

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, March 8, 2022
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 3/29/2022

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). 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 February 15, 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 January 24, 2006. Haag seconded and the motion passed unanimously by roll call vote.

Administrative Discussions:

Tax title land at 347 Wethersfield St (Map 19, Parcel 8, Lot 16): Proposed cleanup for open space protection. Agent Baeslack provided the Commission with a report on the possible cleanup of scattered man-made debris, which could be done by volunteers. He advised that the Board of Selectmen had met and determined that an Earth Removal Permit would not be needed for the dumped crushed stone fill removal from the wetlands. The Commission discussed avenues to fund the project which included seeking CPC funds. Agent Baeslack stated that Mr. Rob Nixon had expressed interest in removing the stone at no cost to the Commission if he would be allowed to use the material. We will have to determination if a request will need to be submitted at Town Meeting to have the property transferred to the Commission's care and custody. Agent Baeslack recommended that the cleanup be completed prior to the land being transferred.

Haag moved to proceed with the cleanup and transfer of the property to the Commission's care and custody. Vogel seconded and the motion passed unanimously by roll call vote.

Proposed FY23 Conservation Department Budget: The Commission reviewed the proposed FY23 Budget submitted by Agent Baeslack. This included the use of NOI funds to cover six (6) hours of the Conservation Secretary's wages as had been done in previous years budgeting.

Vogel moved to accept the FY23 Conservation Department Budget as proposed. Haag seconded and the motion passed unanimously by roll call vote.

Vogel moved to forward request to Board of Selectmen for the use of NOI funds for six (6) hours of the Conservation Secretary's wages. Haag seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at 887 Haverhill Street (Map 4, Parcel/Lot 36) filed by Sean Blair: Proposed soil evaluations then installation and upgrade of a subsurface sewage disposal system with construction of deck and porch on existing dwelling possibly within the 100' Buffer Zone to Bordering Vegetated Wetlands and 200' Riverfront Area of Muddy Brook. Mr. James Scanlon of Scanlon Engineering was present on behalf of the Applicant and provided the Commission with a brief project overview. The Commission reviewed Agent Baeslack's memo dated March 8, 2022 which included recommendations for special conditions and establishment of a 25' No Cut/No Disturbance Zone with a post and rail fence.

Haag moved to issue a Negative Determination Options #3 and #5 with conditions as discussed. Streiff seconded and the motion passed unanimously by roll call vote.

Notice of Intent at 24 Cooper Pond Road (Map 5, Parcel 48, Lot 20-A) filed by Alex Anninos: Proposed construction of a 23' x 39' inground swimming pool, patio, fence, grading, and "after-the-fact" installation of a patio, retaining wall and a fence possibly within an NHESP area of Estimated and Priority Habitat and the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Greg Hochmuth of Williams & Sparages was present on behalf of the Applicant and gave a brief project overview which included a description of the "after-the-fact" work. The Commission reviewed Agent Baeslack's memo dated March 8, 2022 which included recommendations for special conditions. Mr. Hochmuth requested a continuance to allow for a response from NHESP and the issuance of a DEP file number.

Terrien moved to continue the public hearing with the Applicant's approval to the meeting of March 29, 2022. Haag seconded and the motion passed unanimously by 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. Mr. James Decoulos, Applicant's Representative, requested that the hearing be continued to the meeting of March 29, 2022.

Haag moved to continue the public hearing as requested by the Applicant to the meeting of March 29, 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 the meeting of March 29, 2022.

Haag moved to continue the public hearing at the request of the Applicant to the meeting of March 29, 2022. Terrien seconded and the motion passed unanimously by roll call vote.

Request for Certificate of Completion for SMP #25-2017 at 34 Dodge Road (Map 5, Parcel 104, Lot 3) Giuseppe Giugliano: Proposed construction of a residential dwelling, subsurface sewage disposal system, and access driveway, grading, well and other utilities. Mr. Thomas Manna of Thomas Manna, Inc. was present on behalf of the Applicant. He reviewed the proposed As-built Plan, which included work to mitigate ponding on the abutting property and correct problems addressed in the issued SMP Enforcement Order. Mr. Dan Shaftner, 38 Dodge Road, commented on the request and expressed concern if the Certificate of Completion was issued prior to the work being completed. Mr. Nick Silvestri, the Applicant's real estate agent, advised that they had obtained proposals from contractors to do the site work. Money would be placed in escrow at the closing to have the work completed. Agent Baeslack advised that there had never been an option to issue the Certificate of Completion before actual completion of the proposed work and that there may likely be seasonal ponding in the low spot between the two properties even after completion of the proposed work. The Commission did not want to issue the Certificate of Completion contingent upon the work being completed.

Shinnick moved to continue this item to a meeting to be determined. Vogel seconded and the motion passed unanimously by roll call vote.

Enforcement Order 45 Stackyard Road (Map 33, Parcel/Lot 16) David S. Hayes: Altering by clearing the 100' Buffer Zone to Bordering Vegetated Wetlands and Salt Marsh, possible land disturbance. Siting a mobile home trailer and upgrading an existing seasonal camp building without appropriate permitting review within Land Subject to Coastal Storm Flowage and the Great Marsh ACEC per state Wetlands Protection Act and the Town's Wetlands Protection Bylaw. Agent Baeslack requested that this matter be tabled to the meeting of March 29, 2022 since the property owner had been in contact with the office and scheduled a site inspection. This would allow for more up-to-date information at the next meeting. The Commission agreed to table this item to the next meeting.

Streiff moved to continue this item to the meeting of March 29, 2022. Haag seconded and the motion passed unanimously by roll call vote.

The Commission had a brief discussion on whether to return to in-person meetings. It was decided to continue with remote meetings at this time.

Adjournment:

Accomplished at 9:15 PM by a motion made by Haag. Terrien seconded and the motion passed unanimously.

Submitted by Brent Baeslack, Conservation Agent