

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, August 21, 2018  
TOWN HALL ANNEX, 39 CENTRAL STREET  
APPROVED: Sept. 11, 2018**

Present: Chair Arthur Page, Vice Chair Curt Turner, Judy Kehs (arrived 7:38 pm), Daniel Shinnick, Sam Streiff and Howard Vogel  
Absent: Robert Garner  
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, Turner moved to accept the edited version of the Minutes of July 31, 2018. Streiff seconded the motion and the motion passed unanimously.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Turner moved to accept the Minutes of May 29, 2012. Shinnick seconded the motion and the motion passed unanimously.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Shinnick moved to accept the Minutes of June 19, 2012. Vogel seconded the motion and the motion passed by five (5) votes with Turner abstaining.

**Conservation Restriction at Dodge Reservation 390 Wethersfield St. (Map 18, Parcel/Lot 7) Essex County Greenbelt Association and Town of Rowley:** Agent Baeslack provided the Commission with a Draft Memorandum dated August 8, 2018 from Town Counsel Judith Pickett on the latest Conservation Restriction version. The matter will be taken up at the September 11, 2018 meeting.

Streiff moved to continue the matter to the meeting of September 11, 2018. Vogel seconded the motion and the motion passed unanimously.

**Conservation Restriction at 42 Newbury Road (Map 5, Parcel/Lot 40) John E. Sullivan, Jr. & Christian Mason:** Owner Representative John Sullivan was in attendance. Agent Baeslack advised that the item was on the agenda to simply update the Commission on the Conservation Restriction current status. Agent Baeslack recommended that the Commission approve an open continuance on this matter.

Turner moved for an open continuance with a future date to be determined. Shinnick seconded the motion and the motion passed unanimously.

**Open Space boundary change at 50 Newbury Rd. OSRD O.N.G. Design &**

**Development:** Mr. Tom Tremblay of O.N.G. Design & Development was in attendance to present the requested boundary change to the Commission and answer any questions. The request before the Commission was to modify the lot line to accommodate a propane tank for the existing residence abutting the open space parcel. The parking spaces would also be moved to minimize the disturbance to the area and reduce tree clearing.

Turner moved to accept the OSRD Open Space boundary change and relocation of the parking area. Streiff seconded the motion and the motion passed unanimously.

**Emergency Certification at Far Division Rd. Mass Audubon Rough Meadows,**

**45 Patmos Road (Map 33, Parcel 24):** Agent Baeslack advised the Commission of an Emergency Certification issued for a culvert repair on Far Division Road. The Emergency Certification covered the repair of a gap in the culvert which created a personal hazard to trail users and a liability issue.

Vogel moved to confirm the issuance of an Emergency Certificate for Far Division Rd. Shinnick seconded the motion and the motion passed unanimously.

**New Request for Determination of Applicability at 789 Haverhill Street (Map 5, Parcel/ Lot 102) Jessica Lewis:**

Proposed installation of a replacement subsurface sewage disposal system possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and the 200' Riverfront Area of an unnamed stream. Mr. Greg Hochmuth of Williams & Sparages, LLC, representing the owner, was present to answer questions from the Commission. The Commission reviewed Agent Baeslack's recommendations for special conditions including establishment of a 10' No Cut/No Disturbance Zone between the established lawn and wetlands.

Streiff 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 Request for Determination of Applicability at 151 Central Street (Map 24, Parcel/ Lot 40) J. Peter St. Clair:**

Proposed construction of a 12' x 24' single story addition to an existing structure possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and the 200' Riverfront Area of an unnamed stream. Owner Peter St. Clair and his contractor, Mr. Darrell Gonyea, were present to answer questions from the Commission. Agent Baeslack advised that although the property was within the 200' Riverfront Area, the area was already developed. Concerns regarding water runoff were addressed. The Commission reviewed Agent Baeslack's recommendations for special conditions.

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

**New Request for Determination of Applicability at 51 Oyster Point Road (Map 27, Parcel/Lot 90) Raffi Kassabian:** Proposed soil evaluations for design of a replacement sewage disposal system possibly within the 100' Buffer Zone of coastal bank and salt marsh. Mr. Daniel Johnson, representing the owner, was in attendance to answer questions from the Commission. Agent Baeslack recommended perimeter erosion controls be installed prior to any soil disturbance.

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 Notice of Intent application at 600 Wethersfield Street (Map 11, Parcel/Lot 6) Bruce Tompkins, Sarah Tompkins and Stephanie Desjardins:** Proposed construction of a single family dwelling, driveway, utilities, clearing and grading possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. Greg Bernard, owner's representative, was in attendance to answer questions from the Commission. Also in attendance were Mr. Mark Behringer, Mr. Richard and Ms. Mary Ann Burns. Agent Baeslack reviewed the nearby resource areas and gave verbal recommendations for conditions.

Turner moved to close the public hearing and issue an Order of Conditions #63-0677 with typical conditions as discussed. Vogel seconded the motion and the motion passed unanimously.

**New Notice of Intent application at 137 Hillside Street (Map19, Parcel 1, Lot 11) Rocco and Luci DiTullio:** Proposed construction of a 60' x 28' L-shaped addition, expansion of existing driveway, demolition of the existing deck, rebuilding of same, and regrading of the existing infiltration basin possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Owner Representative John Morin of Morin Cameron Group was in attendance to answer questions from the Commission. Agent Baeslack recommended standard conditions for the construction of an addition with special conditions as discussed.

Turner moved to close the public hearing and issue an Order of Conditions #63-0676 for an addition with stormwater conditions as discussed. Streiff seconded the motion and the motion passed unanimously.

**New Request for Amendment of DEP #63-0625 at land off Daniels Road (Map 9, Parcel/Lot 23) The Tompkins-Desjardins Trust, Bruce Tompkins, Trustee:** Request to amend proposed construction of six duplex buildings with associated roadway, driveways, utilities, stormwater facilities, and grading possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Owner Representative John Decoulos of Decoulos Engineering was present to answer questions from the Commission. The amended request was to replace the six duplex buildings with 12 single family homes. Agent Baeslack recommended that the Commission ask for a Peer Review of the stormwater facilities to confirm that they would still be in compliance with the change of the buildings and layout of driveways.

By a show of hands, the Commission voted six to one that a Peer Review be required.

Vogel moved to continue the public hearing with the applicant's permission to a date to be determined pending receipt of the Peer Review. Shinnick seconded the motion and the motion passed unanimously.

**Certificate of Compliance Request(s):**

**New Request for Certificate of Compliance #63-0661 for 531 Newburyport Turnpike (Map 22, Parcel/Lot 35) William & Cheryl Dumaine:** Agent Baeslack gave a verbal site inspection report. He recommended issuance of a complete Certificate of Compliance.

Streiff moved to issue a complete Certificate of Completion for #63-0661. Turner seconded the motion and the motion passed unanimously.

**New Request for Certificate of Completion SMP #27-2017 for Lot 5, Dodge Rd (Map 5, Parcel 104, Lot 5) Douglas Stone:** The Commission reviewed and discussed Baeslack's memo dated August 21, 2018, which included outstanding compliance issues. Agent Baeslack recommended continuing this request to the meeting of September 11, 2018 to allow for the resolution of the outstanding compliance issues. He advised he had received continuance permission from the applicant.

Shinnick moved to continue the matter with the applicant's permission to the meeting of September 11, 2018. Vogel seconded the motion and the motion passed unanimously.

**Status Reports: Permits & Enforcement**

**Stormwater Mgt. and Erosion Control Bylaw Enforcement Order SMP #12-2014 at 12-40 Forest Ridge Drive (Map 7, Parcel/Lot 9) Gateway II Trust of 1997, John T. Coughlin, Trustee:** Violation of limit of work by tree cutting. Mr. John Coughlin was in attendance to discuss the violation with the Commission. Agent Baeslack gave an overview of the work done in violation of the Stormwater Management Permit. The Commission authorized Agent Baeslack to work with the property owner to resolve the matter.

Kehs moved to issue an Enforcement Order for SMP #12-2014. Shinnick seconded the motion and the motion passed unanimously.

**Notice of Violation at 121 Haverhill St. (Map 16, Parcel/Lot 65) Luana Maekawa – alteration of freshwater wetland resource area(s) 100' Buffer Zone and possibly No Cut/No Disturbance Zone:** Agent Baeslack advised that the property owner had requested a continuance of this matter due to work commitments. The Commission agreed to table this item to the meeting of September 11, 2018.

**Adjournment:**

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

Submitted by Brent Baeslack, Conservation Agent