

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, March 5, 2019  
TOWN HALL ANNEX, 39 CENTRAL STREET  
APPROVED: 3/26/2019**

Present: Chair Arthur Page, Vice Chair Curt Turner, Robert Garner, Judy Kehs,  
Sam Streiff and Howard Vogel  
Absent: Daniel Shinnick  
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, Turner moved to accept the Minutes of January 19, 2019 with edits as discussed. 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 September 13, 2011. Kehs seconded the motion and the motion passed unanimously.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Garner moved to accept the Minutes of October 4, 2011. Streiff seconded the motion and the motion passed unanimously.

**New Notice of Intent application for 152 Glen Street (Map 20, Parcel / Lot 10) Gary Machiros of AGJ Properties, LLC:** Proposed replacement of an existing sanitary disposal system and site work including a culvert repair and grading possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands and Bordering Vegetated Wetlands. Owner's representative Bob Grasso of Engineering Land Services was in attendance to address the Commission. Agent Baeslack gave a verbal report with photographs on the pre-meeting site visit and recommended plan revisions. The Commission reviewed Agent Baeslack's Meeting Notes dated March 5, 2019 with recommendations for special conditions. The Commission discussed the recommended plan revisions.

Vogel moved to issue an Order of Conditions with typical conditions for restoration work and contingent upon receipt and approval of revised plans. Turner seconded the motion and the motion passed unanimously.

**New Notice of Intent application for 548 Wethersfield Street (Map 11, Parcel Lot 4) by William Herrick, Trustee Lucia Herrick Realty Trust:** Proposed exploratory test piles installation and extraction possibly within the 200' Riverfront Area of the Mill River, 100' Buffer Zone of a Bordering Vegetated Wetland, and Bordering Land Subject to Flooding. Owner Representative Bill Manuell of Wetlands and Land Management and Mr. Edward Boyle were in attendance to address the Commission. Mr. Boyle explained the pile driving operation and answered questions regarding vibration and noise. He explained that the vibration only effected an area within 15 feet of the pile driving and the noise level was no more than an average excavator. Ms. Laura Kimball and Mr. Eric Gallo asked about damage that could be caused by the vibration. Mr. Boyle advised that the property in question was approximately 100 feet away so the vibration would have no effect. The Commission reviewed Agent Baeslack's Meeting Notes with the recommendation to continue pending a site inspection which had to be cancelled due to snow cover.

Kehe moved to continue the hearing with the applicant's permission to the meeting of March 26, 2019. Streiff seconded the motion and the motion passed unanimously.

**Continued Notice of Intent application for 41 and 49 Emily Lane and land off Emily Lane (Map 9, Parcel 23, Lots 24 and 25) The Tompkins-Desjardins Trust, Bruce Tompkins, Trustee:** Proposed construction of a single family residence with relocation of woods road possibly within 100' Buffer Zone to Bordering Vegetated Wetlands, 100' Buffer Zone to Isolated Vegetated Wetland, Intermittent Stream, Bank, Bordering Land Subject to Flooding and Land under Waterway. Page read for the record a request from Applicant Representative James Decoulos of Decoulos & Company to continue the hearing until the meeting of March 26, 2019.

Garner moved to continue the hearing as the applicant requested to the March 26, 2019 meeting. Vogel seconded the motion and the motion passed unanimously.

#### **Certificate of Compliance Request(s):**

Commissioner Streiff **recused** himself from the next three (3) agenda items.

**Continued request for a Partial Certificate of Completion for SMP#31-2018 for Lot 6, 180 Central Street (now 176 Central Street) (Map 24, Parcel 39, Lot 6) Rowley Central Realty, LLC** – Owner Representative John Morin of The Morin-Cameron Group was in attendance to answer any questions from the Commission. The Commission reviewed Agent Baeslack's March 5, 2019, Meeting Notes and the list of outstanding items and responsible parties provided by The Morin-Cameron Group. The Commission agreed to include the outstanding item list with the partial Certificate of Compliance as Attachment B for filing with the Registry of Deeds.

Turner moved to issue a partial Certificate of Completion with the addition of Attachment B. Kehe seconded the motion and the motion passed unanimously with five (5) yeas votes.

**Continued request for a Partial Certificate of Completion for SMP#31-2018 for Lot 1, 180 Central Street (now 100 Bennett Hill Road) (Map 24, Parcel 39, Lot 1) Rowley Central Realty, LLC** – Owner Representative John Morin of The Morin-Cameron Group was in attendance to answer any questions from the Commission. The Commission reviewed the list of outstanding items and responsible parties provided by The Morin-Cameron Group. The Commission agreed to include the list of outstanding items with the partial Certificate of Compliance as Attachment B for filing with the Registry of Deeds.

Turner moved to issue a partial Certificate of Completion with the addition of Attachment B. Kehs seconded the motion and the motion passed unanimously with five (5) yeas votes.

**Continued request for a Partial Certificate of Completion for SMP#31-2018 for Lot 2, 180 Central Street (now 104 Bennett Hill Road) (Map 24, Parcel 39, Lot 2) Ibis Realty LLC** – Owner Representative John Morin of The Morin-Cameron Group was in attendance to answer any questions from the Commission. The Commission reviewed the list of outstanding items and responsible parties provided by The Morin-Cameron Group. The Commission agreed to include the list of outstanding items with the partial Certificate of Compliance as Attachment B for filing with the Registry of Deeds.

Turner moved to issue a partial Certificate of Completion with the addition of Attachment B. Kehs seconded the motion and the motion passed unanimously with five (5) yeas votes.

**New Request for a Certificate of Compliance for DEP #63-202 at Saunders Ln. & Green Needle Ln. aka “The Pines Subdivision” Map 17 & 23 various Parcel/Lots roadway & utilities owned by Town of Rowley (taken Nov. 2006)** – Agent Baeslack presented a Request for a Certificate of Compliance on behalf of the Town of Rowley to close an open Order of Conditions on Saunders Lane which had been taken by the Town in 2006. He recommended that the Commission issue a complete Certificate of Compliance with ongoing conditions.

Vogel moved to issue a complete Certificate of Compliance with ongoing conditions as discussed. Kehs seconded the motion and the motion passed unanimously.

#### **Status Reports: Permits & Enforcement**

**New Notice of Violation for cutting of vegetation (altering), grading and dumping of fill and earth disturbance with Bordering Vegetated Wetlands and the 100’ Buffer Zone of same. Failure to obtain proper permit(s) and failure to utilize erosion controls as required at 43 Daniels Road (Map 8, Parcel/Lot 51) rear northeast section Harold Ricker Realty Trust, Debra A. Ricker, Trustee** – Mr. Thomas Riquier, an abutter to the property, was in attendance. Agent Baeslack gave a verbal report with photographs on the work which had been observed from Mr. Riquier’s property. He reviewed the Notice of Violation which had been forwarded to Ms. Debra Ricker as Trustee of the Harold Ricker Realty Trust that holds ownership of the property and advised that no response had been received. He requested the Commission to authorize issuance of an Enforcement Order.

Garner moved to confirm and ratify the issuance of an Enforcement Order as discussed. Streiff seconded the motion and the motion passed unanimously.

**Project Comment Requests:**

**Planning Board Definitive Subdivision and Special Permit Common Driveway at 491 Main Street (Map 31, Parcel/Lot 26 & 27A) Paul Vorrias owned by James Mahoney** – Agent Baeslack gave a brief overview of the proposed project. The property was in Coastal Land Subject to Flooding which would require a filing with the Commission.

**Planning Board Special Permit and Site Plan Approval Application at 124 Newburyport Turnpike (Map 14, Parcel/Lot 29) Verdant Medical, Inc., owned by Kotsiopoulos Dimosthenis** – Agent Baeslack gave the Commission a brief overview of the proposed project that is within the DEP Approved Groundwater Protection Area Zone II. This places the site within the Commission’s jurisdiction. The Commission authorized Agent Baeslack to advise the Planning Board that the project would require a filing with the Commission.

**Review:**

**Draft FY2020 Conservation Department Budget** – Agent Baeslack presented the proposed Conservation Department FY2020 Budget. He advised that a 10% Conservation Agent wage increase was due to a review by the Town of wages for similar positions in the area. He also explained that the wage for the Conservation Secretary had not been set pending negotiations with the union. All other line items were level funded.

Turner moved to accept the proposed FY2020 Budget as presented and authorized submittal to the Board of Selectmen for approval. Vogel seconded the motion and the motion passed unanimously.

Turner moved to approve use of NOI funds to cover six (6) hours of the Conservation Secretary position and to submit a request to the Board of Selectmen for authorization. Vogel seconded the motion and the motion passed unanimously.

**Discussions:**

**“The Pines” subdivision located off Saunders & Green Needle Lane (Map 17 and 23), necessary steps for possible transference to the Conservation Commission care/custody of the “open space” parcels identified as “L” & “A”** – Agent Baeslack advised the Commission that the land known as Parcel “L” for the Saunders Lane subdivision had not been properly transferred to the Town. He advised that the wetlands replication had been completed allowing for the issuance of the Certificate of Compliance addressed earlier. He asked that the Commission approve a request to the Board of Selectmen to designate Parcel “L” as open space and place the care/custody transfer to the Commission on the warrant for the Special Town Meeting. Agent Baeslack explained that Parcel “A” had been taken by the Town for tax non-

payment and that the Planning Board was holding funds which would almost cover the back taxes. He requested that the Commission authorize a request to the Planning Board to release the funds to pay the back taxes allowing the property to be designated as open space and transferred to the care/custody of the Commission.

Kehs moved to request open space designation and Warrant Article for Parcel L. Vogel seconded the motion and the motion passed unanimously.

Vogel moved to request the Planning Board to release funds for payment of back taxes on Parcel "A". Streiff seconded the motion and the motion passed unanimously.

**Adjournment:**

Accomplished at 10:10 PM by a motion made by Vogel. Kehs seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent