

Mn January 4, 2022

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, January 4, 2022
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 1/25/2022

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Howard Terrien, Howard Vogel and Ann Witzig
Absent: Jena Haag
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). The remote meeting was held pursuant to Governor Baker's March 12, 2020 Order, as Extended on June 15, 2021, with the Governor's signing of Senate Bill # 2475, suspending certain provisions of the Open Meeting Law. 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 vendor bills which had been distributed and reviewed prior to the meeting.

Acceptance of Minutes: After the Commission reviewed the minutes, Witzig moved to accept the Minutes of December 7, 2021. 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 October 30, 2007. Witzig seconded and the motion passed unanimously by roll call vote.

Discussion: The Commission opened a discussion regarding concept plans for 85 [unofficially #107] Newburyport Turnpike (Map 14, Parcel 22, Lot 3) and to review the progress made through the Site Plan Review process in anticipation of the submittal of a Notice of Intent and Stormwater Management application to comply with issued Enforcement Order(s) under the Wetlands Protection Bylaw and Stormwater Management Bylaw. Mr. Nicholas Betts of Meridian Associates was in attendance on behalf of the property owner to review this project with the Commission. He described the property history including the issuance of an Enforcement Order(s) for site filling/grading without proper permitting. Mr. Betts reviewed the various stages of proposed building configurations that have been submitted to the Planning Board with the latest version contemplated for approval. Mr. Betts advised of intentions to file a Notice of Intent Application and Stormwater Management Application for the January 25, 2022 Meeting. Agent Baeslack noted that granite countertop trimmings and some asphalt paving were dumped along the lower rear boundary of the site and are presumed to be removed once development proceeds in earnest. Agent Baeslack asked about the soil stockpile over the proposed septic system location that was presumed to be from the lower area of the site. Mr. Betts believes the material is clean and will be used elsewhere on the site. The area needed to be

cleared to allow soil testing for the septic plan re-approval by the Board of Health. Agent Baeslack suggested that the stockpile be moved to the stumps/logs area. To facilitate this work, he recommended filing of an RDA for the stockpile moving, allowing for the soil testing to move forward while reviewing the NOI Application. Both the Commission and Mr. Betts agreed that was acceptable to address movement of the soils before full project permitting is issued.

Howard Terrien **recused** himself from the next three agenda items.

Abbreviated Notice of Resource Area Delineation at land off Daniels Road (Map 9, Parcel/Lot 23) owned by Tompkins Desjardins Trust, filed by Robert Nixon of Taylor Lane LLC: Proposed delineation of regulated wetland resource areas. Agent Baeslack presented a request from the Applicant's representative, Ms. Maureen Herald of Norse Environmental, that the hearing be continued to the January 25, 2022 meeting to allow for final plan revisions. Agent Baeslack advised that he would be contacting the Applicant's representative to advise them that due to the number of continuous continuances, he would recommend an open continuance where agenda placement would be triggered by actual submittal of the revised plans.

Vogel moved to continue the public hearing as requested by the Applicant to the meeting of January 25, 2022. Streiff seconded and the motion passed unanimously by a roll call vote of four (4) yeas.

The Commission opened the hearings for the following two items simultaneously:

Continued Request to Amend Order of Conditions DEP #63-0625 at land off Daniels Road (Map 9, Parcel/Lot: Proposed project change for new construction of an OSRD with nine (9) residential dwellings, shared sewage disposal system, roadway, stormwater facilities, grading and utilities along with 14 acres of protected Open Space within the 100' Buffer Zone of Bordering Vegetated Wetlands. Mr. James Decoulos, Applicant's Representative, was in attendance and asked for authorization to dig one or two more test pits. Agent Baeslack advised that this work could be accomplished under the current Order of Conditions. Mr. Decoulos stated that the Planning Board Reviewer was looking for flood elevations data and he presented those submitted 10 years ago by his father, James Decoulos. Elevations are currently being effected by beaver activity that could affect the proposed boardwalk height. Agent Baeslack believed the proposed height was sufficient, and if the Commission agreed an advising memo would be forwarded to the Plan Reviewer. Mr. Decoulos mentioned the length and extent of railings along the boardwalk and asked for the Commission's direction because he had researched projects with and without railings. He reviewed the type of materials the proposed boardwalk was composed of. Agent Baeslack requested that Mr. Decoulos submit information about types and examples of railings that he had researched so the matter can be taken up at the next meeting with the Commission. There was a question about the boardwalk access. Mr. Decoulos advised the owners would like it to be restricted to foot/pedestrian traffic and would like to post signage. He asked if there were any guidelines for the signage. Agent Baeslack advised that the Commission had not limited other conservation areas relating to electric assisted bicycles as this was a new situation. This was something that could be discussed and finalized at an upcoming meeting. Mr. Decoulos

advised that the Homeowners' Association documents were being drafted and that a DEP file number, #63-0725, had been issued for the boardwalk project. Mr. Decoulos requested the hearing be continued to the January 25, 2022 meeting to allow for finalization of the Peer Review Report and submittal of the boardwalk materials.

Vogel moved to continue the public hearing as requested by the Applicant to the meeting of January 25, 2022. Streiff seconded and the motion passed by a roll call vote of four (4) yeas.

Continued Notice of Intent DEP file #63-0725 at land off Daniels Road (Map 9, Parcel/Lot 23) filed by James Decoulos of Danielsville LLC, owned by the Tompkins-Desjardins Trust: Proposed construction of a 4' x 148' modular aluminum boardwalk with supporting trails to access protected open space crossing an intermittent stream and emergent freshwater marsh possibly within Bordering Land Subject to Flooding, Stream, Bordering Vegetated Wetlands, and the 100' Buffer Zone to Bordering Vegetated Wetlands. Applicant's Representative James Decoulos was in attendance and requested the hearing be continued to the January 25, 2022. (See previous discussion.)

Vogel moved to continue the public hearing as requested by the Applicant to the meeting of January 25, 2022. Streiff seconded and the motion passed by a roll call vote of four (4) yeas.

Commissioner Terrien **returned** to the meeting.

Certificate of Compliance Request 36 School Street (Map 24, Parcel/Lot 120) #63-0197 - Issued to Town of Rowley Highway Department for the installation of a storm treatment system (issued 1996 and Amended 1999). Agent Baeslack related that the file had been reviewed and the site was visited to verify that the treatment system had been installed and appeared to be functioning as intended. He recommended consideration of the issuance of a complete Certificate of Compliance.

Witzig moved to issue a Complete Certificate of Compliance. Terrien seconded and the motion passed unanimously by roll call vote.

Adjournment:

Accomplished at 8:37 PM by a motion made by Streiff. Witzig seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent