

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, April 2, 2024
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 4/23/2024**

Present: Chair Daniel Shinnick, Nancy Miller, Sam Streiff, Howard Terrien and Ann Witzig (arrived 7:45 PM)
Absent: Vice Chair Howard Vogel
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 March 12, 2024, Terrien moved to accept the minutes. Miller seconded and the motion passed by roll call vote of four (4) yeas.

Acceptance of Minutes: After the Commission reviewed the minutes of October 18, 2005, Streiff moved to accept the minutes. Terrien seconded and the motion passed by roll call vote of four (4) yeas.

Interview of candidate for appointment to ConCom – Wayne Banks: Mr. Wayne Banks was in attendance to discuss his interest in filling the current Conservation Commission vacancy. The Commission agreed to submit a letter to the Board of Selectmen recommending Mr. Banks' appointment.

Streiff moved to recommend to the Board of Selectmen the appointment of Wayne Banks. Terrien seconded and the motion passed by roll call vote of four (4) yeas.

Review of proposed test well exploration on Smith Lane Conservation Area at 467 Haverhill Street (Map 13, Parcel 14): Ms. Katie Carreira of Tata & Howard was in attendance on behalf of the Town's Water Board to discuss potential exploration for a new well. Delineation work had already commenced without notification to the Conservation Commission. At this time, a request was being made to allow the delineation work to continue, in coordination with the Conservation Agent, in anticipation of a filing for the actual exploration work. Agent Baeslack asked for confirmation that coordination with the Conservation office be approved by the Water Board. Mr. Bernie Cullen, Chairman of the

Water Board, agreed that ongoing collaboration with the Conservation office/staff would be the best way to move forward with this project. The Commission was agreeable to the delineation work continuing with Agent Baeslack's participation.

Request for Determination of Applicability at 300 Wethersfield Street (Map 23, Parcel 29) Jonathan Daley: Proposed soil evaluations and installation of a sewage disposal system to replace a failing system for the single family home within 100' Buffer Zone to Bordering Vegetated Wetland. Due to audio issues, this hearing was suspended while the problem was resolved. The Commission returned to this hearing after concluding the following two (2) hearings. Mr. William Dufresne was in attendance on behalf of the applicant and briefly reviewed the proposed work. The Commission reviewed Agent Baeslack's email memo dated April 2, 2024 with recommendations for special conditions. Baeslack advised the Commission that the permit, as recommended, would govern the soil evaluations and then allow the installation of the replacement system once approved by the Board of Health.

Witzig moved to issue a Negative Determination option #3 with special conditions as discussed. Streiff seconded and the motion passed unanimously by roll call vote.

Notice of Intent at 165 Newburyport Turnpike (Map 14, Parcel 13) Core States Group: Proposed demolition and construction of a commercial bank building 50' x 90' with drive-thru, associated parking, subsurface sewage disposal system, utilities and stormwater facilities possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and DEP Approved Groundwater Protection Area Zone II. Mr. Joshua Kline of Stonefield Engineering & Design was in attendance to represent the applicant and gave a brief overview of the proposed work. Considerable attention will be directed to Stormwater Management and drainage which is the focus of the next hearing. Chairman Shinnick opened the hearing on the Stormwater Management Permit Application and the discussion continued.

Stormwater Management Permit at 165 Newburyport Turnpike (Map 14, Parcel 13) Core States Group: Proposed demolition and construction of commercial bank building 50' x 90' with drive-thru, associated parking, subsurface sewage disposal system, utilities, and stormwater facilities at 165 Newburyport Turnpike (Map 14, Parcel/Lot 13) in Rowley, MA. Total site disturbance is approximately 56,566 square feet (1.3 acres). Mr. Joshua Kline of Stonefield Engineering & Design was in attendance to represent the applicant and gave a brief overview of the proposed work. He noted that the past incident of soil contamination on the property will be a factor in design of stormwater BMPs to be employed on the property. Agent Baeslack recommended to the Commission that both hearings for this site be continued pending receipt of the third party engineering review initiated by the Planning Board. It was agreed to continue the hearings to the meeting of May 14, 2024.

Terrien moved to continue the two (2) hearings NOI & SMP for 165 Newburyport Turnpike (Map 14, Parcel 13) to May 14, 2024. Streiff seconded and the motion passed unanimously by roll call vote.

Notice of Intent at 347 Wethersfield Street (Map 19, Parcel 8, Lot 16) Town of Rowley:

Proposed clean-up, removal of fill, wetlands restoration, and construction of a four (4) vehicle gravel parking area for trail access possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands, Bordering Vegetated Wetlands, and 200' Riverfront Area of Bachelder Brook. Agent Baeslack reviewed the proposed project activities. He introduced Eagle Scout Candidate, Jack Warren, who would be helping with the clean-up portion of the project as part of his Community Service Requirement. Mr. Warren made a presentation regarding the site cleanup and how it would be accomplished. Agent Baeslack followed with plans involving the removal of the crushed rock fill and future installation of a boardwalk to make the parcel accessible to the public and provide access to the rear abutting future open space. Ms. Alexandra Arthurs of 331 Wethersfield Street, an abutter to the property, expressed her approval of the cleanup efforts but had concerns about the public access affecting her business which involved horses that could be easily spooked by dog walkers. She asked how the Town intended to protect her property from trespassers and who would take responsibility if anyone was injured. The Chairman stated that these issues were not related to the wetlands permitting process but could be taken up with the Board of Selectmen who have oversight on this parcel. There being no other comments from the public, the Chairman asked for a motion to issue an Order of Conditions with appropriate conditions for these activities and standard conditions for this type of project.

Witzig moved to issue an Order of Conditions with appropriate conditions for the above activities and standard conditions. Terrien seconded and the motion passed unanimously by roll call vote.

Abbreviated Notice of Resource Area Delineation at 935 Haverhill Street (Map 4, Parcel 31) by 935 Haverhill LLC: Proposed delineation of regulated wetland resource areas (state & local). Agent Baeslack presented the request for a continuance received from the applicant's representative, Maureen Herald of Norse Environmental Services. The Commission agreed to a continuation of the hearing.

Witzig moved to continue the public hearing to the meeting of April 23, 2024 as requested by the Applicant's representative. Terrien seconded and the motion by roll call vote with four (4) yeas and one (1) abstain.

Request for Certificate of Completion for SMP #52-2021 at 14 Bell Circle (Map 6, Parcel 10, Lot 16) John Gikas: Construction of a single family dwelling, associated driveway, subsurface sewage disposal system, stormwater facilities, utilities, and grading. Total site disturbance is approximately 36,950 (0.85 acres). Ms. Alli Gikas was in attendance for the applicant and explained that Mr. Nick Gikas was also available but had been muted earlier. The Commission reviewed Agent Baeslack's email memo dated April 2, 2024 and discussed that lack of overflow filters on the downspout leaders as a safety concern. He recommended the Commission approve issuance contingent upon field verification within fourteen (14) days that the filters had been installed. Ms. Gikas agreed that the retrofit could be completed in that time.

Streiff moved to issue a Complete Certificate of Compliance contingent upon field verification within fourteen (14) days that filters had been installed. Witzig seconded and the motion passed unanimously by roll call vote.

Return to Compliance at 58 Glen Street (Map 21, Parcel 5, Lot 5) David Mariani:

Alteration by placement of fill, grading soil, and clearing of vegetation approximately 400 square feet within the 100' Buffer Zone to Bordering Vegetated Wetlands (310 CMR 10.02) and intrusion into the restricted No Cut/ No Disturbance Zone established and posted under DEP #63-0445. Agent Baeslack reviewed his email memo dated April 2, 2024, with recommendation to authorize issuance of a Return to Compliance letter to close out the previous enforcement matter based on his confirming field verification.

Witzig moved to authorize issuance of a Return to Compliance letter. Streiff seconded and the motion passed unanimously by roll call vote.

Adjournment:

Accomplished 9:37 PM by a motion made by Streiff. Miller seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent