

CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, February 20, 2024
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 3/12/2024

Present: Chair Daniel Shinnick, Vice Chair Howard Vogel, Nancy Miller,
Sam Streiff, Howard Terrien 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). This remote meeting was held pursuant to Chapter 2 of the Acts of 2023 which extends the expiration of the provisions pertaining to the Open Meeting Law to March 31, 2025. The public could not physically attend this meeting, but every effort was made to allow the public to view the meeting in real time.

Administrative: Commissioners reviewed and authorized the payroll and reimbursement of various vendor bill requests.

Acceptance of Minutes: After the Commission reviewed the minutes of January 9, 2024, Witzig 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 23, 2005, Streiff moved to accept the minutes. Vogel seconded and the motion passed unanimously by roll call vote.

Approve corrected Minutes for 4/18/23: Agent Baeslack presented corrected Minutes for the meeting of April 18, 2023 and explained that language for the vote to declare a portion of 81 Warehouse Lane Conservation Area surplus for the Town Landing Parking Expansion had to be revised. This correction was needed to reflect the actual acreage and language which had been recommended by Town Counsel for the area being considered for the parking expansion. Streiff moved to approve the corrected Minutes for April 18, 2023. Terrien seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at 7 Newbury Road (Map 5, Parcel 68)
Stephen DeAngelis - proposed soil evaluations and installation of a replacement sewage disposal system within the DEP Approved Groundwater Protection Area Zone II. Mr. Kevin McHugh of Lynnbrook Consulting was in attendance on behalf of the applicant. The Commission reviewed Agent Baeslack's email memo dated February 20, 2024 with recommendations for special conditions. Baeslack advised the Commission that the permit, as recommended, would govern the soil evaluations and then allow the installation of the replacement system once approved by the Board of Health.

Streiff moved to issue a Determination Negative option #1 and Positive option #5 with conditions. Terrien seconded and the motion passed unanimously by roll call vote.

Notice of Intent at 45 Stackyard Road (Map 33, Parcel 16) Michael Goolkasian - proposed construction of sanitary disposal system, private well, and site work to resolve compliance issues possibly within Bordering Vegetated Wetlands, Salt Marsh, ACEC, associated 100' Buffer Zones, NHESP Priority Habitat, and Land Subject to Coastal Storm Flowage. Mr. Robert Grasso of Engineering Land Services was in attendance on behalf of the applicant. The Commission reviewed Agent Baeslack's email memo dated February 20, 2024. Discussion ensued about the need for clarification related to the depiction of the ACEC boundary at elevation 10' when using the NAVD 1988 datum which Baeslack thought should be depicted as elevation 9.2'. Thus it appeared the plans should be revised. The Commission also reviewed the Enforcement Order issued in March of 2022. Agent Baeslack advised he was still trying to get guidance from DEP regarding the placement of a septic system with the ACEC and Board of Health had not yet approved the plan. The Commission requested the hearing be continued and Mr. Grasso agreed.

Terrien moved to continue the public hearing with the Applicant's permission to the meeting of March 12, 2024. Witzig seconded and the motion passed unanimously by roll call vote.

Notice of Intent at 151 Stackyard Road (Map 37, Parcel 15) Robert Cianfrocca of The Cianfrocca Realty Trust - proposed demolition and construction with renovation of existing dwelling possibly within Bordering Vegetated Wetlands, Salt Marsh, ACEC, associated 100' Buffer Zones, Coastal Bank, and Land Subject to Coastal Storm Flowage. Mr. William Manuell of Wetlands & Land Management was in attendance on behalf of the applicant. The applicant, Mr. Robert Cianfrocca and the project architect, Mr. David Jaquith, were also in attendance. Mr. Manuell reviewed the resource areas involved and the proposed work including the Resource Area Mitigation which is naturalization of a portion of coastal bank that was maintained as lawn previously. Agent Baeslack gave a verbal report with photographs and provided recommendations for some special conditions. The Commission discussed conditioning a variable No Cut/No Disturbance Zone.

Witzig moved to issue an Order of Conditions with a variable width No Cut/No Disturbance Zone and other conditions as discussed. Streiff seconded and the motion passed unanimously by roll call vote.

Request for Determination of Applicability at 506 Newburyport Turnpike (Map 19, Parcel 18, Lot 2-A) Vernon J. Bell III - after-the-fact application to resolve compliance issues from clearing and cutting of vegetation and associated grading with native plantings and restricted No Cut Zone possibly within the 100' Buffer Zone of an Isolated Vegetated Wetland. Ms. Maureen Herald of Norse Environmental Services was in attendance on behalf of the applicant and reviewed the proposed restoration work with the Commission. She pointed out that some of the plantings had been proposed to be placed on the abutting property and those could be relocated to 506 Newburyport Turnpike. Agent Baeslack gave a

verbal report on his site visit with Ms. Herald. The Commission discussed conditions including deadlines for completion of the planting with monitoring to evaluate success.

Vogel moved to issue a Determination Positive option #5 contingent upon receipt and approval of a revised plan as discussed. Terrien seconded and the motion passed unanimously by roll call vote.

Request for Certificate of Compliance for DEP #63-0705 at 4 Taylor Lane (Map 12, Parcel 3, Lot 2) Rowley Builders LLC - construction of a single family dwelling, garage, driveway, subsurface rooftop infiltration, landscape wall, associated grading and utilities possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands. The Commission reviewed Agent Baeslack's email memo dated February 20, 2024. He advised the last items were the receipt of a revised plan and the decommissioning of the erosion control. He recommended the Commission vote to issue upon field verification that the erosion control had been decommissioned.

Vogel moved to issue a Complete Certificate of Compliance for DEP #63-0705 with ongoing conditions upon field verification of decommissioning of erosion controls. Witzig seconded and the motion passed unanimously by roll call vote.

Request for Certificate of Compliance for DEP #63-0707 at 5 Taylor Lane (Map 12, Parcel 3, Lot 38) - construction of a single family dwelling, garage, driveway, and associated grading possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands and Vernal Pool Habitat. Agent Baeslack gave a verbal report on his site inspection and advised he would be sending a letter documenting the intrusion with Certificate of Compliance.

Witzig moved to issue a Complete Certificate of Compliance with ongoing conditions and a letter documenting the intrusion. Streiff seconded and the motion passed unanimously by roll call vote.

Request for Certificate of Compliance for DEP #63-0706 at 10 Taylor Lane (Map 12, Parcel 3, Lot 5) Rowley Builders LLC - construction of an exterior stairway, subsurface rooftop infiltration, deck and associated grading possibly within the 100' Buffer Zone of Bordering Vegetated Wetlands and Vernal Pool Habitat. Agent Baeslack gave a verbal report on his site inspection. He advised the last item was the decommissioning of the erosion controls. He recommended the Commission vote to issue upon field verification that the erosion control had been decommissioned.

Streiff moved to issue a Complete Certificate of Compliance for DEP #63-0706 with ongoing conditions upon field verification of decommissioning of erosion controls. Witzig seconded and the motion passed unanimously by roll call vote.

Adjournment:

Accomplished 9:31 PM by a motion made by Witzig. Vogel seconded and the motion passed unanimously. Submitted by Brent Baeslack, Conservation Agent