

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, October 23, 2018  
TOWN HALL ANNEX, 39 CENTRAL STREET  
APPROVED: 11/13/2018**

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Daniel Shinnick,  
Sam Streiff and Howard Vogel  
Absent: Judy Kehs  
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 October 2, 2018. Streiff seconded the motion and the motion passed unanimously.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Garner moved to accept the Minutes of October 2, 2012. Turner seconded the motion and the motion passed unanimously.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Turner moved to accept the Minutes of October 23, 2012. Streiff seconded the motion and the motion passed unanimously.

**2019 Meeting Schedule:** Agent Baeslack presented a draft of the 2019 Meeting Schedule. The Commission agreed with the schedule as submitted.

Vogel moved to accept the 2019 Meeting Schedule as presented. Shinnick seconded the motion and the motion passed unanimously.

**Conservation Restriction at Dodge Reservation 390 Wethersfield St. (Map 18, Parcel/Lot 7) Essex County Greenbelt Association and Town of Rowley:** Agent Baeslack advised that the Dodge Reservation Conservation Restriction had been submitted to EEA for review.

**Conservation Restriction at 42 Newbury Road (Map 5, Parcel/Lot 40) John E. Sullivan, Jr. & Christian Mason:** Agent Baeslack advised that the 42 Newbury Road Conservation Restriction had been approved by EEA. A letter from Attorney Brad Latham, representing the owner, was read outlining the next steps in getting the CR finalized. The question from the owner's counsel about recording the plan that shows the Open Space parcel with the trails and public access was discussed. The Commission agreed that the plan should be recorded. The Commission signed the Conservation Restriction for submittal to the Board of Selectmen for approval and signatures after proof of the plan recording is received.

Turner moved to sign the CR document approved by the Division of Conservation Services and to require that the plan be recorded. Shinnick seconded the motion and the motion passed unanimously.

**New Request for Determination of Applicability at 38 Boxford Road (Map 5, Parcel 29)**

**Debbie and Dave Hume:** Proposed construction of a subsurface sewage disposal system possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and DEP Approved Groundwater Protection Area Zone II. Mr. John Morin of The Morin-Cameron Group, representing the owners, was in attendance to answer questions from the Commission. The Commission reviewed Agent Baeslack's recommended project conditions including a request that the erosion control details and a note about the post construction deployment of the erosion control in the side yard be added to the plan.

Streiff moved to close the public hearing and issue a negative Determination Option #3 with conditions and contingent upon receipt of the revised plans as discussed. Garner seconded the motion and the motion passed unanimously.

**New Notice of Intent at 12 Haverhill Street (Map 15, Parcel/Lot 82) Charles and Ariana**

**Hazen:** Proposed construction of a subsurface sewage disposal system possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Thomas Mannetta of Thomas Mannetta Inc., representing the owners, was in attendance with the property owner, Charles Hazen, to answer questions from the Commission. The Commission reviewed Agent Baeslack's memo dated October 23, 2018 with recommended project conditions. Agent Baeslack discussed considerations on locating the No Cut posts with signage so as to respect existing maintained rear yard area.

Turner moved to close the public hearing and issue an Order of Conditions with standard conditions for a septic installation and the special conditions as discussed. Shinnick seconded the motion and the motion passed unanimously.

**New Notice of Intent at Wethersfield Right of Way near Town Line (Map 10) Town of**

**Rowley:** Proposed highway culvert replacement at Georgetown Town Line possibly within 100' Buffer Zone of Bordering Vegetated Wetlands and Land under Waterways. No one was in attendance from the Highway Department to answer questions from the Commission. Agent Baeslack presented the project to the Commission and offered recommended conditions.

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

**Continued Request to Amend Order of Conditions 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 duplex buildings with associated roadway, driveways, utilities, stormwater facilities, and grading possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. John Decoulos of Decoulos Engineering, representing the owner, was in attendance to answer questions from the Commission. The Commission reviewed Agent Baeslack's memo dated October 23, 2018 and the Horsley Witten Group report dated

October 18, 2018 on the peer review of the Stormwater Management Report. The Commission agreed to continue the hearing to the November 13, 2018, meeting to allow for a response to the comments in the Horsley Witten report.

Garner moved to continue the public hearing to November 13, 2018 to allow submittal of requested information. Streiff seconded the motion and the motion passed unanimously.

**Reopening of Notice of Intent Application DEP #63-0669 at land off Wethersfield Street (Map 11, Parcel 58) and 599, 607, 615 and 623 Wethersfield Street (Map 11, Parcel/Lots 53, 58-1, 58-2 and 58-2A) Rowley Solar, LLC, owner Maven Revocable Trust:** Proposed offer of land in lieu of remaining Wetlands Bylaw Fee. Attorney Thomas Beatrice, representing the owners, was in attendance to answer questions from the Commission. Ms. Bonni Berkowitz and Ms. Barbara Berkowitz, property owners, were also in attendance. The Commission reviewed a memo from Town Counsel Thomas Mullen regarding the transfer of the land in lieu of the bylaw fee balance. The Commission reviewed the parcel being considered and discussed access. Questions were raised about potential land offering which is situated mostly in Rowley and partly in Georgetown. Attorney Beatrice requested that the Commission continue the hearing to allow for the applicant to revise the land layout plan to remove the Georgetown portion. Agent Baeslack made a request that the applicant and their legal counsel provide the Commission with written permission for the continuance and for continuing the delay in issuing the Order of Conditions.

Vogel moved to continue the public hearing with the applicant's permission to the November 13, 2018 meeting. Shinnick seconded the motion and the motion passed unanimously.

Commissioner Vogel **recused** himself from the next agenda item.

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

**New Request for Certificate of Completion SMP #08-2013 for 237 Dodge Road (Map 9, Parcel/Lot 21) The Residences at Rowley Country Club Condominium Trust:** – No one was in attendance to answer questions from the Commission. Agent Baeslack advised that he was still awaiting a letter on the project from the professional engineer and recommended the issuance of a complete Certificate of Completion with ongoing conditions.

Garner moved to issue a complete Certificate of Completion SMP #08-2013 contingent upon receipt of the professional engineer letter. Turner seconded the motion and the motion passed unanimously.

Commissioner Vogel **returned** to the meeting.

**Adjournment:**

Accomplished at 8:50 PM by a motion made by Vogel. Shinnick seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent