

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, March 7, 2017  
TOWN HALL ANNEX, 39 CENTRAL STREET  
APPROVED: March 28, 2017**

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Sam Streiff, and Howard Vogel  
Absent: David DelMonico, 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, Streiff moved to accept the Minutes of February 14, 2017. Garner seconded the motion and the motion passed by a vote of four yeas and one abstaining vote (Vice Chair Turner).

**Acceptance of Minutes:** After the Commission reviewed the minutes, Vice Chair Turner moved to accept the Minutes of May 5, 2015. Garner seconded the motion and the motion passed unanimously.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Streiff moved to accept the Minutes of May 26, 2015. Garner seconded the motion and the motion passed unanimously.

**Fiscal Year 2018 Budget:** Agent Baeslack presented a draft Budget for FY18. The Commission reviewed and discussed the draft.

Vogel moved to accept the Fiscal Year 2018 Draft Budget as presented. Streiff seconded the motion and the motion passed unanimously.

**Conservation Commission Secretary Position:** The Commission read the draft of Chair Page's March 8, 2017 letter to the Board of Selectmen requesting authorization of \$5,200 from the WPA Notice of Intent Filing Fees Account to support funding six (6) of the sixteen (16) hour RCC secretarial position.

Vice Chair Turner moved to authorize the use of NOI funds for partial payment of the RCC secretarial position. Vogel seconded the motion and the motion passed unanimously.

**Continued Notice of Intent for 305 Newburyport Turnpike (Map 17, Parcel 20 Lot 47) filed by Edward Surette, Trustee of Prime Realty Trust:** Proposed construction of a 3640 sq. ft. commercial building, 11,400 sq. ft. expanded parking area, grading, utilities, stormwater facilities, and 3,800 sq. ft. wetlands filling with replication within Bordering Vegetated Wetlands (BVW) and the 100' Buffer. Agent Baeslack presented a written request from the applicant's representative, William Manuell of Wetlands & Land Management, Inc., asking to have the hearing continued to March 28, 2017.

Streiff moved to continue the meeting to March 28, 2017 with permission from the applicant. Garner seconded the motion and the motion passed unanimously.

**New Notices of Violation for 982 and Lot 1 Haverhill Street (Map 4, Parcels 19 and 19 Lot 1) owned by Sheriff Abuzahra, Trustee of Spring-R Realty Trust:** Possible violations (1) Under the Massachusetts Wetlands Protection Act and Town of Rowley Wetlands Protection Bylaw possible altering by clearing, grading, and earth disturbance within the 100' Buffer Zone to Isolated Vegetated Wetlands and Bordering Vegetated Wetlands and the DEP Approved Groundwater Protection Area Zone II. (2) Under the Town of Rowley Stormwater Management and Erosion Control Bylaw possible failure to install effective erosion controls after disturbing earth and clearing vegetation; failure to effectively control and prevent sediment from entering a public right of way and abutting property; disturbing over 20,000 sq. ft. of surface area without a valid Stormwater Management Permit. Mr. Said Abuzahra and Ms. Jehad Abuzahra were in attendance representing the property owners and presented the Commission with a letter in response to the Notices of Violation received. The Commission reviewed the submitted letter before discussing the concerns for the work done on site. Agent Baeslack gave the Commission a report on the properties involved and the work observed. He explained how the project was jurisdictional because of the entire area being within Zone II under Rowley Wetlands Protection Bylaw. Agent Baeslack recommended the Commission ask for an "after-the-fact" Request for Determination Application with conditions to control erosion onto abutting properties and the roadway. He explained this would cover the soil management and should be sufficient because no development was planned on the site. The Commission agreed with this recommendation and asked that the application be submitted in a timely manner for the April 18, 2017 scheduled meeting.

Vice Chair Turner moved to require a Request for Determination Application to satisfy possible violations of both the Wetlands Protection Act, Town of Rowley Wetlands Protection Bylaw, and the Town of Rowley Stormwater Management and Erosion Control Bylaw. Streiff seconded the motion and the motion passed unanimously.

**New Notices of Violation for 285 Newburyport Turnpike (Map 16, Parcel/Lot 4) owned by George Speropolous, GTS Realty, LLC:** Possible violations (1) Under the Massachusetts Wetlands Protection Act and Town of Rowley Wetlands Protection Bylaw possible altering by grading and earth disturbance and depositing soils within 100' Buffer Zone to Bordering Vegetated Wetlands. (2) Under the Town of Rowley Stormwater Management and Erosion Control Bylaw possible failure to install effective erosion controls after disturbing earth; failure to effectively control and prevent sediment from entering a

right of way and abutting property. Mr. George Speropolous, Principle and Mr. Jonathan MacPhee, Architect, were present to answer questions from the Commission. Agent Baeslack gave the Commission a report on the properties involved and the work done. He advised that the construction management company had already taken steps to install/repair erosion control on the site. Agent Baeslack recommended the Commission ask for an “after-the-fact” Request for Determination Application with conditions to control erosion onto abutting properties and the roadway. The Commission agreed with this recommendation and asked that the application be submitted in a timely manner for the April 18, 2017 meeting.

Garner moved to require a Request for Determination Application to satisfy possible violations of both the Wetlands Protection Act, Town of Rowley Wetlands Protection Bylaw, and the Town of Rowley Stormwater Management and Erosion Control Bylaw. Vogel seconded the motion and the motion passed unanimously.

**New Request for a Certificate of Completion SMP#11-2014 for 320 Wethersfield Street (Map 18, Parcel 5, Lot 22-3) Anthony Gravalles, A.G. Construction Company:** The Commission reviewed Agent Baeslack’s memo dated March 7, 2017, and agreed with the outlined recommendations. The Commission moved to close the public hearing.

Vice Chair Turner moved to issue a complete Certificate of Compliance for SMP#11-2014 with ongoing conditions upon field verification of the listed minor tasks being done. Garner seconded the motion and the motion passed unanimously.

**Open Meeting Law Complaint filed by Stephen Comley, Sr. received by Town Clerk February 28, 2017:** As prescribed by the Attorney General’s Office, the Commission followed all procedures set forth in step 2 of the OML Complaint Process and Form. As part of this process, the Commission reviewed a March 7, 2017 response letter prepared by Town Administrator Deborah Eagan to an Open Meeting Law Complaint filed by Mr. Stephen Comley, Sr. on behalf of We the People with the Town Clerk’s Office on February 28, 2017 and filed with the Conservation Commission on March 1, 2017.

Vogel moved to accept Town Administrator Eagan’s response letter of March 7, 2017 to the Open Meeting Law Complaint received March 1, 2017. Chair Page seconded the motion and the motion passed unanimously.

**Response to Letter dated/received February 14, 2017 from Stephen Comley, Sr:** The Commission reviewed a response letter to be dated March 7, 2017 drafted by the Commission Staff in answer to a letter hand-delivered by Mr. Stephen Comley, Sr. on behalf of We the People at the February 14, 2017 meeting.

Vice Chairman Turner moved to issue the RCC response to Mr. Stephen Comley, Sr.’s letter dated February 14, 2017 as drafted. Vogel seconded the motion and the motion passed unanimously.

**Status Reports: Permits & Enforcement**

**Prospect Hill Access Roadway Project, 124 Haverhill Street (Map 15, Parcel/Lot 97)**

Agent Baeslack advised that the site was still in a stabilized condition.

**305 Newburyport Turnpike (Map 17, Parcel 20 Lot 47) Edward Surette Prime Realty Trust Request for Special Permit/Site Plan Review (Modification)**

Agent Baeslack advised the Commission that a request for a Special Permit/Site Plan Review from the Planning Board had been received. He provided the Commission with a project overview and comments received from the Planning Board's technical reviewer, Mr. Larry Graham. The Commission authorized Agent Baeslack to submit comments to the Planning Board.

**Adjournment:**

Accomplished at 9:10 PM by a motion made by Streiff. Garner seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent