

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, October 3, 2017
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 10/24/17**

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Judy Kehs (arrived 7:38 pm), 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, Vogel moved to accept the Minutes of September 12, 2017. Garner seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Garner moved to accept the Minutes of May 27, 2014 with the edit discussed. Vogel seconded the motion and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Vogel moved to accept the Minutes of June 17, 2014 with the edit discussed. Turner seconded the motion and the motion passed unanimously.

New Notice of Intent application at 191 Main Street (Map 25, Parcel/Lot 40) Town of Rowley: Proposed renovation of the existing Pine Grove Elementary School and associated site and utility improvements possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. In attendance were Mr. Jon Richardson and Ms. Emily Rae of Dore & Whittier Architects, Inc., Mr. Larry Berger of Pinck & Co., Inc. Mr. Joseph Perry, Chairman of Board of Selectmen and Ms. Debbie Eagan, Town Administrator. The Commission reviewed Agent Baeslack's memo of October 3, 2017. Mr. Jon Richardson presented the project and advised that a DEP number had not yet been assigned.

Vogel moved to continue the public hearing with the applicant's permission to the meeting of October 24, 2017. The motion was seconded by Turner and the motion passed unanimously.

New Stormwater Management Permit application SMP #28-2017 at 191 Main Street (Map 25, Parcel/Lot 40) Town of Rowley: Proposed renovation of the existing Pine Grove School and associated site improvements including the construction of a new septic disposal area, new site utilities including a new stormwater management system, and reconfiguration/reconstruction of the drive areas, parking, walkways and play areas. Total site disturbance is

approximately 363,834 square feet including approximately 16,079 square feet of new additional impervious area. Agent Baeslack advised that no notification to abutters had been sent and the hearing could not be opened. The application would be placed on the October 24, 2017 meeting agenda if proof of notification to abutters was received. A new legal ad will also be posted.

New Stormwater Management Permit application SMP#29-2017 at 477 Haverhill Street (Map 13, Lot 1) Town of Rowley: Proposed construction of a new 14,000 sq. ft. fire station and a 6,400 sq. ft. addition to the existing police station, new subsurface sewage disposal system, grading, parking, stormwater facilities, and utilities. In attendance were Mr. William Murray of Places Associates, Inc., Mr. Neil Joyce, Town of Rowley Project Manager, Mr. Dave Peterson of the Board of Selectmen and Debbie Eagan, Town Administrator. The Commission reviewed Agent Baeslack's memo of October 3, 2017. Mr. Murray asked that the hearing be continued pending a decision from the Zoning Board of Appeals and the technical review from H.L. Graham Associates so that all plan revisions could be submitted for final approval from the Commission.

Turner moved to continue the public hearing with the applicant's permission to the meeting of October 24, 2017. The motion was seconded by Streiff and the motion passed unanimously.

New Stormwater Management Permit application SMP #23-2017 at land off Dodge Road Lot #1 (Map 5, Parcel 104, Lot 1) Lucia Herrick Realty Trust: Proposed clearing and construction of residential dwelling, sewage disposal system, common driveway, access drive, grading, well and other utilities. Mr. William Manuell of Wetlands & Land Management, Inc. was in attendance to represent the property owner and answer questions from the Commission. Agent Baeslack verbally reported on recommendations for project conditions. Agent Baeslack recommended marking the limit of work before site clearing and installation of informational posts with signage for the Riverfront Area.

Turner moved to close the public hearing and issue the SMP #23-2017 with conditions as discussed, contingent upon receipt of revised and approved plans within 14 days. Vogel seconded the motion and the motion passed unanimously.

New Stormwater Management Permit application SMP #24-2017 at land off Dodge Road Lot #2 (Map 5, Parcel 104, Lot 2) Lucia Herrick Realty Trust: Proposed clearing and construction of residential dwelling, sewage disposal system, access drive, grading, well and other utilities. Mr. William Manuell of Wetlands & Land Management, Inc. was in attendance to represent the property owner and answer questions from the Commission. Agent Baeslack verbally reported on recommendations for project conditions. Agent Baeslack recommended marking the limit of work before anymore site clearing occurred.

Turner moved to close the public hearing and issue the SMP #24-2017 with conditions as discussed, contingent upon receipt of revised and approved plans within 14 days. Vogel seconded the motion and the motion passed unanimously.

New Stormwater Management Permit application SMP #25-2017 at land off Dodge Road Lot #3 (Map 5, Parcel 104, Lot 3) Lucia Herrick Realty Trust: Proposed clearing and construction of residential dwelling, sewage disposal system, access drive, grading, well and other utilities. Mr. William Manuell of Wetlands & Land Management, Inc. was in attendance to represent the property owner and answer questions from the Commission. Agent Baeslack verbally reported on recommendations for project conditions. Agent Baeslack recommended marking the limit of work before site clearing and installation of informational posts with signage for the vernal pool habitat area as no cut.

Turner moved to close the public hearing and issue the SMP #25-2017 with conditions as discussed, contingent upon receipt of revised and approved plans within 14 days. Vogel seconded the motion and the motion passed unanimously.

New Stormwater Management Permit application SMP #26-2017 at land off Dodge Road Lot #4 (Map 5, Parcel 104, Lot 4) Lucia Herrick Realty Trust: Proposed clearing and construction of residential dwelling, sewage disposal system, access drive, grading, well and other utilities. Mr. William Manuell of Wetlands & Land Management was in attendance to represent the property owner and answer questions from the Commission. Agent Baeslack verbally reported on recommendations for project conditions. Agent Baeslack recommended marking the limit of work before site clearing and installation of informational posts with signage for the vernal pool habitat area as no cut.

Turner moved to close the public hearing and issue the SMP #26-2017 with conditions as discussed, contingent upon receipt of revised and approved plans within 14 days. Vogel seconded the motion and the motion passed unanimously.

New Stormwater Management Permit application SMP #27-2017 at land off Mill Road Lot #5 (Map 5, Parcel 104, Lot 5) Lucia Herrick Realty Trust: Proposed clearing and construction of residential dwelling, sewage disposal system, access drive, grading, well and other utilities. Mr. William Manuell of Wetlands & Land Management was in attendance to represent the property owner and answer questions from the Commission. Agent Baeslack verbally reported on recommendations for project conditions. Agent Baeslack recommended marking the limit of work before site clearing and installation of informational posts for the 100' Buffer Zone Boundary.

Turner moved to close the public hearing and issue the SMP #27-2017 with conditions as discussed contingent upon receipt of revised and approved plans within 14 days. Vogel seconded the motion and the motion passed unanimously.

Continued Notice of Intent application DEP file #63-663 at 42 Newbury Road (Map 5, Parcel 40) John Sullivan, Jr. and Sara J. Sullivan: Proposed demolition of an existing building, demolition of portions of an existing building, construction of a portion of subdivision roadway and a new duplex building, and installation of an infiltration basin possibly with the 100' Buffer Zone of Bordering Vegetated Wetlands and the DEP Approved Groundwater Protection Area Zone II. Mr. Greg Hochmuth of Williams & Sparages, LLC and property owner Mr. John Sullivan were in attendance to answer questions from the Commission. Agent Baeslack verbally reported on recommendations for project conditions.

Agent Baeslack recommended marking the limit of work before site clearing and noted that two gravel parking spaces had been added to the plan at the start of the path to the Open Space Conservation Restriction Area.

Turner moved to close the public hearing and issue an Order of Conditions contingent upon receipt of revised, wet-stamped plans and written confirmation of approval from H.L. Graham Associates within 14 days. Vogel seconded the motion and the motion passed unanimously.

Continued Stormwater Management Permit application SMP #22-2017 at 42 Newbury Road (Map 5, Parcel 40) John Sullivan, Jr. and Sara J. Sullivan: Proposed demolition of an existing barn and portions of another building, removal of existing driveway, construction of a subdivision roadway, a new duplex dwelling, detached garage, maintenance building, and stormwater facilities. Mr. Greg Hochmuth of Williams & Sparages, LLC and property owner Mr. John Sullivan were in attendance to answer questions from the Commission. Agent Baeslack verbally reported on recommendations for project recognizing the presence of the Zone II area within the proposed limit of work.

Turner moved to close the public hearing and issue a Stormwater Management Permit SMP #22-2017 contingent upon receipt of revised, wet-stamped plans and written confirmation of approval from H.L. Graham Associates within 14 days. Vogel seconded the motion and the motion passed unanimously.

Continued Notice of Intent DEP #63-0664 at 29 Boxford Rd. (Map 5, Parcel/Lot 84) and 60 Pingree Farm Rd. (Map 4, Parcel/Lot 12) Rowley Conservation Commission: Proposed installation of a 300' boardwalk possibly within Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, Mill River, Bank, 200' Riverfront Area, DEP Approved Groundwater Protection Area Zone II, and Land Under Waterways. Mr. Tyler Ferrick of DeRosa Environmental Consulting was present to answer questions from the Commission. Agent Baeslack recommended the same trail conditions used for the Boxford Road State Forest trail work issued in OC #63-642 dated November 2015. Turner noted that at a recent Conservation Commission meeting, Open Space Committee member Sonja Vincola reported that the most recent cost estimate for this project was \$10,000 with the monies hopefully to result from a yet-to-be-undertaken, private fund-raising effort. Turner reported that this subject had been raised at last week's September 28, 2017 meeting of the Community Preservation Act Committee (CPAC), the membership of which includes Ms. Vincola and himself, and that broad-based support was expressed for consideration of receipt of a funding application in this amount for this project at the next meeting of the CPAC, tentatively scheduled for November 16, 2017.

Turner moved to close the public hearing and issue an Order of Conditions. Streiff seconded the motion and the motion passed unanimously.

Extension Request:

New Request for Extension DEP #63-0625 land off Daniels Road (Map 9, Parcel/Lot 23)

The Tompkins Desjardins Trust: Proposed construction of six duplex buildings with associated roadway, driveways, utilities, stormwater facilities, and grading. Agent Baeslack presented the written request for a three (3) year extension. Agent Baeslack noted that no site work or construction activity had begun and the 40B application was recently resubmitted to the Zoning Board of Appeals.

Turner moved to issue an Extension to the Order for three (3) years. Streiff seconded the motion the motion passed unanimously.

Status Reports: Permits & Enforcement

Enforcement Order at 142 Leslie Road (Map 7, Parcel 19, Lot 1) Eugene F. Wear:

Cutting, clearing, and grading (altering), and placement of fill (filling) in the 100' Buffer Zone to Bordering Vegetated Wetlands (BVW) 310 CMR 10.02 of approx. 10,000 square feet (state & local) without application or an issued permit. Mr. Gene Wear and Mrs. Joanne Wear were in attendance to discuss the Enforcement Order with the Commission. Agent Baeslack gave a verbal report of a site inspection and recommendations for an Enforcement Directive. Agent Baeslack recommended restoration activity be required first under the Directive and then the Conservation Commission would allow the submittal of a Request for Determination of Applicability for new improvements (activities) on the property.

Streiff moved to direct the issuance of an Enforcement Order Directive as discussed. Shinnick seconded the motion and the motion passed unanimously.

Request for Return to Compliance Letter – 893 Haverhill Street (Map 4, Parcel 35, Lot D) Joseph C. Wright Enforcement Order and Directive for Riverfront disturbance in 2015:

Mr. Tyler Ferrick of DeRosa Environmental was in attendance to represent the property owner and answer questions from the Commission. Agent Baeslack gave a verbal report on the field inspection and recommended the issuance of a Return to Compliance letter. Agent Baeslack reported that the restoration area was fully vegetated and the second planting of pines was successful after the drought killed the first plantings.

Kehe moved to direct the Agent to issue a Return to Compliance letter for the Enforcement Order. Garner seconded the motion and the motion passed unanimously.

Adjournment:

Accomplished at 9:45 PM by a motion made by Streiff. Vogel seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent