

Mn February 15, 2022

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, February 15, 2022
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 3/8/2022**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Jena Haag, Howard Terrien,
Howard Vogel and Ann Witzig
Absent: N/A
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, Vogel moved to accept the Minutes of January 25, 2022. Witzig 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 December 11, 2007. Terrien seconded and the motion passed unanimously by roll call vote.

Administrative Discussions:

Howard Terrien **recused** himself from the next agenda item.

Notice of Intent to Convert Land (withdrawal) from Chapter 61 Status at land off Daniels Road and Emily Lane (Map 9, Parcel 23, Lot 33 and a portion of Map 9, Parcel 23): Discussion of Municipal Right of First Refusal. The Commission reviewed Agent Baeslack's memo dated February 15, 2022 with a recommendation to advise the Board of Selectmen to waive the Right of First Refusal after receipt of input from the Open Space Committee.

Vogel moved to recommend waiving the Right of First Refusal pending consultation with Open Space Committee and their consensus. Witzig seconded and the motion passed with a vote of five (5) yeas.

Howard Terrien **returned** to the meeting.

Sam Streiff **recused** himself from the next agenda item.

Notice of Intent to Convert Land (withdrawal) from Chapter 61 Status at 130 Cross St (Map 27, Parcel/Lot 17): Discussion of Municipal Right of First Refusal. The Commission reviewed Agent Baeslack's memo dated February 15, 2022 with a recommendation to advise the Board of Selectmen to waive the Right of First Refusal after receipt of input from the Open Space Committee.

Witzig moved to recommend waiving the Right of First Refusal pending consultation with Open Space Committee and their consensus. Haag seconded and the motion passed with a vote of five (5) yeas.

Sam Streiff **returned** to the meeting.

Tax title land at 347 Wethersfield St (Map 19, Parcel 8, Lot 16): Cleanup for open space protection. Due to time restrictions, this item was tabled to March 8, 2022 meeting.

Requested permission by Falcon Ridge Associates to use Smith Lane at rear of Eiras Park for access to facilitate trail construction on Open Space parcel being deeded to Town at land off Taylor Lane (Map 12, Parcel 3, Lot C) 34 acres: Agent Baeslack explained new trails are being constructed on an Open Space parcel as part of the Falcon Ridge Project. To facilitate access, the contractor is seeking approval to use Smith Lane for small trucks hauling approximately six cubic yards of wood chips. Controls would need to be put in place to maintain site security. Any damage to Smith Lane would be repaired by the contractor. At this time, it is not known how many trips will be needed, but calculations will be provided. Signs prohibiting public access can be temporarily placed at the Eiras Park gate. Agent Baeslack advised he would be reaching out to other departments that could have access concerns. If the work can be done while Smith Lane is still frozen, it will cause less disturbance. The Commission agreed to the access.

Vogel moved to grant permission to Falcon Ridge Associates for access to facilitate trail construction. Witzig seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at 85 (fka 107) Newburyport Turnpike (Map 14, Parcel 22, Lot 3) filed by Elmer Palencia: Proposed soil evaluation for the certification of a subsurface sewage disposal system possibly within the DEP Approved Groundwater Protection Area Zone II. Mr. Nicholas Betts of Meridian Associates, who was in attendance on behalf of the Applicant, provided a history relating to the Enforcement Order issued for work conducted on the site. He advised that the soil evaluation request was to meet a Board of Health requirement to have the soil retested due to the length of time since the system plan approval. Mr. Betts provided the Commission with a brief overview of the work proposed. The Commission reviewed Agent Baeslack's memo dated February 15, 2022 in which he advised that the requested construction sequence had been received. He confirmed the activity was outside any areas subject to the Commission's review.

Haag moved to issue a Negative Determination Options #1 and #6. Vogel seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at ROW of Newburyport Turnpike and ROW of Central Street and Glen Street (Map 21) filed by Massachusetts Department of Transportation: Proposed installation of traffic light and intersection improvements possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and 200' Riverfront Area of the Mill River. Mr. David Goldstein of Mass DOT Environmental Section was in attendance with Ms. Marissa Seifert and Colin White of HNTB. Mr. White provided the Commission with an overview of the proposed project. Ms. Seifert discussed the project environmental issues. The Commission reviewed Agent Baeslack's memo dated February 15, 2022 with a recommendation for appropriate options applicable to the project. There was a discussion regarding adding hoods to the already existing catch basins.

Haag moved to issue a Negative Determination Options #2 and #5. Terrien seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at 37 Bob Merry Lane (Map 12, Parcel 3, Lot 13) filed by Falcon Ridge Associates, LLC: Proposed construction of a single family home (portion), subsurface infiltrators (2), clearing, grading and associated utilities possibly within the 100' Buffer Zone to Border Vegetated Wetlands. Ms. Maureen Herald of Norse Environmental Services was in attendance on behalf of the Applicant and gave a brief project overview. The Commission reviewed Agent Baeslack's memo dated February 15, 2022 with recommendations for conditions applicable to activities in the 100' Buffer Zone to Bordering Vegetated Wetlands.

Vogel moved to issue a Negative Determination Option #3 with special conditions as discussed. Terrien seconded and the motion passed unanimously by roll call vote.

Notice of Intent at 35 Bob Merry Lane (Map 12, Parcel 3, Lot 14) filed by Falcon Ridge Associates, LLC: Proposed construction of a single family home (portion), subsurface infiltrator, clearing, grading and associated utilities possibly with 100' Buffer Zone to Bordering Vegetated Wetlands. Ms. Maureen Herald of Norse Environmental Services was in attendance on behalf of the Applicant and gave a brief project overview. The Commission reviewed Agent Baeslack's memo dated February 15, 2022 with recommendations for special conditions.

Streiff moved to issue an Order of Conditions for DEP #63-0728 with standard conditions for a residential dwelling and special conditions as discussed. Witzig seconded and the motion passed unanimously by roll call vote.

Notice of Intent at ROW Dodge Road and ROW Daniels Road from Dodge Road to Emily Lane (Maps 5 & 9) filed by Robert Gray, Rowley Water Department: Proposed installation of 6,300 linear feet of 8" water main possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands, crossing an unnamed perennial stream, and an intermittent stream. Ms. Katherine Carreira of Tata & Howard was present on behalf of the Applicant and gave a brief project overview. Agent Baeslack provided verbal recommendations for special conditions for the project, especially the stockpile location. Ms. Carreira advised that the staging area would be

discussed prior to the project start and would have to be approved by all parties. Mr. James Decoulos asked if the ductile iron as noted on the plans would be used by the Water Department as in the past plastic had been used. He explained he was representing property owners considering development in the area. Ms. Carreira advised it was Tata & Howard's recommendation to use the ductile iron pipe at this point, but she could not say if the Water Department would make any changes to portions of the project as the plan progressed.

Vogel moved to issue an Order of Conditions with conditions typical for a water line installation. Haag seconded and the motion passed unanimously by roll call vote.

Continued 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. Ms. Maureen Herald of Norse Environmental Services was in attendance on behalf of the Applicant. She briefly reviewed the changes made to the original plan based on field reviews with Agent Baeslack. Agent Baeslack reviewed some of the new plan revisions he had requested. He recommended the Commission consider voting and make it contingent on the revised plan being reviewed and approved by the RCC Office.

Haag moved to close the public hearing and issue an ORAD contingent upon receipt of revised plans within fourteen (14) days. Terrien seconded and the motion passed unanimously by a roll call vote.

Howard Terrien **recused** himself from the next agenda item.

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. Agent Baeslack presented a request from Mr. James Decoulos, Applicant's Representative, to continue the meeting to March 8, 2022.

Shinnick moved to continue the public hearing as requested by the Applicant to the meeting of March 8, 2022. Streiff seconded and the motion passed by a roll call vote of five (5) yeas.

Howard Terrien **returned** to the meeting.

Continued Notice of Intent at 944 Haverhill Street (Map 4, Parcel 15, Lot 2) filed by Lawrence Cassenti of Chrislar Horse Farm and Equestrian Center: Proposed construction of a horse paddock 64' x 154' x 106' x 129' (11,501 sq. ft.) requiring filling of 4,532 sq. ft. of Bordering Vegetated Wetlands and 6,969 sq. ft. of 100' Buffer Zone to Bordering Vegetated Wetlands and a portion of the DEP Approved Groundwater Protection Area Zone II with proposed replication of 6,740 sq. ft. of Bordering Vegetated Wetlands. Agent Baeslack presented a request on behalf of the Applicant from Mr. Curt Young of Lucas Environmental to continue the public hearing to allow time to submit revised plans. Agent Baeslack advised that DEP had

issued comments with concerns relating to the project. The Commission agreed to the continuance request.

Shinnick moved to continue the public hearing at the request of the Applicant to the meeting of March 8, 2022. Terrien seconded and the motion passed unanimously by roll call vote.

Request for Certificate of Compliance RCC #07-2017 at 223 Newbury Road (Map 1, Parcel/Lot 33) filed by Alex Tzanakos: Construction of a single family dwelling with subsurface sewage disposal system, driveway, utilities and associated grading possibly within the DEP Approved Groundwater Protection Area Zone II. Mr. George Zambouras of Atlantic Engineering was in attendance. Agent Baeslack advised the Commission regarding errors in listing of the Request. It was determined that the errors did not rise to the level of disallowing the matter to be considered. The Commission reviewed Agent Baeslack's memo dated February 15, 2022 with the recommendation to issue a Complete Certificate of Compliance with ongoing conditions.

Haag moved to issue a complete Certificate of Compliance with ongoing conditions. Terrien seconded and the motion passed unanimously by roll call vote.

Adjournment:

Accomplished at 10:01 PM by a motion made by Haag. Terrien seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent