

**CONSERVATION COMMISSION  
MINUTES of MEETING  
Tuesday, October 4, 2022  
TOWN HALL ANNEX, 39 CENTRAL STREET  
**APPROVED: 10/25/2022****

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Jena Haag, Howard Terrien, and Howard Vogel  
Absent: Ann Witzig  
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 September 13, 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 July 25, 2006. Vogel seconded and the motion passed unanimously by roll call vote.

**Discussion(s):**

**Notice of Intent to Sell and Convert to Residential under MGL Ch. 61 887 Haverhill Street (Map 4, Parcel/Lot 36)** – The Commission reviewed the Notice of Intent to Sell and Convert to Residential under MGL Ch. 61 for 887 Haverhill Street. Agent Baeslack reviewed the comments from the Open Space Committee with a recommendation to waive the right of first refusal. The Commission agreed, due to issues with the property, to recommend to the Board of Selectmen to waive the right of first refusal.

Haag moved to recommend to the Board of Selectmen waiving the right of first refusal. Streiff seconded and the motion passed unanimously by roll call vote.

**Review and approval of 2023 Meeting Schedule** – The Commission reviewed the proposed 2023 Meeting Schedule.

Shinnick moved to accept the proposed 2023 Meeting Schedule. Terrien seconded and the motion passed unanimously by roll call vote.

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

**Discussion 90 Glen Street (Map 21, Parcel/Lot 8) Donald Lippoldt Stormwater Drainage Extension** – Agent Baeslack provided the Commission with a brief summary of the proposed drainage extension. Mr. Craig Marchionda and Mr. Paul Marchionda of Marchionda & Associates, LP were in attendance on behalf of the property owner. The matter before the Commission was to determine if the proposed work was jurisdictional under the Stormwater & Erosion Control Bylaw.

Mr. Craig Marchionda explained the property owner would like to connect to an existing 8” drainage pipe which directed water from a catch basin on Glen Street onto the private property. The extension would direct the water around the edge of the property to the back of the property. He explained that the Town’s infrastructure diverted water onto the private property with no easement and it caused a burden to the property owner. Mr. Marchionda stated it was his opinion the project did not meet the standards for being jurisdictional under the Bylaw and asked Agent Baeslack to explain why it was his opinion that the project was jurisdictional as outlined in Agent Baeslack’s memo dated March 15, 2022 to the Board of Health. Agent Baeslack explained his memo was clear the project, in his opinion, would exceed the 20,000 sq. ft. of contributing drainage area to an existing drainage system that they proposed to connect to and extend. Mr. Marchionda disagreed with the calculation of the drainage amount stating it was capacity of the 8” pipe and impossible for it to handle that much cubic feet per second. He again reiterated that it was his opinion that the discharge of water from a public catch basin onto private property needed to be resolved. The property owner was willing to incur the cost of the connection. Agent Baeslack stated that the discharge was not the only criteria and he believed the limit of work had been designed specifically to bring the project under the limits which would require a Stormwater Permit Application. He pointed out that the issue of the jurisdiction was raised in March when the matter was brought before the Board of Health who recommended that the Conservation Commission be consulted before the property owner proceeded. Agent Baeslack understood that the Board of Health had expressed concerns about seasonal groundwater mounding near the septic field. In addition, the property owner was proposing Town infrastructure on a private lot. Chairman Shinnick pointed out that the incorrect measurement was being used for determining if the project was jurisdictional. The Bylaw stated that projects with over 20,000 square feet of drainage to existing infrastructure, not cubic feet per second, of water volume, needed a Stormwater Management Permit. Mr. Paul Marchionda addressed the Commission due to technical issues with Mr. Craig Marchionda’s connection. He advised the Commission a swale could be used to redirect the water if the Commission determined a Stormwater Management Permit application would not need to be filed for the swale installation. Mr. Paul Marchionda stated his opinion that the project was not jurisdictional. Chairman Shinnick asked Agent Baeslack if there was no connection to the existing drainage system if it would then no longer be an extension of existing drainage system. Agent Baeslack agreed. Mr. Paul Marchionda stated the plan would be revised to simply redirect the water instead of extending the drainage pipe although, in his opinion, the extension was a better solution. The Chairman opened the discussion up to the Commission. Streiff stated, in his opinion, the

extension of the drainage system would require the filing of a Stormwater Management Permit application. Vogel asked about the flow of the water onto the property. Mr. Paul Marchionda explained they would proceed with the installation of a swale to direct the water around the property well outside the 100' Buffer Zone. Mr. Paul Marchionda stated his opinion that the swale would not trigger the need for an application. Ms. Jena Haag asked to address the Commission as an abutter. She asked if the redirecting of the water would affect her property. Mr. Paul Marchionda stated that it would not. Chairman Shinnick summarized the discussion that the project as presented with subsurface drainage pipe extension would require the filing of a Stormwater Permit Application. The Commission agreed with this assessment.

Commissioner Haag **returned** to the meeting.

**Request for Determination of Applicability at 944 Haverhill Street (Map 4, Parcel 15, Lot 2) filed by Lawrence Cassenti of Chrislar Horse Farm:** Proposed activities include maintaining outdoor training ring and paths, existing drainage structures, and horse tracks; pruning; and repair, replacement, and addition of fences within 100' Buffer Zone to Bordering Vegetated Wetlands, Bordering Vegetated Wetlands, Intermittent Stream, Inland Bank, and DEP Approved Groundwater Protection Area Zone II. Mr. Curtis Young of Lucas Environmental was in attendance on behalf of the applicant and gave a brief description of the proposed work. The Commission reviewed Agent Baeslack's memo dated October 4, 2022. Mr. Young agreed with the recommendations in Agent Baeslack's memo.

Haag moved to issue a negative Determination option #5 and #6 contingent upon receipt of revised plans as discussed. Streiff seconded and the motion passed unanimously by roll call vote.

**Request to Extend Order of Resource Area Delineation DEP #63-0675 at 395 Main Street (Map 25, Parcel/Lot 53) Didax Corporation** – Request to Extend for three (3) years. Mr. Steven Lanza, President of Didax Corp was in attendance. The Commission reviewed Agent Baeslack's memo dated October 4, 2022. He noted the wetlands delineation had been reviewed by the original delineator and the flagging had been refreshed. The Commission agreed to a three (3) year Extension.

Vogel moved to issue a three (3) year Extension for ORAD #63-0675. Terrien seconded and the motion passed unanimously by roll call vote.

**Notice of Violation at 15 Wild Pasture Lane (Map 23, Parcel 19, Lot A) James and Christine Georgoulakos** - Clearing of trees within the 100' Buffer Zone to Bordering Vegetated Wetlands without obtaining a Wetlands Permit. No one was in attendance for this matter. The Commission reviewed the issued Notice of Violation. Agent Baeslack reported on the site inspection of the tree clearing. He advised the Commission the property owner had been cooperative, engaged the services of DeRosa Environmental and had agreed to the filing of an "after the fact" RDA with tree planting. If the Commission agreed, it would not be necessary to issue an Enforcement Order at this time.

Vogel moved to direct property owner to submit an "after the fact" application with tree planting. Haag seconded and the motion passed unanimously by roll call vote.

**Adjournment:**

Accomplished 9:17 PM by a motion made by Haag. Terrien seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent