

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, May 10, 2017
TOWN HALL ANNEX, 39 CENTRAL STREET
Approved: May 30, 2017**

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Judy Kehs,
Sam Streiff and Howard Vogel
Absent: N/A
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.

Page introduced Amy Scofield, a Rowley resident, who was in the audience to observe the meeting in anticipation of applying for the vacant position on the Commission.

With the recent resignation of Commissioner DelMonico, Agent Baeslack was requested to compose a letter on behalf of the Commission thanking Commissioner DelMonico for his service to the Town.

Acceptance of Minutes: After the Commission reviewed the minutes, Turner moved to accept the Minutes of April 18, 2017. Kehs 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 8, 2015. 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 September 29, 2015. Turner seconded the motion and the motion passed unanimously.

Discussion(s):

Bradstreet Conservation Area Farming Request: On April 25, 2017, the Commission reviewed a request from Mr. Jeffrey Head of Chickadee Hill Farm to farm row crops and possibly utilize the pond for irrigation on the Bradstreet Farm Conservation Area. Mr. Head was in attendance to answer questions from the Commission and explained plans to plant squashes and pumpkins which are very self-sufficient and would most likely not require the pond use. Any use of pesticides would be limited and part of an integrated pest management program. Mr. Jay McDermott of Turning Green, the licensed pesticide applicator for

Chickadee Hill Farm, was in attendance. Agent Baeslack read a letter dated May 4, 2017 from Nick Rossi, Conservation Restriction Stewardship Specialist with Mass. Audubon, which offered comments on the farming as related to the Conservation Restriction. The Commission reviewed Agent Baeslack's memo dated May 10, 2017.

Vogel moved to approve the farming and possible utilization of the pond for irrigation on the Bradstreet Farm Conservation Area subject to an appropriate written Agreement with the conditions as discussed. Streiff seconded the motion and the motion passed unanimously.

New Request for Determination of Applicability at 320 Wethersfield Street (Map 18, Parcel 5, Lot 22-3) owned by Anthony Gravallese: Proposed clearing and grading of a 1,600 sq. ft. wooded area to convert to lawn possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. Anthony Gravallese was in attendance to present the project and answer questions from the Commission. He explained he was obtaining the permit in anticipation of selling the property with the option to expand the backyard if the new owners chose. The Commission reviewed Agent Baeslack's memo dated May 10, 2017 and expressed concerns that new owners may not be aware of the conditions. The Commission agreed to issue the permit with the conditions that the no cut/no disturb area further into the woods be marked and the Determination was recorded at the Registry of Deeds.

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

New Request for Determination of Applicability at 982 Haverhill Street (Map 4, Lot 19) owned by Spring R Realty Trust and 992 Haverhill Street (Map 4, Parcel 20, Lot 2) owned by Jehad Abuzahra: Proposed grading and soil stockpile management activities possibly within the 100' Buffer Zone of Bordering Vegetated Wetland and the DEP Approved Groundwater Protection Area Zone II. Mr. Said Abuzahra and Ms. Jehad Abuzahra were in attendance to present the project and answer questions from the Commission. The Commission reviewed Agent Baeslack's memo dated May 10, 2017. They discussed the lack of the isolated vegetated wetlands ("IVW") designation on the sketch plan provided. Mr. Abuzahra stated his concerns about the existence and his perception of the history of the IVW and suggested the Commission permit Mr. Kevin Karpenko to install two pipes through his driveway at 970 Haverhill Street to drain the IVW. Agent Baeslack advised the applicant that such activity couldn't be authorized by means of a Permit Application from this applicant as 970 Haverhill Street is the private property of another owner who is not a party to the current application.

Kehe moved to close the public hearing and issue a Negative Determination Option #3 contingent upon receipt of a revised sketch plan within fourteen days. Vogel seconded the motion and the motion passed unanimously.

Discussion(s)

101 Main Street Bylaw Fee Waiver Request - Prior to opening the next hearing, the Commission discussed a request to waive a portion of the Rowley Bylaw Fee for the project at 101 Main Street. Agent Baeslack read a letter dated May 5, 2017 from The Morin-Cameron Group on behalf of the Firehouse Inn, LLC, which requested the waiver of a portion of the Bylaw Fee. The applicant's representative, Mr. John Morin of The Morin-Cameron Group, then reviewed the calculations used to determine the requested change to the Bylaw Fee. The Town of Rowley Wetlands Protection Bylaw Fee Worksheet designated the project as a "project category f: 'Commercial and Industrial Projects'" with an associated fee of \$500 per building plus \$0.50 per square foot of disturbance in a resource area. For this project that would equal a fee of \$9,950 for one building and 18,900 sf of disturbance. Mr. Morin explained that approximately 15,830 sf of the work area is currently developed or maintained. If this currently developed area was exempted from the Bylaw fee, the new calculation would be for one building and a disturbance area of 3,070 sf for a fee of \$2,035.

To further reduce the fee, the submitted plan includes a proposal for invasive species management and mitigation/enhancement of the buffer zone and wetlands which will have a positive impact to these areas. To assist in offsetting the costs of the invasive species management the applicant requested that the Bylaw Fee be assessed at \$1,050 which is the same fee required under the Wetlands Protection Act.

The Commission agreed to the waiver based on the calculations discussed.

Vogel moved to approve the reduction in the Rowley Bylaw Fee based on the calculations discussed. Turner seconded the motion and the motion passed unanimously.

New Notice of Intent application at 101 Main Street (Map 25, Parcel 92)

Gerald Fandetti, owned by Firehouse Inn, LLC: Proposed construction of a 3,150 sq. ft. commercial building, parking area, access drive(s), patio, walkways, utilities, grading, and stormwater facilities possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and the 100' Vernal Pool Habitat. Mr. Gerald Fandetti of Firehouse Inn, LLC, and the applicant's representative, Mr. John Morin of The Morin-Cameron Group, were in attendance to present the project and answer questions from the Commission. Mr. Michael DeRosa of DeRosa Environmental Consulting was present to explain the restoration plan and invasive species removal plan. Agent Baeslack discussed his recommendations for possible project conditions including establishing a 25' minimum width No Cut Zone and including a preliminary condition for further discussion as to basing a third growing season monitoring requirement in the event that the removal of invasive plants up to a specified percentage reduction is not achieved within two growing seasons. Pending receipt of the Stormwater Management Peer Review and the Planning Board Meeting, the agenda item was continued to the May 30th meeting.

Turner moved to continue the public hearing with the Applicant's permission to May 30, 2017. Garner seconded the motion and the motion passed unanimously.

New Stormwater Management Permit application at 101 Main Street (Map 25, Parcel 92) Gerald Fandetti, owned by Firehouse Inn, LLC: Proposed demolition of various existing buildings and proposed construction of various commercial buildings including, but not limited to, a 3,150 sq. ft. restaurant and a 8,700 sq. ft. inn, parking areas, access ways, patios, walkways, utilities, site grading and stormwater facilities. In attendance was Mr. Gerald Fandetti of Firehouse Inn, LLC, and the applicant's representative, Mr. John Morin of The Morin-Cameron Group, to present the project and answer questions from the Commission. The meeting was continued pending receipt of the Stormwater Management peer review from the Planning Board's technical reviewer.

Vogel moved to continue the public hearing with the Applicant's permission to the May 30, 2017, meeting. Streiff seconded the motion and the motion passed unanimously.

Certificate of Compliance Requests

New Certificate of Compliance Request DEP #63-643 for 970 Haverhill Street (Map 4, Parcel 18, Lot 1) owned by Kevin Karpenko – Mr. Kevin Karpenko had provided a written request asking for a continuance pending installation of the "No Cut/No Disturb" posts.

Garner moved to continue the Request for Certificate of Compliance with the applicant's permission to May 30, 2017. Kehs seconded the motion and the motion passed unanimously.

New Certificate of Compliance Request DEP #63-586 for 504 Newburyport Turnpike (Map 19, Parcel 8, Lot 1A) owned by Vernon J. Bell III – Mr. Vernon J. Bell III was in attendance to answer questions from the Commission. The Commission reviewed Agent Baeslack's memo dated May 10, 2017. The Commission was satisfied with the site conditions as presented with ongoing conditions as recommended.

Streiff moved to issue a Complete Certificate of Compliance Request with ongoing conditions. Kehs seconded the motion and the motion passed unanimously.

Status Reports: Permits & Enforcement

Enforcement Order:

Noncompliance at 548 Wethersfield Street, Lucia Herrick Realty Trust, William H. Herrick III, Trustee (Map 11, Parcel/Lot 4) – Agent Baeslack advised the Commission he had been contacted by an engineer and a wetlands specialist who had been retained to begin work on this property and that a Notice of Intent Application was being prepared. The Agent will communicate with Mr. William Herrick that the Commission expects to see an Application for the meeting of June 20, 2017.

Adjournment:

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

Submitted by Brent Baeslack, Conservation Agent