

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, November 12, 2019
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 12/3/2019**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, and Robert Garner
Absent: Judy Kehs and 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 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, Garner moved to accept the Minutes of September 10, 2019. Streiff seconded and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Streiff moved to accept the Minutes of October 1, 2019. Garner seconded and the motion passed unanimously.

Acceptance of Minutes: After the Commission reviewed the minutes, Garner moved to accept the Minutes of October 22, 2019. Streiff seconded and the motion passed unanimously.

Discussions:

Conservation Commission Open Vacancy: Discussion with potential candidate Mr. Howard Terrien for the open vacancy on Conservation Commission. The Commission briefly met with Mr. Terrien to discuss his interest in filling one of the vacancies on the Commission. The Commission explained that there were two vacancies open, one which was for one year and a second for a two year term. Mr. Terrien agreed to fill the two-year vacancy. The Commission agreed to send a recommendation to the Board of Selectmen for Mr. Terrien's appointment.

Streiff moved to send a Letter of Recommendation to the Board of Selectmen recommending Mr. Howard Terrien for the two-year vacancy on the Conservation Commission. Garner seconded and the motion passed unanimously.

Boardwalk installation at 29 Boxford Road (Map 5, Parcel/Lot 84) under Order of Conditions DEP #63-0664 subsurface soil conditions: The Commission discussed allowing equipment access on the Pingree Farm Conservation property for the installation of a boardwalk. Agent Baeslack presented a request to modify an exclusion in the Order of Conditions that did not allow equipment for the driving of pilings for the boardwalk. After conducting test driving of the pilings being considered for use in boardwalk construction, it

was determined that the soils did not allow for good vertical control when hand-driving the posts. Agent Baeslack explained that equipment would be needed to allow for use of the less expensive 4"x4" post instead of helical anchors. He also advised that at a recent Trail Work Day access to the crossing had been cleared to the original width of the farm road.

Garner moved to modify the exclusion in the Order of Conditions and allow equipment for post driving with appropriate controlling conditions. Streiff seconded the motion and the motion passed unanimously.

New Request for Determination of Applicability 3 Farnham Road (Map 11, Parcel/Lot 49) Lester and Amy Rotberg: Proposed soil evaluations for the design of a subsurface sewage disposal system possibly within 100' Buffer Zone to a Bordering Vegetated Wetlands. Mr. James Scanlan of Scanlan Engineering LLC was in attendance on behalf of the applicant to discuss this matter with the Commission. The Commission reviewed Agent Baeslack's memo dated November 12, 2019 with a recommendation for the issuance of a Negative Determination Option #3 with special conditions to also allow for installing the BOH approved system in the same location designated for the soil tests.

Garner moved to close the public hearing and issue a Negative Determination Option #3 with the special conditions as discussed. Streiff seconded and the motion passed unanimously.

Status Reports: Permits & Enforcement

43 Daniels Road (Map 8, Parcel/Lot 51) rear northeast section HAR Realty Trust, Debra A. Ricker, Trustee: Cutting of vegetation (altering), grading and dumping of fill and earth disturbance within the 100' Buffer Zone of Bordering Vegetated Wetlands and failure to obtain proper permit(s) and failure to utilize erosion controls as required. Ms. Debra Ricker, as Trustee and her representative, Mr. Michael DeRosa of DeRosa Environmental, were in attendance to discuss this matter with the Commission. Mr. DeRosa explained that much of the work had already been completed with the exception of the seeding and hay mulching. Ms. Ricker provided site pictures. Mr. DeRosa advised that the materials were already purchased and if the Commission allowed, the seeding and hay mulching could be completed immediately. The Commission authorized the seeding and hay mulching. Agent Baeslack will finalize the Enforcement Directive recording the decision of the Commission. No further action is need from the Commission at this time.

53 Emily Lane (Map 9, Parcel 23, Lot 23) Pavel N. Bukhovko: Failure to resolve compliance matters and obtain a Certificate of Compliance DEP #63-0434 and #63-0564. Owner Pavel Bukovko was in attendance to discuss this matter with the Commission. Agent Baeslack presented, reviewed, and discussed tasks to bring the site into compliance based on a site inspection. Agent Baeslack requested that the conditions be amended under the Enforcement Order to clarify the work authorized.

Garner moved to authorize the work as discussed to bring the site into compliance. Streiff seconded and the motion passed unanimously.

20 Cindy Lane (Map 6, Parcel 10, Lot 9-1) Paul Imbriano: Failure to resolve violations with issued Order and obtain Certificate of Compliance DEP #63-553 since November 19, 2018. Agent Baeslack discussed the status of post/rail fence and signs (installed) with as-built plan still to be completed. No further action is needed by the Commission at this time.

413 Wethersfield Street (Map 19, Parcel 8, Lot 1) Amanda Veilleux: Enforcement Order issued September 26, 2018 for cutting, clearing, and grading (altering) of approx. 2,000 square feet regulated resource areas in the 100' Buffer Zone to Bordering Vegetated Wetlands (BVW) 310 CMR 10.02, 200' Riverfront Area of the Mill River 10.310 CMR 10.58, and Bordering Vegetated Wetlands (BVW) 310 CMR 10.55 (state & local) without application or a valid permit. Ms. Amanda Veilleux and her representative, Mr. Michael DeRosa of DeRosa Environmental were in attendance to discuss this matter with the Commission. Agent Baeslack reviewed the issue timeline and read for the record the most recent communication with the property owner. Mr. DeRosa presented a letter from the property owner stating their intent to comply with the Enforcement Order. He described the area hydrology and provided suggestions for how to resolve the issues of concern to the property owner and the Commission. Agent Baeslack discussed the issues with water runoff and the changes which would be coming to the area due to a subdivision project being considered across the street. The consensus was to prepare a plan for the Commission to consider that would restore the impacted wetlands and address roadway stormwater at a later date with the changes to the roadway intersection. The situation will be reevaluated, if necessary, once the subdivision and roadway changes have been completed. A plan will be submitted for the next meeting on December 3, 2019. There was nothing further for the Commission to do at this time.

317-321 and 303 Haverhill Street (Map 16, Parcel/Lots 11 & 12) SMC Haverhill Road Trust and Rowley Commerce Associates: Notice of Violation for alteration of wetlands, floodplain, and obstruction of stream flow by unpermitted construction of foot bridge crossing Bachelder Brook. Agent Baeslack advised that he had conducted a site inspection with Mr. Frank Ciampa, representing the owners of the 317-321 Haverhill Street property, and the footbridge and all other debris had been removed. There is nothing further for the Commission to do at this time.

Adjournment:

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

Submitted by Brent Baeslack, Conservation Agent