

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, October 25, 2022
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 11/15/2022**

Present: Vice Chair Sam Streiff, Jena Haag, Howard Terrien, Howard Vogel and Ann Witzig
Absent: Chair Daniel Shinnick
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.

In the absence of Chairman Shinnick, Vice Chairman Sam Streiff chaired the meeting.

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 of October 4, 2022, Haag moved to accept the Minutes. Terrien seconded and the motion passed unanimously by roll call vote.

Acceptance of Minutes: After the Commission reviewed the minutes of August 22, 2006, Streiff moved to accept the Minutes. Haag seconded and the motion passed unanimously by roll call vote.

Discussion(s):

Emergency Certificate for 905 Haverhill Street (Map 4, Parcel 35, Lot 35A): Beaver flooding. Agent Baeslack advised that a Permit had been issued by the Board of Health for a beaver dam breaching and that an Emergency Certificate had been prepared and issued. He asked that the Commission confirm and ratify the Emergency Certificate.

Witzig moved to confirm and ratify the Emergency Certificate for 905 Haverhill Street. Vogel seconded and the motion passed unanimously by roll call vote.

The next two hearings were opened concurrently:

Request for Determination of Applicability at 81 Warehouse Lane (Map 26, Parcel/Lot 11) Town of Rowley filed by Harbormaster Bill DiMento - Proposed clearing and grading to expand existing parking area, and minor grading of existing access drive possibly within the 100' Buffer Zone to Isolated Vegetated Wetland and the 200' Riverfront Area of the Rowley River. Ms. Mary Rimmer of Rimmer Environmental, Mr. Daniel MacRitchie of MacRitchie Engineering, and Town of Rowley Harbormaster William DiMento were in attendance. Ms. Rimmer presented the proposed project to the Commission. Mr. MacRitchie reviewed the plan and explained that part of the project would include upgrading of the access way for trailered vehicles to manage stormwater. The Commission reviewed Agent Baeslack's memo dated October 25, 2022. Ms. Rimmer advised that the requested plan changes would be made. The Chairman opened the hearing to the public. Ms. Toni Treadway of 69 Warehouse Lane addressed the Commission with concerns regarding drainage and erosion. She expressed concerns about the short hearing notice and the ability of those with questions to attend a remote meeting. Agent Baeslack advised that the notification requirements had been adhered to and that the Commission had been meeting remotely since the beginning of the pandemic. He reminded those in attendance that the matter before the Commission was only for the wetland resource areas within the Commission's purview. He explained that stormwater and drainage issues would be covered by the Stormwater Management Permit Application. Mr. DiMento stated all necessary notifications had been made and there had been previous meetings with the Board of Selectmen regarding the proposed plan. The Harbormaster noted he had received questions and comments that he had responded to. If there were further questions, they could be directed to him. Agent Baeslack noted that the project could not move forward until the protected open space was converted under the Article 97 conversion process. There being no further concerns, the Chairman closed public comment. The Commission considered the Agent's recommendation stated in the memo.

Vogel moved to close the public hearing and issue a Negative Determination Option #3 with conditions as discussed contingent upon receipt and approval of revised plans. Witzig seconded and the motion passed unanimously by roll call vote.

Stormwater Management Permit application SMP #55-2022 at 81 Warehouse Lane (Map 26, Parcel/Lot 11) Town of Rowley filed by Harbormaster Bill DiMento - Proposed expansion of seasonal grassed parking area by clearing and grading existing field and woodlands. Total site disturbance is approximately 82,000 sq. ft. (1.88 acres). Agent Baeslack advised that proof of abutter notification had not been submitted by the Applicant or Representative which could delay the hearing opening. Ms. Mary Rimmer of Rimmer Environmental was in attendance on behalf of the Applicant and advised that she had the receipt for the Certificate of Mailing. Agent Baeslack asked that the receipt be emailed which would meet the proof requirement and the hearing could be opened. Mr. Daniel MacRitchie of MacRitchie Engineering and Rowley Harbormaster William DiMento were also in attendance. Ms. Rimmer addressed the concerns regarding the drainage and erosion. Agent Baeslack explained that the area would remain a grassed field so the project stormwater runoff would be negligible and was a relatively simple project if done appropriately. Mr. Bruce Kubik, owner of 96 Warehouse Lane, and the tenant, Ms. Gillian Ingram, addressed the Commission regarding traffic increase. Chairman Streiff advised those issues did not fall

under the Commission's jurisdiction. Mr. DiMento advised he would try to address the concerns regarding traffic flow with the abutters directly. Agent Baeslack noted that the preservation of existing trees along the roadway frontage and the abutter's property would be protected by the offset of the earth disturbance. There being no further concerns, the Chairman closed public comment.

Terrien moved to close the public hearing and issue a Stormwater Management Permit with conditions as discussed contingent upon receipt and approval of revised plans. Witzig seconded and the motion passed unanimously by roll call vote.

Notice of Intent DEP #63-0743 at 510 Newburyport Turnpike (Map 19, Parcel 8, Lot 4A) filed by Bitterroot LLC owned by 510 Newburyport Realty Trust: Proposed roadway crossing filling 3,151 sq. ft. wetlands with replication of 6,449 sq. ft., clearing, grading, installation of retaining walls, drainage facilities, and associated utilities possibly within Bordering Vegetated Wetlands and the 100' Buffer Zone to Bordering Vegetated Wetlands. Ms. Maureen Herald of Norse Environmental, Attorney Jill Mann of Mann & Mann, and Mr. Robert Nixon of Bitterroot LLC were in attendance. Ms. Herald advised that the current Application was only for the roadway crossing and replication. The Applications for the lots would be filed separately. She reviewed the proposed plan with the Commission. Ms. Herald explained that land would be transferred to the Town for Open Space as part of the overall project. The proposed Open Space is contiguous to land already owned by the Town of Rowley. Agent Baeslack gave a verbal project report. He reviewed the history of intrusion from the abutting property which would be addressed with the proposed replication. Agent Baeslack reported on DEP comments requiring an Application submittal for a Water Quality Certification (WQC), but the Applicant was proposing to implement a Deed Restriction limiting any further resource area work, which was an acceptable alternative to the WQC. The Commission discussed connecting the two Open Space parcels by shrinking the size of Lot 3. Ms. Mann advised this would be done as this was also a Planning Board request. Agent Baeslack proposed a 33% plant increase for the replication area to which Ms. Mann agreed. Agent Baeslack then requested some minor plan changes.

Haag moved to close the public hearing and issue an Order of Conditions DEP #63-0743 with conditions as discussed contingent upon receipt and approval of revised plans. Terrien seconded and the motion passed unanimously by roll call vote.

Stormwater Management Permit application SMP #56-2022 at 510 Newburyport Turnpike (Map 19, Parcel 8, Lot 4A) filed by Bitterroot LLC owned by 510 Newburyport Realty Trust: Proposed construction of a six (6) lot residential subdivision with roadway, roadway crossing, wetland alteration, wetland replication, drainage, clearing, grading, and associated utilities. Total site disturbance is approximately 164,159 sq. ft. (3.77 acres). Ms. Maureen Herald of Norse Environmental, Attorney Jill Mann of Mann & Mann, and Mr. Robert Nixon of Bitterroot LLC were in attendance. Agent Baeslack advised that a Peer Review was being conducted for the Planning Board by VHB. Ms. Mann stated that a final comment letter had been received from VHB which included a number of items to be addressed with the Commission. She advised that if the Commission approved the proposed plans, the Planning Board would

finalize approval at their next meeting. She advised that the Planning Board had requested that a sidewalk be included and that would be added to the plan. There was a brief discussion regarding replacing the 36” culvert with an arch culvert to facilitate wildlife access. Ms. Mann advised this would be reviewed to see if it was a viable option.

Haag moved to close the public hearing and issue a Stormwater Management Permit SMP #56-2022 with conditions as discussed contingent upon receipt and approval of revised plans. Witzig seconded and the motion passed unanimously by roll call vote.

Certificate of Compliance Request(s):

Request for Certificate of Compliance DEP #63-0579 at 63 & 79 Main Street (Map 25, Parcels 97 & 98) Charles Construction Company: Construction of an access driveway, multi-unit dwellings, with associated garages, parking, utilities, village green common area, and site grading. Agent Baeslack reported that the office was still awaiting reports on the invasive suppression work and asked the matter be continued to the meeting of November 15, 2022.

Haag moved to continue this agenda item to the November 15, 2022, meeting. Terrien seconded and the motion passed unanimously by roll call vote.

Adjournment:

Accomplished 9:22 PM by a motion made by Vogel. Haag seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent