

Mn July 9, 2019

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, July 9, 2019
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 7/30/2019**

Present: Vice Chair Sam Streiff, Robert Garner, Judy Kehs, and Howard Vogel
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 7:30 PM (all Legal ads were read to open new agenda items at time noticed).

Administrative:

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

Reading of Letter to Agent Baeslack – Streiff read for the record the Rowley Conservation Commission formal apology letter to Agent Baeslack regarding the incident at the meeting of March 26, 2019.

Payroll and/or Vendor Bills - 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 June 18, 2019 as amended. Vogel seconded the motion and the motion passed unanimously.

Public Information Meeting regarding MS4 Stormwater Management Program Plan for the Town of Rowley – The Commission opened a public information meeting regarding the MS4 Stormwater Management Program Plan. Agent Baeslack gave a brief overview of the Management Program and the Plan, which the Town was preparing for submittal to the EPA. The Plan has been posted on the Town’s website for review and comment by the public. In attendance to answer questions were Patrick Snow of the Town of Rowley Highway Department and Ms. Jennifer Hughes of the Merrimack Valley Planning Commission (MVPC). The MVPC had been engaged by the Town to assist in the preparation and filing of the Plan. The Plan includes inspection and monitoring of Town drainage as well as construction site inspections.

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. Agent

Baeslack advised that this hearing could not be opened due to the lack of notification to abutters. The appropriate notifications will be made and a new legal ad posted for the next meeting on July 30, 2019.

New Notice of Intent Application at 264-268 Newburyport Turnpike (Map 13, Parcel/Lot 13) Nature's Remedy of Massachusetts owned by Gino Tzortzis: Proposed reconfiguration of the access drive and parking lot, landscaping, and installation of a grass lined swale possibly within the 100' Buffer Zone to Bordering Vegetated Wetland. Mr. Stephen Sawyer of The Morin Cameron Group was in attendance representing the applicant. Mr. David Miller of Nature's Remedy was also in attendance. Mr. Sawyer gave a brief overview of the project. Agent Baeslack provided a verbal report on his review of the application and plans and made a recommendation to issue an Order of Conditions with special conditions as related to the jurisdictional wetlands located on the abutting Conservation area.

Garner moved to issue an Order of Conditions with the special conditions discussed. Kehs seconded the motion and the motion passed unanimously.

New Stormwater Management Permit Application at 264-268 Newburyport Turnpike (Map 13, Parcel/Lot 13) Nature's Remedy of Massachusetts owned by Gino Tzortzis: Proposed construction of a 950 square foot building addition, reconfiguration of the access drive and parking lot, landscaping, and installation of a grass lined swale. Total site disturbance is approximately 13,500 square feet plus 12,000 square feet for gravel parking area. Mr. Stephen Sawyer of The Morin Cameron Group was in attendance representing the applicant. Mr. David Miller of Nature's Remedy was also in attendance. Mr. Sawyer explained that the project had been reviewed by Mr. Larry Graham of H.L. Graham Associates as part of the Planning Board review. Agent Baeslack gave a verbal report of his review of the application and plans and made a recommendation to issue a Stormwater Permit with special conditions appropriate for this type of commercial project.

Garner moved to issue a Stormwater Management Permit with the special conditions discussed. Vogel 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 was in attendance to address the Commission. She advised they were revising the plans based on the report received from the Peer Reviewer, Horsley Witten Group. She requested that the hearing be continued to allow for these revisions to be finalized. Agent Baeslack gave a brief overview of the recommendations submitted by Horsley Witten.

Garner moved to continue the hearing with the applicant's permission to the meeting of July 30, 2019. 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 was in attendance to address the Commission. She advised that they were revising the plans based on the report received from the Peer Reviewer, Horsley Witten Group. She requested that the hearing be continued to allow for these revisions to be finalized. Agent Baeslack gave a brief overview of the recommendations submitted by Horsley Witten as related to stormwater management.

Vogel moved to continue the hearing with the applicant's permission to the meeting of July 30, 2019. Garner seconded the motion and the motion passed unanimously.

New Business:

New Request for Extension of Order of Conditions #63-0655 for 151 Boxford Road (Map 2, Parcel/Lot 28) Roger LeBlanc – Mr. Bill Manuell of Wetlands and Land Management was in attendance to represent the property owner and answer any questions from the Commission. Agent Baeslack provided a verbal recommendation to issue a one (1) year Extension to allow for the completion of the outstanding restoration planting items to bring the property into compliance with the Order of Conditions #63-0655.

Kehe moved to issue a one (1) year Extension. Garner 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 updated the Commission on the status of this matter. The Commission discussed the lack of compliance with the Enforcement Order issued for the demolition debris removal. They discussed the issuance of a fine and determined to levy a \$200.00. The Agent will prepare and issue a letter to the property owner advising of the fine.

Garner moved to levy a \$200.00 fine for lack of compliance with the Enforcement Order. Kehe seconded the motion and the motion passed unanimously.

Adjournment:

Accomplished at 8:55 PM by a motion made by Vogel. Garner seconded the motion and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent