

## MINUTES OF THE BOARD OF SELECTMEN

June 6, 2022

Town Hall, 139 Main Street, Rowley, MA

6:00 p.m.

**MEMBERS PRESENT:** Chairman Robert Snow; Vice Chairman Joseph Perry; Clerk Deana M.P. Ziev; Cliff Pierce; Christine Kneeland (Town Administrator Deborah Eagan; Assistant Town Administrator Amy Lydon)

### **CALL MEETING TO ORDER**

Chairman Snow called the meeting to order at 6:02 p.m. He said the meeting is being audio and video recorded by Rowley Community Media. He said 78 years ago today was D-Day and said this is something to remember.

### **PLEDGE OF ALLEGIANCE**

Deana Ziev led the Pledge of Allegiance.

### **6:00 P.M. TO 6:05 p.m. PUBLIC COMMENT**

There were no Public Comments.

### **GENERAL BUSINESS**

#### 1. Firefighter Safety Equipment Grant Contract Extension form

Chairman Snow read the following:

*The FY 22 Firefighter Safety Equipment Grant expires at the end of this fiscal year. The State Department of Fire Services has sent grant extension forms that need to be completed by incoming Fire Chief Mark Emery. The Town received a grant last year in the amount of \$12,411 for firefighter safety equipment purchases.*

*The Board needs to vote to designate Mark Emery as the Contractor Authorized Signatory for the FY 22 Firefighter Safety Equipment Grant recipient documents and to authorize Chairman Snow to sign the Contractor Authorized Signatory Form on behalf of the Board.*

Joe Perry made a motion to designate Mark Emery as the Contractor Authorized Signatory for the FY 22 Firefighter Safety Equipment Grant recipient documents and to authorize Chairman Snow to sign the Contractor Authorized Signatory Form on behalf of the Board, Christine Kneeland second, all in favor - aye (5-0).

#### 2. Issue Proclamation for Nathan S. Elwell for achieving rank of Eagle Scout

Chairman Snow read the following:

*Troop 15 Scoutmaster George Pacenka is requesting the Board to issue a proclamation for Nathan S. Elwell for achieving the rank of Eagle Scout. See attached. The proclamation will be presented to Nathan at an upcoming Scout event.*

*Chairman Snow will read the proclamation into the record.*

*Could the Board please vote to issue a proclamation for Nathan for his outstanding scouting achievements and for attaining the rank of Eagle Scout and to authorize Chairman Snow to sign it?*

Snow read the Proclamation. Snow asked if we know how many Eagle Scouts there have been to date. Eagan said she doesn't know the number. She apologized for misspelling Nathan's name on the agenda.

Joe Perry made a motion to issue a proclamation for Nathan for his outstanding scouting achievements and for attaining the rank of Eagle Scout and to authorize Chairman Snow to sign it, Deana Ziev second, all in favor - aye (5-0).

3. Issue Proclamations for Fire Chief James Broderick and Fire Captain James Ronald Merry for their many years of service to the Town

Chairman Snow read the following:

*The Board needs to vote to issues proclamations for Fire Chief James Broderick and Fire Captain James Ronald Merry for their upcoming retirements.*

*Chairman Bob Snow will read the proclamations into the record and sign them after the meeting.*

*Chairman Bob Snow will present the proclamations on behalf of the Board of Selectmen to Chief Broderick and Captain Merry at their retirement party on June 30.*

Snow read the Proclamations.

Joe Perry made a motion to issue proclamations for Fire Chief James Broderick and Fire Captain James Ronald Merry for their upcoming retirements, Christine Kneeland second, all in favor - aye (5-0).

4. Request from Harbormaster William DiMento to appoint Teddy Storrs to the position of Pumpout Boat Operator

Chairman Snow read the following:

*Harbormaster Bill DiMento is asking the Board to appoint Teddy Storrs to the vacant Pumpout Boat Operator position.*

*Could the Board please vote to appoint Teddy Storrs to the position of Pumpout Boat Operator?*

Christine Kneeland made a motion to appoint Teddy Storrs to the position of Pumpout Boat Operator, Deana Ziev second, all in favor - aye (5-0).

5. Request from Highway Surveyor Patrick Snow to appoint Robert Diehl as acting Highway Foreman

Chairman Snow read the following:

*Patrick is asking the Board to kindly vote to appoint Robert Diehl as the Acting Foreman of the Highway Department until the position is permanently filled.*

Joe Perry made a motion to appoint Robert Diehl as the Acting Foreman of the Highway Department until the position is permanently filled, Christine Kneeland second, all in favor - aye (5-0).

6. Authorize Highway Surveyor Patrick Snow to be the authorized signatory on the State Massachusetts Department of Transportation Winter Rapid Recovery Grant recipient documents

Chairman Snow read the following:

*The State Department of Transportation has submitted grant documents to Highway Surveyor Patrick Snow in connection with the Winter Rapid Recovery program. Patrick is asking the Board to vote to authorize him to sign the grant paperwork.*

*The Board needs to vote to authorize Patrick Snow to sign the MDOT Winter Rapid Recovery Grant documents and to authorize Chairman Snow to sign Contractor Authorized Signatory Form on behalf of the Board of Selectmen.*

Deana Ziev made a motion to authorize Patrick Snow to sign the MDOT Winter Rapid Recovery Grant documents and to authorize Chairman Snow to sign Contractor Authorized Signatory Form on behalf of the Board of Selectmen, Christine Kneeland second, all in favor - aye (5-0).

### **NEW BUSINESS**

1. One Day Liquor License application filed by Adelaide Majeski for June 18, 2022 at the Clark School, 26 Newburyport Turnpike for a private event

Chairman Snow read the following:

*Adelaide Majeski is applying for a One Day Wine & Malt Liquor License for a private birthday party event on June 18 from 6 p.m. to 11 p.m. at the Clark School Theatre. This application has been reviewed by Police Chief Scott Dumas. Chief Dumas was concerned that the application indicated that there was no set bartender for the event. Chief Dumas' approval and conditions are as follows:*

*“Approved provided proof of TIPS certified bartender charged with overseeing the dispensing of alcohol.” Chief Scott Dumas 6/1/22.*

*Adelaide has provided a copy of the bartender’s TIPS certification. (See attached.)*

*Chairman Snow asked that Adelaide be present at the meeting in case there are any questions from the Board members.*

*How does the Board wish to proceed with this application? Does the Board wish to vote to approve the application?*

Joe Perry made a motion to approve this One Day Wine & Malt Liquor License, Christine Kneeland second, all in favor - aye (5-0).

2. One Day Liquor License application filed by Anonymous Brewing LLC for July 20, 2022 from 4:30 p.m. to 6:30 p.m. at the Rowley Public Library, 141 Main Street for a craft brewing and small business informational event

Chairman Snow read the following:

*The Library is hosting an informational event on craft brewing and starting and running a small business and they have asked Anonymous Brewing LLC of 60 Main Street to present at this event.*

*Police Chief Scott Dumas has reviewed the application and is requesting that that the alcohol be kept under a table outside the building and that there be a roped off barrier separating the area with the alcohol from the rest of the event. (See attached sketch in the application submittal.) He approves the application pending the submittal of the appropriate insurance coverage.*

*Because this event will be held on Town property, the Town’s insurance company is recommending Anonymous Brewing submit a certificate of insurance with the following coverages:*

- *Umbrella Liability* of at least \$2,000,000 per occurrence with a \$2,000,000 Annual Aggregate. The Municipality should be named as an “Additional Insured”.
- *Liquor Liability* of at least \$1,000,000 per occurrence with a \$3,000,000 Annual Aggregate. The Municipality should be named as an Additional Insured.  
***(Note: the certificate provided had the per occurrence, but did not have the Annual Aggregate.)***

*Anonymous Brewing has submitted certificates of insurance for commercial general liability and proof of Worker’s Compensation. Regarding the umbrella liability, and annual aggregate liquor liability, Kevin Moriarty sent this email:*

*Attached is my workers comp policy. Also, this is what I rec'd back from my insurance agent. The cost of increasing the coverage would price me out of the library event. In the past, I have*

*worked with the Town of Georgetown and the City of Boston and have had no issues with meeting their minimums. Can you confirm that the Town of Rowley minimums for this one day event are inflexible?*

*At this point, we have not received the requisite certificate of insurance. How does the Board wish to proceed? Does the Board wish to waive the umbrella and annual aggregate liquor liability?*

Eagan said the last page of the meeting information for this item is an email received this afternoon from Kevin Moriarty, who is unable to make it tonight, where he outlines his insurance coverages versus the Town's requirements. Liz Urbanczyk said she is the Adult Services Librarian at the Rowley Public Library who will be managing this event. She said she conceived of this idea and asked Moriarty to participate in the event. She said Moriarty's coverages for Liquor Liability and General Liability are short and she said they are asking that these requirements be waived.

Snow said he has concerns that Moriarty is a Planning Board member and he has come before the Board of Selectmen several times and he is not comfortable with this. He said he thinks Moriarty needs to go to the State Ethics Commission to get clarification about being a Planning Board Member and acting as an agent for his company. Urbanczyk asked how this relevant to this Library event. Snow said the discussion on the Library event needs to be tabled until we get something from Mr. Moriarty. Snow said we need to send Moriarty a letter requesting that he get clarification from the State Ethics Commission, and he is not comfortable with this. Ziev said she thinks this would be better suited to be held at the brewery and not bring alcohol to the Library.

Ziev made a motion to not waive the umbrella insurance requirements. This vote was not completed.

Snow said before we get there and vote on this application, Moriarty needs to clear this up. He said he didn't know Moriarty was a Planning Board Member until about two months ago, which is his fault. He said once this is cleared up we can talk about the Library event. Urbanczyk said she will let Moriarty know, and that the next meeting is the 27<sup>th</sup>. Snow said he would like to send a letter to Moriarty. Pierce said he thinks this is a real issue that we need to clarify for Moriarty's own good and for the Town. He said this has been bothering him for a while and Moriarty seems to be in violation of the rule that as a Board member you cannot be an agent before another Board, and he thinks we need an advisory from the State Ethics Commission.

Joe Perry made a motion to send a letter to Moriarty requesting that he get clarification from the State Ethics Commission, Deana Ziev second, all in favor - aye (5-0).

3. Discuss and authorize Alarm Monitoring Services for Municipal Buildings contract with Instant Signal & Alarm Co. Inc.

Chairman Snow read the following:

*Instant Signal & Alarm Co., Inc. has been monitoring the following alarm systems since 2019 and the agreement with them expires on June 30, 2022:*

*Town Hall: Fire and security alarms*

*Town Hall Annex: Fire and security alarms*

*Library: Fire alarm*

*Highway Department: Fire alarm*

*We are satisfied with their service and are proposing a new two-year contract to monitor the same systems, plus an annual fire alarm inspection service for each of the four buildings. The total for this new two year contract is \$9,368.*

*Could you please authorize Debbie to sign this two year contract?*

*Note:*

*The current monthly monitoring cost is \$47 per system per month. This amount is not increasing over this two year contract.*

*The annual fire alarm inspection fee is unchanged in year one of this contract, and increases by \$15 per building in year two, except for the Library which increases by \$25.*

*Christine Kneeland made a motion to authorize Eagan to sign a two year contract with Instant Signal & Alarm Co., Inc., Cliff Pierce second, all in favor - aye (5-0).*

- 4. Sign State Local Initiative Program Application for Ashley Village (Jean's Way), 12 Main Street for one affordable unit*

*Chairman Snow read the following:*

*Town Planner Kirk Baker has informed Debbie that the developer of Ashley Village at 12 Main Street, is ready to proceed with the filing of his Local Initiative Program Application form with the State Department of Housing and Community Development.*

*Ashley Village has one affordable unit that will need to be sold through the LIP program. The application requires the signature of the Town's Chief Executive Officer, which is the Board of Selectmen.*

*The Board will need to vote to authorize Chairman Bob Snow to sign the form on behalf of the Board.*

*Cliff Pierce made a motion to authorize Chairman Bob Snow to sign the LIP form on behalf of the Board, Deana Ziev second, all in favor - aye (5-0).*

5. Discuss completing Peace Officer Standards and Training Commission recertification forms for Police Chief Scott Dumas

Chairman Snow read the following:

*Under the Police Reform laws, Police Chief Scott Dumas has to file Peace Officer Standards and Training Commission documents as part of his re-certification process.*

*The Board needs to vote to authorize Chairman Snow to complete the Peace Officer Standards and Training Commission documents with Chief Dumas and to file them with the Commission.*

Joe Perry made a motion to authorize Chairman Snow to complete the Peace Officer Standards and Training Commission documents with Chief Dumas and to file them with the Commission, Christine Kneeland second, all in favor - aye (4-0). Deana Ziev - ABSTAINED

### **OLD BUSINESS**

1. Update on Triton District Communications Committee Meeting

Perry said this is his last year on the Landlord Tenant Agreement Committee. He said the Committee agrees that the proposed agreement is completed and this will be presented to the towns. He said regarding the proposed change in how assessments are made to the towns, Newbury is not in favor of this and it doesn't look like we will make progress on this for the next Town Meeting. He said when the Pine Grove School was renovated, there was more than enough space and the space was used for six common areas. He said now some of those spaces need to be converted back into classrooms for 25 additional students. He said we should have two classrooms for 25 students, but we need more information about where the students fall grade wise. Snow said when Superintendent Forget was here he said they will know the numbers the first day of school. Kneeland said she understands that the current Kindergarten class has a lot of kids and it will be tough to house them in two first grade classrooms. Eagan said she met with Brad Dore and Brian Forget, and Dore will look into the cost of reconfiguring the extended learning spaces back into classrooms. She said this won't be as easy as we thought and he will need a few weeks to do this. Perry said he met with Brad Dore and this can be done.

**6:30 p.m. PUBLIC HEARING** Earth Removal Permit Application filed by David S. Herrick to remove approximately 1,600 yards of earth from 77 Dodge Road

Chairman Snow read the following:

*This a continued public hearing from May 16, 2022. The Applicant needed to provide detailed information to the Conservation Agent and Town Planner. Additionally, the applicant stated in an email message to Town Planner Kirk Baker that the amount of earth to removed is 2,000 yards. The application states 1,600 yards.*

The conditions from the Town department heads are as follows and will be read into the record by Chairman Snow:

**CONSERVATION AGENT**

To: Board of Selectmen

From: Conservation Department

Date: June 2, 2022

RE: Earth Removal Application - 77 Dodge Road (Map 9, Parcel/Lot 34) Herrick Farm Trust, David S. Herrick & Kristen Herrick

The Conservation Dept. office has been in contact with Ms. Kristen Herrick and has reviewed the summited Area of Impact image and Pictometry Herrick Farm image. The two submittals address some of our previously stated concerns in the email of My 9, 2022 as follows:

1. Sketch on parcel map of area of proposed ledge removal ("area of impact").
2. Pictometry Herrick Farm specifies the location of ledge removal and will be taken as the "limit of work" of ledge removal.
3. Ms. Kristen Herrick explained that the "usable space" for agriculture will be the area of removed ledge that is approximately lowered a foot (12") to a foot and a half (18") below the surrounding surface grade and topsoil for either the same parcel or another farmed parcel will be mixed with cow manure and then spread to allow cultivation in this area.
4. Sketch Plan verbal details provided by Kristen Herrick to Conservation office (see attached PDF):
  - a. Location of 15' x 30' crushed stone entrance /exit pad to prevent soil tracking onto Dodge Rd.
  - b. Top soil stockpile location NOT specified because will be brought in from adjacent Herrick Farm lands (soil mixed with manure to amend and make topsoil). If soils are stockpiled at the impact area, then the mound will have temporary erosion controls installed around the toe of the slope.
  - c. Sanitary facilities are being provided at the nearby Farm Stand store where Mill Rd. intersects Dodge Rd.
  - d. Stormwater controls consist of erosion control sock or straw wattle installed along fence line (on sketch) and if appropriate along boundary and entrance adjacent to Bishop's Way to prevent sediment transport offsite by rain events. Extra erosion controls shall be available on site in case of any need during the course of the project.
  - e. The nearby catch basin shall be protected by installing in let control sack. As applicant indicated that the catch basin may not be currently functioning, request that they communicate this fact with the Highway Department and have the basin inspected and maintenance if needed.
  - f. Contractor (TW Excavating) shall be responsible for having appropriately sized Spill Containment Kit on site and available whenever work and vehicles are operating.
  - g. Review has determined that no wetland resource areas or Buffer Zones are adjacent to the proposed impact zone or project limits.
5. Area of ledge is visually evident, suggest consideration of waiving requirement for surveyed plans. The planned removal is proposed to change grades so that upon addition of topsoil the area of removal will match the existing surface grades of the surrounding topography.
6. Told verbally that sequence for restoration of area is to add topsoil and match existing grades of surrounding land. Then plant and cultivate appropriate crops. If not cultivated the topsoil



*should be seeded with grass (conservation mix) to establish vegetative cover to prevent soil runoff or wind-blown transport.*

*7. Regarding previously stated concern with noise levels, I will defer that topic to the Board of Selectmen and the Health Department.*

*8. The above requirements, as written and expressed by the sketch plan, should be combined with other Departments comments and requirements to mitigate the trucking generated by this project.*

*Please advise if I may be of further assistance.*

*Brent Baeslack / Conservation Agent*

Chairman Snow asked Ms. Herrick to provide an overview of the application. Kristen Herrick said she lives at 135 Dodge Road and she is representing her father who lives at 77 Dodge Road. Eagan said the Board would like Herrick to describe what the project is, why they are doing it, what the outcome of the application will be and where the soils are being transported to. She said the Town's Earth Removal Bylaw is meant to prevent mining the Town. Herrick said the area contains ledge and they want to keep the topsoil but isn't sure how much topsoil there is. She said they want to bring the ledge surface down so that the area can be used for something because it is currently unusable. Snow said the application is for 1,600 yards and it was stated elsewhere that there are 2,000 yards. Herrick said it is hard to say how much material there is. She said the estimate came from Jessie at T.W. Excavating and they could be wrong. She said the amount may need to be discussed more and they might have to revise the numbers as they go. Perry asked how big the area is. Herrick showed the Board the area on the map. Herrick said she is not sure of the amount of material. Snow said the application states 1,600, so we would have to stick with the 1,600.

Mary Jeanne Gosselin of 20 Lawrence Road said that she works for Kristen Herrick. She said the ledge is about a half a block size and Herrick just wants to level it down, as it is currently craggy, and they can work within the 1,600 cubic yard parameter. She said the whole point is to make the area level so that it is usable, and to then put topsoil on it. Snow said the application is for 1,600 cubic yards. Gosselin said she doesn't know where the 2,000 cubic yard estimate came from. Herrick said Jessie at T.W. Warren gave an initial estimate and then revised it.

Eagan said under the Earth Removal Bylaw they could remove earth but not take it off the property. She said if the permit was for 1,600 cubic yards, they could remove that amount and move it to another locations, and other amounts could be stockpiled on the property, but if they do this they should check with the Conservation Agent about erosion and stormwater controls. Perry said there is a lot of ledge and they won't know how deep the ledge is until they start digging.

Pierce said he thinks a condition should be imposed to require trucks to enter and exit the site via Route 133. He said a different project in the area has a requirement from the Planning Board to use Route 1 and it has been a terrible situation on Wethersfield

Street for the past three years with all of the large trucks. He disclosed that he lives in that area. Perry said for 1,600 yards the trucks should stay on Route 133.

Eagan said there are other comments from Department Heads and Chief Dumas addressed the truck route in his comments.

Snow read the following comments from Department Heads:

### **POLICE CHIEF**

*Hi Amy,*

*If the earth being removed will be deposited at 108 Newburyport Turnpike, I assume truck travel will be limited to Dodge Road exiting onto Haverhill Street. Will all removal equipment, trucks, excavator be off the road? This appears to be a gravelly area. Attention would need to be paid to any excess gravel and dirt allowed to stand on the roadway. Other than that, the police department has no further concerns.*

**Scott A. Dumas**

*Scott A. Dumas /Chief of Police*

### **TOWN PLANNER**

*Debbie,*

*They actually got the estimates for us below. Brent may still have some concerns.*

*It's a big project they are proposing...potentially up to 175 total truck loads over a 3 month period. It's up to the BOS members what they think is ultimately viable for a project like this in that location but I wonder if the M-F times should be narrowed as 7am is early enough to be a nuisance to most people. Also, I question having any weekend hours (they propose Saturday 8am to 1pm) if it involves heavy machinery pounding rock to break it up and haul off in big trucks. The abutters may want to have a say regarding what parameters should be set. Any reduction in hours will probably extend the project operations. Would the neighbors prefer to let the applicant start at 7 am on weekdays and operating on Saturday mornings to early afternoons so the project is completed at an earlier date possibly within three months? Or would they prefer to restrict the days and hours a bit and have the project go longer than 3 months?*

*I would also reiterate the need for the standard earth removal permit conditions concerning covered trucks to prevent spillage, and a condition for the applicant's obligation to clean up the public roads when spillage does occur.*

*Otherwise, I have not further concerns.*

*Thanks*

*Kirk Baker*

*Rowley Town Planner*

*Debbie,*

*Within 10 minutes of my sending you the email below, her contractor called me and told me he would get us those estimates in a day or two.*

*I didn't promise anything about whether they could still make the June 6<sup>th</sup> BOS meeting and told him he should be prepared to that the item be continued to the June 27<sup>th</sup>.*

*As soon as I get the estimates I will forward you an update. Brent may have his own separate issues to address.*

*While I think the town should have these estimates so we can anticipate the extent of the impacts to the abutters, I would note that, from a Planning point of view, Herrick's estimate could be 10 truckloads over 5 work days, or a 100 trucks over a course of a month, but the options for mitigation of the impacts to abutters will probably remain the same:*

- limit work hours to weekdays during times when residents are most likely not home,*
- set a timeframe for project completion with the option for extensions,*
- ensure trucks will be covered to not drop any rock or soil.*

*All that kind of stuff can be options for the BOS to impose as conditions.*

*Thanks*

*Kirk*

*TO: Board of Selectmen*

*FROM: Kirk Baker, Town Planner*

*SUBJECT: 77 Dodge Road*

*DATE: May 9, 2022*

*In reviewing the request for earth removal at 77 Dodge Road the big question that comes to my mind is, if the intended future use is for agricultural use, how does the large-scale removal of onsite soils, contribute to the future viability of any agricultural project? It seems to me they would be running the risk of stripping the potential agricultural value from the site.*

*Second, I don't see how the Agricultural Exemption would apply to a site that isn't already an agricultural site. So, I don't see how they could be eligible for waivers or exemptions from any aspect of the town's oversight. I say this because waivers are invoked numerous times in the application.*

*Moreover, with the assumption they are eligible for waivers the application is lacking key info typical:*

- A specific estimate of the quantity of earth material to be removed (using given in cubic yards). By extension of that info, the applicant could estimate a total number of Truck Loads for entire project from which they could estimate the other parameters of an Earth removal project.*
- Estimated # days/ #weeks to complete project.*
- Info regarding where the removed soils going to (or if being imported, where they are coming from). Note: the source of the import soil could be beneficial information to the homeowners in the future.*

- Cite the specific reason for why they need to do the exchange of earth materials (importing and exporting material) in the first place.
- Delineate on an exhibit the site area to be impacted by earth removal operations

*I can off that the following conditions should accompany the final approval once all the questions are answered and the missing info provided:*

- Install a proper construction entrance to reduce tracking of rocks and soils onto public roads.
- Recommend the condition that the applicant be made responsible for cleaning up spillage of dirt and/or rock materials onto any town roadways onto public roadways as a result of the proposed operations.
- All trucks leaving (or entering) the site with earth material be required to be covered with tarps to prevent material being dropped from the trucks.
- Restrictions on the truck route to or from the site, or a truck route designated by the Town.

*Thank you for the opportunity to review the application.*

*If you have any questions or concerns feel free to email me at [kirk.baker@townofrowley.org](mailto:kirk.baker@townofrowley.org) or call me at 978-948-5549.*

### **HEALTH DIRECTOR**

*The Health Department has reviewed the application for earth removal for the above referenced property and does not have any issue regarding the proposed removal.*

*The Health Department recommends the contractor take all necessary measures to minimize and control dust and soil spillage during removal. The road should be cleaned as needed or as directed by the Highway Surveyor.*

### **HIGHWAY SURVEYOR**

*The Highway Department has no comments or concerns.*

*Patrick Snow*

*Highway Surveyor/Tree Warden*

### **FIRE CHIEF**

*Amy:*

*The Fire Department has no questions of comments on this request.*

*Respectfully,*

*James C. Broderick*

*Fire Chief*

*Snow asked if there are any abutters present who wish to speak.*

*Tom Horgan handed Chairman Snow a statement. He said he is an abutter who lives at 11 Bishop Way and owns an adjacent buildable lot. He said he is not opposed to the*

project but has questions and concerns. Snow read a portion of Horgan's statement. Horgan stopped Snow and asked if he could explain his questions. Snow said okay.

Horgan said he is not opposed to this project and he thinks a grassy field will look better for the farm and the neighbors. He said currently the trees came down and there is ledge which is quite ugly, and he understands what the Herrick's are trying to do. He asked if a stipulation will be that they "shall" plant grass or cultivate or that they "should" plant grass or cultivate. He said this is a question for the Board and it is okay if they can't answer it now. Pierce said normally the word "shall" would be used in a list of conditions because it would be mandatory. Horgan said the wording would be it "shall" be this because and we are allowing this because it is being turned back into a field someday. He said right now there are concerns because there have been changes on the parcel over the years and it is not being used for agriculture now. He said loose words shouldn't be used and he believes what Kristen Herrick is saying about the land's future use.

Horgan said based on his calculations using the height, length and width of the area, he believes there will be 17,000 cubic yards of earth. He said he doesn't want to block this application, but he wants the number to be accurate so that the project isn't started and then stopped once it is underway. Horgan asked what the process to break up the ledge will be. Kristen Herrick said the plan was to jackhammer it, but knowing that Horgan works from home, maybe they should explore using explosives. Horgan said jackhammering emits ~130 dB versus a jet engine of 135 dB, so it is loud. He said he is 500 feet away and is not impacted as much as neighbors who are closer. He said his question is about the noise level of the jackhammer.

Snow said Horgan's questions are making him question how much earth is involved and he said we should have someone from T.W. Excavating here to explain this. Horgan said there is probably a lot of ledge. Herrick said they will be capped at 1,600 cubic yards. Horgan said he doesn't think they should be capped and that the Board could allow 2,000 cubic yards plus whatever additional amount it takes to get the area leveled in order to get the project done and not have delays. Snow said someone from T.W. Excavating should come in so that we have the correct numbers before us. Perry agreed and said it is an enormous discrepancy between 17,000 and 1,600. Ziev said they could also discuss the difference between jackhammering and any other options.

Snow said there are a lot of questions here. Eagan said the reason the Fire Chief didn't have any comments was because it was clear that there would be no blasting. She said there is no engineer working on this project and Kristen is doing it on her own, so there are a lot of loose ends. She said if blasting will be used, this will need to be reviewed by the Fire Chief and Health Director. Herrick said they don't have a project start date because they don't have a permit. Snow said we need T.W. Excavating to come in and we need to continue the hearing.

Horgan said there are quite a bit of asphalt millings on site and he sees an opportunity for the truckers to move these to another location while they are onsite. He said the

millings have a nasty smell in the sun and are unsightly. Herrick said these millings will be used in various areas of the farm and have nothing to do with this project.

Horgan said they have always been 100% supportive of the farm and its' endeavors for over a quarter of a century and he thinks Kristen would attest to that. He said there are a lot of unregistered vehicles, scrap metal and tires in the area and he would like them to do a cleanup of the area because it is unsightly and lowers the property values. He said regarding the work hours, a lot of people work from home right now and kids are home for the summer, so the hours don't matter. He said lastly he thinks there is a lot more earth than 1,600 yards. He said again he is not opposed to this and thinks it is a good plan, but wants to understand the potential impact.

Christopher Harlow said he is from 22 Dodge Road and is not an abutter, but can see the farm from his home. He said he moved to his home three years ago and one of the reasons they chose their home was because of the farm. He said he reviewed the material on the 17 year old Earth Removal Bylaw and has the following concerns. He said regarding the concern about road debris for this project, the most damage on the road comes from the Town's plow trucks which are destroying the road. He said he doesn't want to get bogged down in considering debris on the road. He said the debris isn't as important as following the bylaw. He asked who will be responsible for the daily evaluation and reporting on the project, which is the Board's responsibility. He said he isn't too concerned with the noise level during the day but is very concerned about noise at night. He said according to his reading of the bylaw you cannot remove earth if it is within 300 feet of a public way or within 100 feet of a private road, and he hopes the Board will be concerned about that. He said he is behind this project but he thinks the devil is in the details. He said he hopes the Board of Selectmen is very responsible in making sure the details are followed. He said they like the Herrick family, they have been good neighbors and they want to continue this relationship.

Mary Jeanne Gosselin of 20 Lawrence Road said that she would like to add that the area for this proposed work was previously used for cows to be pastured, and it was very bucolic. She said she is picking up from the complaints that people don't like that the trees were removed and that work is being done in this area. She said the complaints are about aesthetics, but this is a working farm and the Herrick's can't keep up a bucolic setting for the neighbors – it isn't realistic. She said the eyesores that people are complaining about are necessary for the continued operations of the farm.

Horgan said they are fine with the agricultural use of the farm, but the concern is about a number of unregistered vehicles where limits have been overlooked and they are eyesores. He said the area needs to be cleaned up, and they aren't concerned about the agricultural equipment.

Kristen Herrick said on Bishop Way about half way up there is a storage garage where they store things that they are working on. She said that is why the unregistered vehicles are there. She said if there are restrictions they will need to look into that but wanted to mention this.

Snow said there a number of concerns that have popped up and this hearing needs to be continues to June 27<sup>th</sup>, and Jessie from T.W. Excavating needs to come in to explain how much earth is being removed. Snow said he will go to the property and look and asked Kristen if she could explain this in person to him. Perry said he wishes to join the visit.

Joe Perry made a motion to continue to the public hearing. The vote was not completed.

Cliff Pierce made a motion to continue the public hearing to June 27, 2022 at 6:30 p.m., Christine Kneeland second, all in favor - aye (5-0).

### **OLD BUSINESS**

#### **2. Update on intersection of Route 1 and Central and Glen Streets project**

Chairman Snow read the following:

*There was another serious motor vehicle crash at the intersection of Central and Glen Streets last week. Chairman Snow is looking into having signs placed on Central and Glen Streets indicating that drivers are approaching a dangerous intersection. Chairman Snow contacted Frank Suszynski at the Mass. DOT for guidance. Please see message below from Mr. Suszynski with his recommendations on signage.*

*Chairman Snow will also provide the Board with an update on the intersection project.*

*Hi Bob,*

*We have ordered the recommended signage and we should be able to get these fabricated and installed in a week or so. We have put a high priority on the fabrication and install. The good news is that the Rowley Project 609392 Safety Improvements at this location will be advertised in 2022 on August 20<sup>th</sup>. Let me know how the Selectboard meeting goes. Thanks  
Frank*

*Hi Bob,*

*I'm very sorry to learn of the recent crash at Route 1 at Glenn/Central and appreciate you letting me know. We can assist you as needed with additional signage. I had our Traffic Operations Engineer review and recommended the appropriate warning sign for the Towns consideration. Any additional signage will need to be MUTCD approved, the Dangerous Intersection sign is not MUTCD approved so we can offer the following options for your consideration.*

*A more appropriate sign would be a W3-1 (STOP AHEAD GRAPHIC):*



*Central St already has a W3-1 located about 500 feet in advance of the intersection (see image below).*



*It does not appear a W3-1 sign exists on Glenn Ave. I recommend we install one about 500 feet in advance. On both side streets, we could also install additional W3-1 signs at 250 feet in advance, so drivers are reminded again of the stop condition ahead.*

*Lastly, we could install W4-4P (CROSS TRAFFIC DOES NOT STOP) signs under the existing STOP signs at the intersection:*



*If the Town agrees, we can order the signs and have these installed if that would be helpful?*

*Please let me know if you have any questions.*

*Thanks*

*Frank*

Snow said he thinks everyone who lives in town is well aware of this intersection, especially when you are on Glen Street entering Route 1 with the limited visibility. He said this is where we had a fatal accident about a year ago. He said the traffic light for the intersection is going out to bid in October and the work will begin in the spring of 2023. He said we can only make people aware of the intersection, and maybe the newspaper can do an article on this. He said he thinks the fatal accident involved someone from out of town who was probably not familiar with this intersection. He said this was supposed to be on the Transportation Improvement Plan for 2027 but Senator Tarr and Representative Hill worked to get it moved to 2022/2023. Perry said the traffic



on Route 1 travels at a high speed from 40 MPH to over 50 MPH, and the traffic trying to cross Route 1 takes their life in their own hands in getting across.

Pierce said we can't forget about the Wethersfield Street and Route 1 intersection. Kneeland said both intersections are problematic and especially when students are driving to and from school in the morning and afternoons. Snow said at the Wethersfield intersection there is a speed sign, and he requested that MassDOT cut the brush back in the past to help with visibility, and there are flashing lights there. He said people who live here are aware of the issues at the intersections, but people from out of the area are not, and he asked that people review these intersections with new drivers. Pierce asked when the State will fix the Wethersfield intersection. Snow said with the three fatalities, we requested the light, visited the site, and we got the flashing light put in, but haven't requested a permanent light there. Pierce said he thought we requested lights at both but that the State indicated that the Central Street location was worse due to the sight lines. Snow said we can ask Patrick Snow to cut back the foliage, and to Chief Dumas about enforcement to slow traffic. Pierce said we should keep up the pressure on the State for a light at the Wethersfield Street intersection.

Joe Perry made a motion to support the recommendations from MassDOT for the signage, Deana Ziev second, all in favor - aye (5-0).

## **FY 22 BUDGET TRANSFERS**

### **1. Police Department Expenses to Transfers**

Chairman Snow read the following:

*The Board has one FY 22 G.L. c. 44§ 33B(b) transfer from Police Chief Scott Dumas. Chief Dumas is requesting to transfer \$6,000 from the Police Department Expenses line to the Police Department Wages line to cover a potential shortfall.*

*The Board needs to vote to approve the request. It will be signed after the meeting.*

Cliff Pierce made a motion to approve this transfer request, Christine Kneeland second, all in favor - aye (4-0). Deana Ziev - ABSTAINED

## **FY 23 APPOINTMENTS**

<b><u>Position or Board</u></b>	<b><u>Name</u></b>	<b><u>Expiration</u></b>
Parking Clerk	Janet Peabody	6/30/2023

Joe Perry made a motion to appoint Janet Peabody as Parking Clerk effective July 1, 2022 through June 30, 2023, Christine Kneeland second, all in favor - aye (5-0).

## **FY 23 RE-APPOINTMENTS**

<b><u>Position or Board</u></b>	<b><u>Name</u></b>	<b><u>Expiration</u></b>
Open Space Committee	Howard Vogel	6/30/2023
Open Space Committee	Alyssa King	6/30/2023

Conservation Commission	Daniel Shinnick	6/30/2025
Limited Health Agent	Catherine McClenaghan	6/30/2023
Limited Health Agent	Jeffrey E. Megna	6/30/2023
Parking Clerk	Catherine McClenaghan	6/30/2023
Local Census Liaison for Federal Census	Catherine McClenaghan	6/30/2023
Records Access Officer	Catherine McClenaghan	6/30/2023
Board of Registrars	Catherine McClenaghan	6/30/2025
Police Chief	Scott Dumas	6/30/2025
Patrolman	John J. Raffi	6/30/2025
Patrolman	Carolyn Lynch	6/30/2025
Reserve Patrolman	Adam Elmore	6/30/2025
Reserve Patrolman	Connor Salvo	6/30/2025
Reserve Dispatcher	Elizabeth Urbanczyk	6/30/2025
Reserve Dispatcher	Juliana Paulette	6/30/2025
Executive Assistant	Joy Stanton	6/30/2025
Keeper of Rowley Police Station Lockup facility as required under MGL c.40 §35	Scott Dumas	6/30/2023
Zoning Review Committee	Kirk Baker	6/30/2023
Zoning Review Committee	Ken Ward	6/30/2023

Christine Kneeland made a motion to re-appoint Howard Vogel and Alyssa King to the Open Space Committee effective July 1, 2022 through June 30, 2023, Cliff Pierce second, all in favor - aye (5-0).

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Christine Kneeland made a motion to re-appoint Daniel Shinnick to the Conservation Commission effective July 1, 2022 through June 30, 2025, Cliff Pierce second, all in favor - aye (5-0).

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Cliff Pierce made a motion to re-appoint Catherine McClenaghan and Jeffrey Megna as Limited Health Agents effective July 1, 2022 through June 30, 2023, Christine Kneeland second, all in favor - aye (5-0).

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Joe Perry made a motion to re-appoint Catherine McClenaghan as Parking Clerk effective July 1, 2022 through June 30, 2023, Deana Ziev second, all in favor - aye (5-0).

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Christine Kneeland made a motion to re-appoint Catherine McClenaghan as the Local Census Liaison for Federal Census effective July 1, 2022 through June 30, 2023, Cliff Pierce second, all in favor - aye (5-0).

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Cliff Pierce made a motion to re-appoint Catherine McClenaghan as the Records Access Officer effective July 1, 2022 through June 30, 2023, Deana Ziev second, all in favor - aye (5-0).

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Joe Perry made a motion to re-appoint Catherine McClenaghan to the Board of Registrars effective July 1, 2022 through June 30, 2025, Deana Ziev second, all in favor - aye (5-0).

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Christine Kneeland made a motion to re-appoint Scott Dumas as Police Chief effective July 1, 2022 through June 30, 2025, Cliff Pierce second, all in favor - aye (5-0).

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Cliff Pierce made a motion to re-appoint John Raffi and Carolyn Lynch to the position of Patrolman effective July 1, 2022 through June 30, 2025, Christine Kneeland second, all in favor - aye (4-0). Deana Ziev - ABSTAINED

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Joe Perry made a motion to re-appoint Adam Elmore and Connor Salvo to the position of Reserve Patrolman effective July 1, 2022 through June 30, 2025, Cliff Pierce second, all in favor - aye (4-0). Deana Ziev – ABSTAINED

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Christine Kneeland made a motion to re-appoint Elizabeth Urbanczyk and Juliana Paulette to the position of Reserve Dispatcher effective July 1, 2022 through June 30, 2025, Joe Perry second, all in favor - aye (4-0). Deana Ziev – ABSTAINED

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Christine Kneeland made a motion to re-appoint Joy Stanton to the position of Executive Assistant to the Police Chief effective July 1, 2022 through June 30, 2025, Cliff Pierce second, all in favor - aye (4-0). Deana Ziev – ABSTAINED

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Joe Perry made a motion to re-appoint Scott Dumas as the Keeper of the Rowley Police Station Lockup facility as required under MGL c.40 section 35 effective July 1, 2022 through June 30, 2023, Cliff Pierce second, all in favor - aye (4-0). Deana Ziev – ABSTAINED

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Christine Kneeland made a motion to re-appoint Kirk Baker and Ken Ward to the Zoning Review Committee effective July 1, 2022 through June 30, 2023, Deana Ziev second, all in favor - aye (5-0).

## **MINUTES**

- May 16, 2022

Christine Kneeland asked for the minutes to be corrected to reflect that under the Members Present section that Deana Ziev and Cliff Pierce were absent.

Joe Perry made a motion to approve the minutes of May 16, 2022 as corrected, Christine Kneeland second, all in favor - aye (4-0). Deana Ziev – ABSTAINED

- May 23, 2022

Joe Perry made a motion to approve the minutes of May 23, 2022 as corrected, Christine Kneeland second, all in favor - aye (4-0). Deana Ziev – ABSTAINED

### **ANNOUNCEMENTS**

1. The Board of Selectmen wishes to remind residents now that the warm weather is upon us, that dog owners must restrain their dogs from running at large outside of their own private property.
2. The Town has the following board vacancies:
  - **Council on Aging**
  - **Conservation Commission**
  - **Open Space Committee**Interested residents should send a letter of interest to the Board of Selectmen. Position is open until filled.
3. The Ipswich-Rowley Rotary is sponsoring a Flags for Heroes project on the Rowley Town Common from June 18 – July 9, 2022. The public is invited to sponsor a “Hero” who may be a veteran, teacher, medical professional, mentor or any person would they like to honor. Up to 100 Flags for Heroes will be placed on the Town Common. For more information on how to sponsor a hero flag, go to [ipswichrotary.org](http://ipswichrotary.org).
4. The Rowley Board of Health would like to remind residents and employees that although COVID-19 cases are minimal right now, some towns have seen outbreaks in populations where close contact is inevitable. We recommend that residents continue to be cautious in resuming their day-to-day activities.

### **ADJOURN**

Deana Ziev made a motion to adjourn, Cliff Pierce second, all in favor - aye (5-0).

Meeting adjourned at 7:44 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

### **ATTACHMENTS:**

1. Meeting memo regarding General Business #1: Firefighter Safety Equipment Grant Contract Extension form

2. Firefighter Safety Equipment Grant Contract Extension forms
3. Meeting memo regarding General Business #2: Issue Proclamation for Nathan S. Ewell for achieving rank of Eagle Scout
4. Proclamation for Nathan S. Ewell for achieving rank of Eagle Scout
5. Request from Scoutmaster George Pacenka to issue a proclamation for Nathan S. Ewell for achieving rank of Eagle Scout
6. Meeting memo regarding General Business #3: Issue Proclamations for Fire Chief James Broderick and Fire Captain James Ronald Merry for their many years of service to the Town
7. Proclamations for Fire Chief James Broderick and Fire Captain James Ronald Merry for their many years of service to the Town
8. Meeting memo regarding General Business #4: Request from Harbormaster William DiMento to appoint Teddy Storrs to the position of Pumpout Boat Operator
9. Request from Harbormaster William DiMento to appoint Teddy Storrs to the position of Pumpout Boat Operator
10. Meeting memo regarding General Business #5: Request from Highway Surveyor Patrick Snow to appoint Robert Diehl as acting Highway Foreman
11. Request from Highway Surveyor Patrick Snow to appoint Robert Diehl as acting Highway Foreman
12. Meeting memo regarding General Business #6: Authorize Highway Surveyor Patrick Snow to be the authorized signatory on the State Massachusetts Department of Transportation Winter Rapid Recovery Grant recipient documents
13. State Massachusetts Department of Transportation Winter Rapid Recovery Grant recipient documents
14. Meeting memo regarding New Business #1: One Day Liquor License application filed by Adelaide Majeski for June 18, 2022 at the Clark School, 26 Newburyport Turnpike for a private event
15. One Day Liquor License application filed by Adelaide Majeski for June 18, 2022 at the Clark School, 26 Newburyport Turnpike for a private event
16. Meeting memo regarding New Business #2: One Day Liquor License application filed by Anonymous Brewing LLC for July 20, 2022 from 4:30 p.m. to 6:30 p.m. at the Rowley Public Library, 141 Main Street for a craft brewing and small business informational event
17. One Day Liquor License application filed by Anonymous Brewing LLC for July 20, 2022 from 4:30 p.m. to 6:30 p.m. at the Rowley Public Library, 141 Main Street for a craft brewing and small business informational event
18. Email from Kevin Moriarty regarding Library event sent June 6<sup>th</sup> at 4:17 p.m.
19. Meeting memo regarding New Business #3: Discuss and authorize Alarm Monitoring Services for Municipal Buildings contract with Instant Signal & Alarm Co. Inc.
20. Alarm Monitoring Services for Municipal Buildings contract with Instant Signal & Alarm Co. Inc.
21. Meeting memo regarding New Business #4: Sign State Local Initiative Program Application for Ashley Village (Jean's Way), 12 Main Street for one affordable unit

22. State Local Initiative Program Application for Ashley Village (Jean's Way)
23. Meeting memo regarding New Business #5: Discuss completing Peace Officer Standards and Training Commission recertification forms for Police Chief Scott Dumas
24. Meeting memo regarding Old Business #1: Update on Triton District Communications Committee Meeting
25. Meeting memo regarding 6:30 p.m. Public Hearing: Earth Removal Permit Application filed by David S. Herrick to remove approximately 1,600 yards of earth from 77 Dodge Road
26. Legal Notice for Earth Removal Permit Application filed by David S. Herrick to remove approximately 1,600 yards of earth from 77 Dodge Road
27. Conditions from Conservation Commission for Earth Removal Permit
28. Sketch Plan of 77 Dodge Road
29. Conditions from Town Planner for Earth Removal Permit - 1
30. Conditions from Town Planner for Earth Removal Permit - 2
31. Comments from Police Chief for Earth Removal Permit
32. Comments from Health Director for Earth Removal Permit
33. May 16, 2022 meeting memo regarding 6:30 p.m. Public Hearing: Earth Removal Permit Application filed by David S. Herrick to remove approximately 1,600 yards of earth from 77 Dodge Road
34. Legal Notice for Earth Removal Permit Application filed by David S. Herrick to remove approximately 1,600 yards of earth from 77 Dodge Road
35. Earth Removal Permit Application filed by David S. Herrick to remove approximately 1,600 yards of earth from 77 Dodge Road
36. Legal Notice for Earth Removal Permit Application filed by David S. Herrick to remove approximately 1,600 yards of earth from 77 Dodge Road
37. Legal Notice for Earth Removal Permit Application filed by David S. Herrick to remove approximately 1,600 yards of earth from 77 Dodge Road
38. Earth Removal Bylaw
39. Letter submitted to Chairman Snow at meeting from Thomas Horgan regarding Earth Removal Permit application
40. Meeting memo regarding Old Business #2: Update on intersection of Route 1 and Central and Glen Streets project
41. Meeting memo regarding FY 22 Budget Transfers
42. Police Department Expenses to Payroll Transfer Request Form
43. Meeting memo regarding FY 23 Appointments
44. Meeting memo regarding FY 23 Re-appointments
45. Draft minutes of May 16, 2022
46. Draft minutes of May 23, 2022