

**CONSERVATION COMMISSION**  
**MINUTES of MEETING**  
**Tuesday, January 30, 2024**  
**TOWN HALL ANNEX, 39 CENTRAL STREET**  
**APPROVED: 2/20/24**

Present: Chair Daniel Shinnick, Vice Chair Howard Vogel, Nancy Miller,  
Sam Streiff, Howard Terrien and Ann Witzig  
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 at 7:30 PM (all legal ads were read to open new agenda items). This remote meeting was held pursuant to Chapter 2 of the Acts of 2023 which extends the expiration of the provisions pertaining to the Open Meeting Law to March 31, 2025. The public could not physically attend this meeting, but every effort was made to allow the public to view the meeting in real time.

**Administrative:** Commissioners reviewed and authorized the payroll and reimbursement of various vendor bill requests.

**Acceptance of Minutes:** After the Commission reviewed the minutes of January 9, 2024, Terrien moved to accept the minutes. Vogel seconded and the motion passed unanimously by roll call vote.

**Acceptance of Minutes:** After the Commission reviewed the minutes of August 23, 2005, Streiff moved to accept the minutes. Witzig seconded and the motion passed unanimously by roll call vote.

**Review of Baseline Report for Dodge Reservation Conservation Restriction** – The Commission reviewed the Baseline Report prepared by Essex County Greenbelt. One edit on Page 14, *changing southern to northern* was requested, and the Commission approved the Baseline Report and the issuance of the Endowment check.

Witzig moved to accept the Baseline Report with the edit on Page 14 (*changing southern to northern*) and the issuance of the Endowment check. Streiff seconded and the motion passed unanimously by roll call vote.

**FY2023 Annual Report Review and Approval** – The Commission reviewed the submitted FY2023 Annual Report and approved with minor edits requested by the Open Space Committee regarding members/officers. Once the edits are made, they authorized submittal.

Vogel moved to approve the FY2023 Annual Report with the discussed edits and authorization to submit. Terrien seconded and the motion passed unanimously by roll call vote.

**Request for Determination of Applicability at 275 Newburyport Turnpike (Map 16, Parcel 6) Vernon J. Bell III** – Proposed soil evaluations possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and some in the 25' No Cut/No Disturbance Zone. Mr. Vernon Bell was in attendance with his representative, Mr. William Manuell of Wetlands & Land Management. Mr. Manuell reviewed proposed work being done in anticipation for future site development. He advised the Commission that none of the future development would include a septic system because it would be an unoccupied building and only used for equipment storage for Mr. Bell's pool business. The Commission reviewed Agent Baeslack's email memo dated January 30, 2024 with recommendations for plan revisions and conditions. The Commission discussed conditioning the Determination on submittal of documents required under the Enforcement Order dated November 30, 2023 for Mr. Bell's property at 506 Newburyport Turnpike (Map 19, Parcel 8, Lot 2-A). It was decided that the Determination would include a condition that work (activity) at 275 Newburyport Turnpike could not be started until an Application had been submitted and a Permit issued for the 506 Newburyport Turnpike work.

Terrien moved to issue a Negative Determination Option #3 contingent upon receipt of revised plans and special conditions as discussed. Vogel seconded and the motion passed unanimously by roll call vote.

**Request for Determination of Applicability at 195 Wethersfield Street (Map 17, Parcel 26) Michael DiPlatzi** – Confirmation of WPA jurisdiction and proposed soil evaluations possibly within the 100' Buffer Zone to Isolated Vegetated Wetlands (IVW) and to Bordering Vegetated Wetlands (BVW), and within the 25' No Cut/No Disturbance Zone to IVW. Mr. Thorsen Akerley of Williams & Sparages was in attendance on behalf of the Applicant. The Commission reviewed Agent Baeslack email memo dated January 30, 2024 with recommendations for special conditions.

Witzig moved to issue a Negative Determination Option #3 with special conditions as discussed and no Positive Determination. Streiff seconded and the motion passed unanimously by roll call vote.

**Request for Determination of Applicability at land off 190 Patmos Rd (Map 35, Parcel 5, Lot 1), land off 100 Patmos Rd (Map 35, Parcel 4), and land off Mud Creek (Map 35, Parcel 2) Daniel Terry** – Proposed aquaculture project (oysters) possibly within the Great Marsh ACEC, Mud Creek, land under waterways, and land containing shellfish. Mr. Daniel Terry was in attendance to answer questions from the Commission. Mr. Brendan Doyle, who had previously been approved for an aquaculture project, was also in attendance to support the project. The Commission reviewed Agent Baeslack's email memo dated January 30, 2024 with recommendations for special conditions. Agent Baeslack gave a brief explanation of the Determination that would be issued with both Positive and Negative options.

Vogel moved to issue a Positive Determination Option #5 with conditions as discussed and Negative Determination Option #2. Witzig seconded and the motion passed unanimously by roll call vote.

**Request for Determination of Applicability at 62 Forest Ridge Drive (Map 7, Parcel 10, Lot 5) Rowley LJD LLC** – Proposed expansion of existing driveway entrance possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and to Isolated Vegetated Wetlands. Ms. Devon Morse, Ms. Caitlin White and Mr. Jay Polakiewicz of Hancock Associates were in attendance on behalf of the Applicant. Mr. Polakiewicz reviewed the proposed project. The Commission reviewed Agent Baeslack's email memo dated January 30, 2024 with recommendations for plan revisions and special conditions.

Terrien moved to issue a Negative Determination Option #3 with special conditions as discussed and contingent upon receipt of revised plans. Witzig seconded and the motion passed unanimously by roll call vote.

**Bylaw Notice of Intent at 40 Newburyport Turnpike (Map 7, Parcel 11) Winfrey Fudge & Chocolates** – Construction (after the fact) of rear access roadway (approx. 270 feet) with clearing, grading, and rip rapped stone slopes around existing building within DEP Approved Groundwater Protection Area Zone II. Mr. Stu Winfrey was in attendance on behalf of the Applicant and to answer the Commission's questions. Agent Baeslack explained that the work should have been permitted under the Town Bylaw due to it being in the Zone II of a drinking water supply. The Commission discussed issuing a Bylaw Order of Conditions and what conditions should be included. It was agreed that an Order should be issued which addressed any stormwater management problems that may arise due to the completed work. Agent Baeslack advised that he had not observed any issues during the site visit but recommended another review in April/May.

Witzig moved to issue a Bylaw Order of Conditions and conditioned as discussed. Miller seconded and the motion passed by roll call vote with five (5) yeas and one abstention.

**Adjournment:**

Accomplished 9:42 PM by a motion made by Terrien. Miller seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent