

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, June 18, 2019
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 7/9/2019**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Robert Garner, Judy Kehs, and Howard Vogel (7:50 pm)
Absent: N/A
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 May 28, 2019 as amended. Garner seconded the motion and the motion passed unanimously.

Request Emergency Certificate for 600 Newburyport Tnpk (Map 19, Parcel 15). Jamie Stanley - Agent Baeslack presented a Request for an Emergency Certificate for 600 Newburyport Turnpike issued due to flooding caused by two beaver dams which the Board of Health had certified was a danger to the septic and drinking water of the single family dwelling.

Garner moved to ratify and confirm the issuance of the Emergency Certificate. Streiff seconded the motion and the motion passed unanimously.

Request Emergency Certificate at 532 Wethersfield Street (Map 11, Parcel 3, Lot 3), Deborah Rosse by Lucia Herrick Realty Trust - Agent Baeslack presented a Request for an Emergency Certificate for 532 Wethersfield Street which was for the breaching of a beaver dam to allow for the lowering of water levels for pile driving on the flooded farm road at 548 Wethersfield Street. Agent Baeslack read the special conditions.

Streiff moved to ratify and confirm the issuance of the Emergency Certificate. Garner seconded the motion and the motion passed unanimously.

Acceptance of a donation of 23.9 acres of land off Kathleen Circle (Map 17, Parcel 23) from the Gateway II Trust of 1997 – Agent Baeslack provided the Commission with background on the proposed land donation and its benefits to the Town. The Commission decided to accept the 23.9 acres of land off Kathleen Circle and to forward a recommendation to the Board of Selectmen for their approval. The recording of the deed will

occur once the Attorney General approves the Zoning Change Article from Town meeting on May 6, 2019.

Garner moved to accept the land donation contingent on the Board of Selectmen's approval. Kehs seconded the motion and the motion passed unanimously.

Commissioner Vogel **arrived** at the meeting.

Acceptance of 17.56 acres of land off Saunders Lane (Map 17, Parcel 36, Lot 28) Parcel "A" designated for "conservation & open space" in "The Pines Saunders Lane Subdivision" by Rowley Pines Trust - The Commission discussed acceptance of the 17.56 acres of land off Saunders Lane as delineated in the Definitive Subdivision Plan approved by the Planning Board and referenced in the Order of Conditions. Agent Baeslack advised that a new deed had been prepared and the Town was attempting to get the Rowley Pines Trustees to sign their acceptance page. He recommended that the Commission sign their Acceptance Page. It was agreed to accept the land and to forward a recommendation to the Board of Selectmen for approval contingent upon receipt of all remaining signatures.

Streiff moved to accept the land contingent on the Selectmen's approval and receipt of all remaining signatures including the Trustees of Rowley Pines Trust. Kehs seconded the motion and the motion passed unanimously.

New Notice of Intent application at 430 Wethersfield Street (Map 12, Parcel/Lot 3), at land off Wethersfield Street (Map 12, Parcel/Lot 4) and at land off Taylor Lane (Map 12, Parcel/Lot 2) Robert Nixon of Taylor Lane LLC: Proposed limited project roadway stream crossing, retaining walls, 1,800 sq. ft. wetland alteration, 3,800 sq. ft. wetland replication, drainage, grading and associated utilities. Mr. Robert Nixon of Taylor Lane LLC, Ms. Maureen Herald of Norse Environment Services, and Ms. Amanda Boudreau of Bitterroot LLC, were in attendance to discuss and answer any questions of the Commission. Ms. Herald presented the project to the Commission. She explained that the project was designed to best meet the standards for Stormwater Management and Stream Crossing. Agent Baeslack gave a verbal report on his review of the application and plans. He recommended that the Commission have the project reviewed by a peer reviewer to assist the Commission on determining if the project met the stream crossing and stormwater standards. The Commission agreed that the project should be reviewed and accepted Agent Baeslack's recommendation to forward the plans to Horsley-Witten for an estimate and timing of review.

Vogel moved to submit the project for a peer review. Garner seconded the motion and the motion passed unanimously.

Garner moved to continue the public hearing with the applicant's permission to the meeting of July 9, 2019. Vogel seconded the motion and the motion passed unanimously.

New Stormwater Management Permit application at 430 Wethersfield Street (Map 12, Parcel/Lot 3), at land off Wethersfield Street (Map 12, Parcel/Lot 4) and at land off Taylor Lane (Map 12, Parcel/Lot 2) Robert Nixon of Taylor Lane LLC:

Proposed limited project roadway stream crossing, retaining walls, 1,800 sq. ft. wetland alteration, 3,800 sq. ft. wetland replication, drainage, grading and associated utilities; total site disturbance is approximately 32,150 square feet. Mr. Robert Nixon of Taylor Lane LLC, Ms. Maureen Herald of Norse Environment Services, and Ms. Amanda Boudreau of Bitterroot LLC were in attendance to discuss and answer any questions of the Commission. Ms. Herald suggested that the hearing be continued pending the Horsley Witten review. Agent Baeslack expressed concerns about the restoration areas and the discharge directly into the BVW. Agent Baeslack also advised the Commission that this permit would be amended in the future to cover the entire project.

Streiff moved to continue the public hearing with the applicant's permission to the meeting of July 9, 2019. Garner seconded the motion and the motion passed unanimously.

Continued Notice of Intent application at 491 Main Street (Map 31, Parcel/Lots 26 & 27A) Paul Vorrias: Proposed construction of a private road and common driveway, a single family dwelling 28 x 64, and a garage 28 x 36, stormwater facilities, grading and utilities possibly within 100' Buffer Zones, Bordering Vegetated Wetlands, Salt Marsh, Land Subject to Coastal Storm Flowage, and Great Marsh ACEC. Ms. Deb Colbert of Hancock Associates was in attendance to update the Commission on the changes made to address comments from H.L. Graham Associates and the Agent. Agent Baeslack also reviewed some of the changes which had been requested and made recommendations for special conditions.

Vogel moved close the public hearing and to issue an Order of Conditions contingent upon receipt of the final letter from H.L. Graham. Garner seconded the motion and the motion passed unanimously.

Continued Stormwater Management Permit application at 491 Main Street (Map 31, Parcel/Lots 26 & 27A) Paul Vorrias: Proposed construction of a private road and common driveway, a single family dwelling 28 x 64, a barn 30 x 60 and two garages 24 x 24 and 28 x 36, stormwater facilities, grading and utilities; total site disturbance is approximately 34,000 square feet. Ms. Deb Colbert of Hancock Associates was in attendance to update the Commission on the changes made to address comments from H.L. Graham Associates and the Agent. Agent Baeslack also reviewed some of the changes which had been requested and made recommendations for special conditions.

Streiff moved to close the public hearing and issue a Stormwater Management Permit contingent upon receiving the final letter from H.L. Graham Associates. Garner seconded the motion and the motion passed unanimously.

Status Reports: Permits & Enforcement

Enforcement Order 34 Dodge Road (Map 5, Parcel 104, Lot 3) Guiseppe Guigliano, owner & Angelo Ciardiello of ERA Equipment LLC - Depositing fill containing construction and demolition debris in violation of issued permit SMP #24-2017. Agent Baeslack advised that no progress had been made on this matter. The Commission discussed how to proceed. Agent Baeslack recommended the issuance of a letter giving a deadline for the matter to be resolved. The Commission agreed on a two week deadline after which fines would be considered and authorized the Agent to issue.

Garner moved to issue a certified letter to have the matter resolved within fourteen (14) days. Kehs seconded the motion and the motion passed unanimously.

Enforcement Order 579 Wethersfield Street (Map 11, Parcel 58, Lot 6) Gregory Kassiotis owner - Depositing manure and stall sweepings in local regulated wetland resource areas. Agent Baeslack gave a verbal report on the site visit and advised that locations had been designated to deposit the manure after removal from the wetland resource areas. The property owner will advise when the removal is completed. No further action needs to be taken at this time.

Commissioner Sam Streiff **recused** himself from the next agenda items.

Enforcement Order 285 Central Street, Rowley, MA (Map 28, Parcel/Lot 6) Seaview Retreat Inc. owner – Consideration of issuance of an Enforcement Order for construction of a forest cutting landing and access; is it new activity in 100' Buffer Zone to BVW that needs a permit or qualified agricultural exempt for "normal maintenance and improvement" 310 CMR 10.04 (b.). Mr. Steven Comley, Jr. was in attendance to answer questions from the Commission. Mr. Comley advised that he had not filed the Request for Determination of Applicability that had been requested at the last meeting. Mr. Comley stated again that he did not intend to file the Request for Determination of Applicability. The Commission then moved to issue an Enforcement Order. Mr. Comley continued to insist that he was not required to file due to the property's exempt status due to the agricultural nature of the property.

Vogel moved to issue an Enforcement Order for work in the resource area. Garner seconded the motion and the motion passed by a vote of four (4) yeas.

Complaint 285 Central Street, Rowley, MA (Map 28, Parcel/Lot 6) Seaview Retreat Inc. owner – Report of dumping of waste in regulated resource areas. Mr. Steven Comley, Jr. was in attendance and submitted an LSP Report which he had contracted to determine if there was any contamination caused by the dumping. Mr. Comley advised the Commission that the report showed there was lead contamination at the site and requested an investigation be initiated. The Chairman addressed the No Trespass letter which had been issued for the Conservation Agent and explained that investigating the dumping claims would be difficult if the site could not be accessed. He asked if Mr. Comley would consider rescinding the No

Trespass letter. Mr. Comley stated that he did not want the Conservation Agent on his property but would allow the Commissioners to access the property. Vogel asked if the Conservation Agent would be allowed on the property if he was accompanied by a Commissioner. Mr. Comley stated that he would not allow the Conservation Agent on the property even if accompanied. Mr. Comley left the meeting. The Chairman requested a motion to consider the No Trespass letter as a withdrawal of the previous request to investigate the dumping. It would not apply to the LSP report submitted at this meeting as the report would be considered new information. The Commission discussed how to move forward with an investigation with the No Trespass letter in place. The Chairman advised against showing preferential treatment to this property owner by hiring a third party to do the investigation. The Chairman revised his request for a motion to a motion that would refer the investigation to the Board of Health contingent upon review of the LSP report.

Vogel moved to refer the matter to the Board of Health contingent upon a review of the submitted LSP report. Garner seconded the motion and the motion passed by a vote of four (4) yeas.

Commissioner Streiff **returned** to deliberations.

New Business

Brent Baeslack Letter of April 18, 2019 to the Commission – The Commission reviewed and approved a letter to Agent Brent Baeslack in response to Agent Baeslack's letter of April 18, 2019. A copy of the letter will be put in his personnel file. The Commission discussed reading the letter for the record and Agent Baeslack requested that the letter be read at the meeting of July 9, 2019 when the public was in attendance. The Commission agreed and tabled the reading to the next meeting.

Vogel moved to approve a letter to Agent Brent Baeslack. Garner seconded the motion and the motion passed unanimously.

Community Preservation Committee Appointment - The Commission discussed appointing Commissioner Sam Streiff to serve as the Commission's representative on the Community Preservation Committee from July 1, 2019 to June 30, 2020.

Vogel moved to appoint Commissioner Sam Streiff as the Commission's representative to the Community Preservation Committee beginning July 1, 2019. Garner seconded and the motion passed unanimously.

Open Space Committee Conservation Commission Representative - The Commission discussed the reappointment of Commissioner Howard Vogel to be the RCC liaison to Open Space Committee.

Streiff moved to reappoint Commissioner Howard Vogel as the Open Space RCC Representative for one (1) year beginning July 1, 2019.

Curt Turner Service Recognition Letter - The Commission discussed sending a thank you letter and gift to Curt Turner for his thirty years of service to the Conservation Commission.

Quorum – The Commission discussed matter of a quorum with the Commission being five (5) Commissioners at this time. The Chairman had obtained an opinion from Town Counsel that the Commission could conduct business with three (3) Commissioners until the vacant positions had been filled.

Adjournment:

Accomplished at 9:25 PM by a motion made by Vogel. Garner seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent