance had been received after the applicant had been advised that the issued Order of Conditions had expired. The Commission reviewed and discussed Agent Baeslack's memo dated March 28, 2017. The Commission was satisfied with the condition of the project site and the ongoing conditions as discussed.

Garner moved to issue a complete Certificate of Compliance for #63-593 with the ongoing conditions. Streiff seconded the motion and the motion passed unanimously.

Discussions:

Steven Comley, Sr., We the People Packet of Materials

At the start of the meeting, Mr. Comley asked the Commission about the lack of a “Citizen Query” on the agenda. Chair Page advised that because the Commission was a regulatory board they were not allowed under the Open Meeting Law to discuss non agenda items. The Commission’s policy was to have written requests to have items placed on the agenda. Mr. Comley also inquired about the Commission’s non posting of Minutes to their webpage as some other boards did. Chair Page advised that this was not a matter that could be taken up at this time and that the Commission needed to return to the posted agenda. Mr. Comley provided each of the Commissioners with a packet of information. He asked that the enclosed information be reviewed and considered for possible inclusion on the agenda for the next meeting.

887 Haverhill Street, Sean Blair & Tracy Blair

Before the close of the meeting, Sean and Tracy Blair hand delivered a letter addressed to Chair Arthur Page regarding the case filed by the Attorney General’s Office in connection with work done on their property without permitting. Chair Page advised that they could not address the letter at this meeting and it would have to be placed on the agenda for the next meeting. They also enquired how they could obtain information that was not available from the DEP. Agent Baeslack advised that a Public Records Request had been submitted and they would be getting the documentation through that avenue. The Commission closed the matter stating it would be reviewed and addressed, if appropriate, at the next meeting.

Adjournment:

Accomplished at 8:25 PM by a motion made by Vogel. Streiff seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent