

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, July 30, 2019
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 10/22/2019**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Robert Garner, and Judy Kehs
Absent: 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 July 9, 2019. Kehs seconded the motion and the motion passed unanimously.

New Notice of Intent Application at 155 Newburyport Turnpike (Map 14, Parcel/Lot 14) McDonald's USA, LLC, McDonald's Real Estate Co.: Proposed improvements to existing building including reconfiguration of drive-thru features, site accessibility upgrades and exterior building remodeling possibly located within the DEP Approved Groundwater Protection Area Zone II and 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. William Lucas of Bohler Engineering was in attendance to represent the applicant. The Commission reviewed and discussed Agent Baeslack's memo dated July 30, 2019 with recommendations for special conditions.

Kehs moved to close the public hearing and issue an Order of Conditions with conditions as discussed. Garner seconded the motion and the motion passed unanimously.

New Request for Determination of Applicability application at multiple properties (Map 21, Parcel 29; Map 29, Parcels 1-4 and 7; Map 30, Parcels 5, 19, 29 and 30; and Map 31, Parcel 11) owned by Essex County Greenbelt, Commonwealth of Massachusetts, Arthurs S. Page III and the Town of Rowley: Proposed invasive plant control by chemical application within the Salt Marsh, Land Subject to Coastal Storm Flowage and the Great Marsh ACEC. Mr. Peter Phippen of the Merrimac Valley Planning Commission, who was accompanied by Mr. Jeff Walker, were in attendance to address the Commission. The Commission reviewed and discussed Agent Baeslack's memo dated July 30, 2019 with recommendations for adoption of operational standards and protocols as utilized by US Fish and Wildlife for licensed herbicide applications.

Streiff moved to close the public hearing and issue a Negative Determination Options #2 and #6 with agreement to operational standards as discussed. Garner seconded the motion and the motion passed unanimously.

Continued Notice of Intent Application at 430 Wethersfield Street (Map 12, Parcel/Lot 3), at land off Wethersfield Street (Map 12, Parcel/Lot 4) and at land off Taylor Lane (Map 12, Parcel/Lot 2) Robert Nixon of Taylor Lane LLC: Proposed limited project roadway stream crossing, retaining walls, 1,800 sq. ft. wetland alteration, 3,800 sq. ft. wetland replication, drainage, grading and associated utilities. Ms. Maureen Herald of Norse Environmental Services was in attendance to address the Commission. Also in attendance were Ms. Jill Mann of Mann & Mann and Ms. Amanda Boudreau of Bitterroot LLC representing the applicant. Ms. Herald advised the Commission of the revisions made to the plan in response to the comments from the peer reviewer, Horsley Witten Group. Agent Baeslack made recommendations for special conditions including that an amendment request be filed for the entire subdivision and this Order could not be implemented just by itself without inclusion in a fully permitted OSRD project.

Garner moved to close the public hearing and issue an Order of Conditions with special conditions as discussed contingent upon receipt of calculations for sizing of storm drains within 14 days. Kehs seconded the motion and the motion passed unanimously.

Continued Stormwater Management Permit application at 430 Wethersfield Street (Map 12, Parcel/Lot 3), at land off Wethersfield Street (Map 12, Parcel/Lot 4) and at land off Taylor Lane (Map 12, Parcel/Lot 2) Robert Nixon of Taylor Lane LLC:

Proposed limited project roadway stream crossing, retaining walls, 1,800 sq. ft. wetland alteration, 3,800 sq. ft. wetland replication, drainage, grading and associated utilities; total site disturbance is approximately 32,150 square feet. Ms. Maureen Herald of Norse Environmental Services was in attendance to address the Commission. Also in attendance were Ms. Jill Mann of Mann & Mann and Ms. Amanda Boudreau of Bitterroot LLC representing the applicant. Ms. Herald advised the Commission of the revisions made to the plan in response to the comments from the peer reviewer, Horsley Witten Group. Agent Baeslack made recommendations for special conditions including an amendment request be filed for the entire subdivision and this permit cannot be implemented by itself without amending to include the entire OSRD project.

Kehs moved to close the public hearing and issue a Stormwater Management Permit with special conditions as discussed contingent upon receipt of calculations for sizing of storm drains within 14 days. Garner seconded the motion and the motion passed unanimously.

Certificate of Compliance Request(s):

DEP #63-0640 Land off Church Street (Map 24, Parcel 137, Lot 1) Clarke Associates, LLC: Mr. Jeff Clarke of Clarke Associates was in attendance to answer questions from the Commission. Agent Baeslack gave a verbal report and recommended the issuance of a Partial

Certificate of Compliance with ongoing conditions due to a lack of vegetative cover (on portions of the maintained lawn adjacent to limit of work).

Garner moved to issue a Partial Certificate of Compliance with ongoing conditions as discussed. Streiff seconded the motion and the motion passed unanimously.

Status Reports: Permits & Enforcement

34 Dodge Road (Map 5, Parcel 104, Lot 3) Guiseppe Guigliano, Owner & Angelo Ciardiello of ERA Equipment LLC - Depositing fill containing construction and demolition debris in violation of issued permit SMP #24-2017. Agent Baeslack gave a verbal status report and advised that a letter to the property owner, Mr. Guiseppe Guigliano, had been mailed advising of the fine assessed, but due to the lack of a mailbox the letter had not been delivered by USPS. There has been no communication from the property owner and the debris was still on site. Agent Baeslack read the letter sent to the owner.

Adjournment:

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

Submitted by Brent Baeslack, Conservation Agent