

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, March 10, 2020  
TOWN HALL ANNEX, 39 CENTRAL STREET  
APPROVED: March 31, 2020**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Robert Garner, Jena Haag,  
Howard Terrien and Howard Vogel  
Absent: Judy Kehs  
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, Terrien moved to accept the Minutes of February 18, 2020. Streiff seconded and the motion passed unanimously.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Vogel moved to accept the Minutes of June 2, 2009. Garner seconded and the motion passed unanimously.

**Discussion(s):**

**Acceptance of Easement at 50 Newbury Rd. (nka Hart's Way) to Open Space Parcel –** The Commission discussed acceptance of the easement for public access to the open space parcel at 50 Newbury Road (nka Hart's Way). Agent Baeslack provided the Commission with a review of the history of the open space and the easement. The Commission agreed to the acceptance and signed the Easement Acceptance form. The next step before final recording at Registry of Deeds would be to request authorization from the Board of Selectmen.

Vogel moved that the Rowley Conservation Commission sign the Easement Acceptance at 50 Newbury Road to an Open Space Parcel and then request authorization from Board of Selectmen. Streiff seconded and the motion passed unanimously.

**Wetlands Protection Bylaw (Amended) Adoption of Regulations –** Agent Baeslack presented the draft of the Regulations. He explained that the Commission had full authority to approve the Regulations but recommended that they be reviewed by Town Counsel prior to being fully adopted. The Commission authorized Agent Baeslack to submit the Regulations as presented to Town Counsel for review.

Streiff moved to adopt the Amended Wetlands Protection Bylaw Regulations contingent upon positive review by Rowley Town Counsel. Terrien seconded and the motion passed unanimously.

Commissioner Haag **recused** herself from the next agenda item.

**61B Conversion Sale, Land off Daniels Road, Tompkins Right of First Refusal** – Agent Baeslack presented a notice received offering the Town right of first refusal on a property being converted from a 61B designation for possible sale. Agent Baeslack reviewed the location and advised that portions of this land would be given to the Town as part of an OSRD project's open space related to this property. He advised the Commission that the Open Space Committee had not had a chance to review the proposal but that this particular lot was not included in the Open Space Plan for potential acquisition. The recommendation was to decline the option to purchase the property unless the Open Space Committee had a contrary opinion.

Vogel moved that the Conservation Commission send a letter to the Board of Selectmen recommending declining the option to purchase unless the Open Space Committee had a contrary opinion. Terrien seconded and the motion passed with a vote of four (4) yeas with one abstention.

Commission Haag **returned** to the meeting.

**Zoning Bylaw Amendment on Underground Petroleum Storage** – The Commission discussed the proposed amendment to remove the prohibition for underground petroleum storage in the Municipal Water Protection District. Mr. Bernard Cullen, a member of the Board of Water Commissioners was in attendance to discuss the matter with the Commission. Mr. Cullen stated that the Water Department opposed this amendment. Agent Baeslack expressed concerns that the area under consideration is in the Municipal Water Protection District as well as the Zone II for Well #2. He explained that the concerns were not necessarily with the tanks but with the feed lines. Agent Baeslack recommended that the Commission oppose the proposed amendment. The Commission requested that Agent Baeslack attend the meeting scheduled by the Planning Board to present the Conservation Commission's views on the amendment to the Planning Board and the public.

Vogel moved to send a letter opposing the Zoning Bylaw Amendment on Underground Petroleum Storage. Haag seconded and the motion passed unanimously.

**New Request for Determination of Applicability for 366 Central Street (Map 22, Parcel/Lot 20) Pamela Head, Chickadee Hill Farm:** Proposed clearing of vegetation, filling and grading an area up to the 25' No Cut/No Disturbance area to expand access/parking area of an existing farm stand possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. Tyler Ferrick of DeRosa Environmental was in attendance on behalf of the applicant and presented the project to the Commission. Also in attendance were Mr. Jeffrey Head, Ms. Rachel Head and Ms. Cory Head of Chickadee Hill Farm. The Commission reviewed Agent Baeslack's memo dated March 10, 2020 with recommendations for conditions.

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

**New Notice of Intent for 165 Wethersfield Street (Map 17, Parcel/Lot 29) Danny and Katherine Marks:** Proposed demolition and rebuilding of a 40'x70' single family residence with septic system, driveway and grading possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands and Isolated Vegetated Wetlands. Mr. Larry Graham of H.L. Graham Associates was in attendance on behalf of the applicant. Also in attendance was Mr. George Gambill of North Shore Craftsman Inc. whose company would be doing the construction work. Agent Baeslack gave a verbal report on his pre-meeting site inspection. Ms. Nancy Vaccarro expressed concerns about the work causing increased “wetlands” on her abutting property. She was advised that the work would not impact the wetlands areas on her property. Agent Baeslack advised that the plans indicated that the abutting land was owned by the Town. It was determined that this was an error on the plans and would be revised. There being no further questions, the Commission moved to close the public hearing.

Streiff moved to close the public hearing and issue an Order of Conditions with standard conditions typical for a single family residential project including special conditions as discussed contingent upon receipt and approval of revised plans with 10-14 days. Terrien seconded and the motion passed unanimously.

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

**New Request for a Certificate of Compliance 305 Newburyport Turnpike (Map 17, Parcel 20, Lot 47) Ed Surette, Trustee of Prime Realty Trust:** No one was in attendance on this matter due to the outstanding issues. The Commission reviewed Agent Baeslack’s email dated March 10, 2020 to William Manuell of Wetlands and Land Management which outlined the outstanding compliance issues. He requested that the matter be continued to the next meeting.

Streiff moved to continue this item to the meeting of March 31, 2020. Garner seconded and the motion passed unanimously.

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

**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 Nov. 19, 2018. Agent Baeslack advised that the applicant was still awaiting an as built plan from their engineer to submit the Request for Certificate of Compliance. At this time, no further action is needed from the Commission.

#### **Adjournment:**

Accomplished at 9:56 PM by a motion made by Streiff. Haag seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent