

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, August 23, 2022  
TOWN HALL ANNEX, 39 CENTRAL STREET  
**APPROVED: 9/13/2022****

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Jena Haag, Howard Terrien,  
Howard Vogel 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 at time noticed). This remote meeting held pursuant to Governor Baker's March 12, 2020 Order, as Extended on July 16, 2022, with the Governor's signing of An Act Relative to Extending Certain State of Emergency Accommodations which extends the expiration of the provisions pertaining to the Open Meeting Law to March 31, 2023. The public may not physically attend this meeting, but every effort will be made to allow the public to view the meeting in real time.

**Administrative:** The Commission approved the payroll and/or vendor bills which had been distributed and reviewed prior to the meeting.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Haag moved to accept the Minutes of August 2, 2022. Terrien seconded and the motion passed unanimously by roll call vote.

**Acceptance of Minutes:** After the Commission reviewed the minutes, Streiff moved to accept the Minutes of June 27, 2006. Terrien seconded and the motion passed unanimously by roll call vote.

**Request for Determination at 401 Central Street (Map 21, Parcel 33, Lot 2) Rowley Water Department** – proposed construction and installation of communications tower with 12' x 12' concrete slab base positioned in rear materials storage area at rear of existing building within the 100' Buffer Zone to Bordering Vegetated Wetlands. Fire Chief Mark Emery was in attendance on behalf of the Water Department and presented the project. The tower would improve police and fire communications and is to be located within the previously developed materials storage area approximately sixty feet from the BVW associated with the intermittent stream to the southeast. The Commission reviewed Agent Baeslack's memo dated August 23, 2022 with recommendations for special conditions.

Haag moved to issue a negative Determination option #3 with conditions. Witzig seconded and the motion passed unanimously by roll call vote.

**Notice of Intent DEP #63-0739 at 20 Central Street (Map 25, Parcel 7) filed by Gerald N. Fandetti, Trustee of Ox Brook Real Estate Trust** - proposed construction of a patio

(344 sq. ft.), landscaping and restoration of altered areas (238 sq. ft.) within the 100' Buffer Zone to Inland Bank, Bank, and 200' Riverfront Area to Ox Pasture Brook in response to an Enforcement Order. Ms. Evin Guvendiren of DeRosa Environmental Consulting was in attendance on behalf of the applicant. She reviewed the project plans for “after the fact” work which included finishing of the patio/deck and restoration planting plan for the altered bank area. The proposed plans had been revised to add two trees to the planting plan and to handle the stormwater roof runoff identified during the site visit. The Commission reviewed Agent Baeslack’s memo dated August 23, 2022 with recommendations for special conditions.

Vogel moved to issue an Order of Conditions for DEP #63-0739 with conditions. Haag seconded and the motion passed unanimously by roll call vote.

**Notice of Intent DEP #63-0740 at 37 Bob Merry Lane (Map 12, Parcel 3 Lot 13) filed by ADVA Construction / Design** - for proposed construction of a single family dwelling, retaining walls, grading and associated utilities within the 100' Buffer Zone to Bordering Vegetated Wetlands. Ms. Maureen Herald of Norse Environmental was in attendance on behalf of the applicant. She explained that a Determination had been issued for the construction of the single family dwelling but due to a reconfiguration of the structure and its location, it was now further into the 100' Buffer Zone. Agent Baeslack reported that he believed the change was due to a reconfiguration of the garage and driveway access and the NOI was filed due to the increased encroachment into the Buffer Zone. The Commission reviewed Agent Baeslack’s memo dated August 23, 2022 with recommendations for special conditions.

Streiff moved to issue an Order of Conditions with conditions for DEP #63-0740 with discussed special conditions. Witzig seconded and the motion passed unanimously by roll call vote.

**Notice of Intent DEP #63-0741 at 43 Taylor Lane (Map 12, Parcel 3 Lot 7) filed by Falcon Ridge Assoc. LLC** - proposed tree clearing and grading for development of a single family dwelling partially within the 200' Riverfront Area of Taylor Brook. Ms. Maureen Herald of Norse Environmental was in attendance on behalf of the applicant. The Commission reviewed Agent Baeslack’s memo dated August 23, 2022 with recommendations for special conditions.

Haag moved to issue an Order of Conditions for DEP #63-0741 with discussed special conditions. Terrien seconded and the motion passed unanimously by roll call vote.

**Notice of Intent DEP #63-0742 at 45 Taylor Lane (Map 12, Parcel 3 Lot 6) filed by Falcon Ridge Assoc. LLC** - proposed tree clearing, grading, installation of subsurface infiltrator, and associated utilities for development of a single family dwelling possibly with the 200' Riverfront Area of Taylor Brook. Ms. Maureen Herald of Norse Environmental was in attendance on behalf of the applicant. The Commission reviewed Agent Baeslack’s memo dated August 23, 2022 with recommendations for special conditions.

Vogel moved to issue an Order of Conditions for DEP #63-0742 with discussed special conditions. Haag seconded and the motion passed unanimously by roll call vote.

The next two hearings were opened concurrently:

**Continued Notice of Intent at 236-240 Newburyport Turnpike (Map 13, Parcel/Lot 11 and Parcel 12, Lot 2) filed by Kristin Carlson of Harborlight Community Partners** - proposed construction of an infiltration basin, walkway, fencing, removal of invasive plant species, and restoration planting of native species with grading associated with a Supportive Senior Housing Development within the 100' Buffer Zone of Bordering Vegetated Wetlands. Agent Baeslack submitted a request from the applicant's representative, Ms. Evin Guvendiren to continue the public hearing to the meeting of September 13, 2022 while plans are being revised.

Witzig moved to continue the public hearing as requested by the Applicant to the meeting of September 13, 2022. Terrien seconded and the motion passed unanimously by roll call vote.

**Continued Stormwater Management Permit at 236-240 Newburyport Turnpike (Map 13, Parcel 11 and Parcel 12, Lot 2) filed by Kristin Carlson of Harborlight Community Partners** - proposed construction of a Supportive Senior Housing Development with demolition of an existing structure, four new buildings (20,550 sq. ft.), a garage, terraces, associated parking, access way, utilities and grading. Total site disturbance is approximately 115,000 square feet with approximately 800 square feet at a slope greater than 15%. Agent Baeslack submitted a request from the applicant's representative, Ms. Evin Guvendiren to continue the public hearing to the meeting of September 13, 2022 while plans are being revised.

Witzig moved to continue the public hearing as requested by the Applicant to the meeting of September 13, 2022. Terrien seconded and the motion passed unanimously by roll call vote.

Terrien **recused** himself from the next agenda item.

**Continued Request to Amend Order of Conditions DEP #63-0725 at land off Daniels Road (Map 9, Parcel/Lot 23) filed by James Decoulos of Danielsville LLC** - proposed Amendment to issued Order of Conditions for protection of proposed Open Space in an OSRD project. The request is that DEP #63-0725 Order of Conditions be struck or modified regarding Condition #33 addressing the method of protecting the Open Space. Attorney Jill Mann of Mann & Mann was in attendance on behalf of Danielsville LLC with Mr. James Decoulos of Decoulos & Co. Ms. Mann reviewed the proposed language to amend Condition #33. She asked that the language mirror the Planning Board permit which would require recording of the CR prior to the issuance of building permits. This would also allow the work on the boardwalk to proceed. Agent Baeslack read the proposed language. All were in agreement.

Vogel moved to issue an Amended Order of Conditions for DEP #63-0725 revising condition #33 as discussed. Haag seconded and the motion passed by a roll call vote of five (5) yeas.

Howard Terrien **returned** to the meeting.

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

**Continued Request for Certificate of Completion SMP #25-2017 at 34 Dodge Road (Map 5, Parcel 104, Lot 3) Giuseppe Giugliano** – construction of a residential dwelling, subsurface sewage disposal system, and access driveway, grading, well and other utilities. Agent Baeslack advised that the Enforcement Order had been recorded at the Registry of Deeds and all parties, including the new owner, had been notified, but there had been no contact with the office. The Commission discussed options for resolving this matter. Consideration was given to levying a fine to the current owner. It was decided to issue a fine for \$5,000 or the cost for the work to finalize compliance, whichever was greater.

Haag moved to issue a fine to the current owner as discussed. Streiff seconded and the motion passed unanimously by roll call vote.

**Tree Canopy Issue** - The Commission had a brief follow up on the tree canopy discussion, which had been initiated at the last meeting. Chairman Shinnick reported that he had been in communication with MACC and had resources that he would be researching. Haag also reported that the Town Planner had advised that policing would be difficult due to the use of septic systems.

**Adjournment:**

Accomplished 9:01 PM by a motion made by Streiff. Haag seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent