

**Minutes of the BOXFORD CONSERVATION COMMISSION  
Virtual Attendance Pursuant to Chapter 20 of the Acts of 2021  
September 2, 2021 7:00 PM**

*Present: Peter Delaney, David Smallman, Natasha Grigg, Frank Di Luna, Mark Mitsch*

*Absent: Kerri Lummus, Alan Fowler*

*Others Present: Conservation Agent Ross Povenmire, Andrew Evans, Jeremy Degler, Pam Massad, Stewart Lytle, Patrick Garner, Claudio Pontes, Scott Cameron, Adam Brodsky, John Morin, Marc Alencar, Shawn Nuckolls, Ted Merchant, Carolos Ferreira, Ann Marton, Marcelo Martins Ferreira, Lance Cluster/BCATv, and others*

**7:07 PM** With a quorum present, Chair Peter Delaney called the meeting to order, and Director Povenmire called the roll to open the meeting.

**7:08 PM HEARINGS AND DISCUSSIONS**

**RDA 2021-11: 63 Herrick Road, 24-4-13, Boston Gas Company**

**Supporting Docs**

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant, Boston Gas Company, for the property located at: 63 Herrick Road, Assessor's Map 24, Block 4, Lot 13; to install a wire test station within existing paved road and driveway and within 100-feet of Bordering Vegetated Wetland.*
- **Request for Determination of Applicability Packet:**
  - *Attachment A – WPA Form 1*
  - *Attachment B – Figures*
  - *Attachment C – Site Photographs*
  - *Attachment D – Abutter Information*
  - *Attachment E – National Grid Best Management Practice Details*

The Director read aloud the Notice of Public Hearing to open the hearing. Jeremy Degler, Boston Gas, met with the Conservation Commission with a Request for Determination of Applicability to install a wire test station within an existing paved road and driveway at 63 Herrick Road, and within 100-feet of Bordering Vegetated Wetland. Degler noted that they will be using a 10'x10' work area, which is a worst-case scenario, within the 100-foot buffer of an intermittent stream. There will be a straw wattle on the stream side while construction is going on. The Director has reviewed the site and provided photos for the Commissioners to view. There was a discussion regarding requirements of the regulations and whether this plan includes all that was required.

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for to September 16<sup>th</sup>, under the Act and the Bylaw.

**Roll Call by Conservation Director Ross Povenmire:**

Frank Di Luna	Yes
David Smallman:	Yes
Natasha Grigg:	Yes
Mark Mitsch:	Yes

Peter Delaney: Yes

**2nd Amended OOC 114-1290: 30 Arrowhead Farm Road, 37-1-31, Carnes  
Supporting Docs**

- **Notice of Public Hearing:** *Second Request to Amend the Order of Conditions file #114-1290 by applicant Barry Carnes for the property located at: 30 Arrowhead Farms Road, Assessor's Map 37- 1- 31, to authorize changes to the approved plan, namely constructing a 1:1 boulder slope, and associated improvements, within 100 feet of Bordering Vegetated Wetlands.*
- **Letter and attachments from The Morin-Cameron Group** to Conservation Commission, *Re: 2<sup>nd</sup> Amendment Request 30 Arrowhead Farm Road, DEP file #114-1290, owner/applicant Barry Carnes, 8/17/21*
- **Site Plan of Land in Boxford, Massachusetts:** *Prepared for Barry Carnes, by The Morin-Cameron Group, stamped by John M. Morin, dated 12/2/19*

The Director read aloud the Notice of Public Hearing to open the hearing. John Morin, The Morin-Cameron Group, representing the applicant, met with the Conservation Commission with a 2<sup>nd</sup> Amended Order of Conditions for Carnes, 30 Arrowhead Farm Road. They are requesting that the Order of Conditions be returned to the original Order of Conditions, rather than the Amended Order of Conditions, noting that the current Order will expire in August of 2022.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for 2<sup>nd</sup> Amended OOC 114-1290, 30 Arrowhead Farms Road, 37-1-31, Carnes, under the Act and the Bylaw.

**Roll Call by Conservation Director Ross Povenmire:**

Frank **Di Luna** Yes  
David **Smallman**: Yes  
Natasha **Grigg**: Yes  
Mark **Mitsch**: Yes  
Peter **Delaney**: Yes

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the 2<sup>nd</sup> Amended Order of Conditions for file #114-1290, 30 Arrowhead Farms Road, 37-1-31, Carnes, under the Act and the Bylaw.

**Roll Call by Conservation Director Ross Povenmire:**

Frank **Di Luna** Yes  
David **Smallman**: Yes  
Natasha **Grigg**: Yes  
Mark **Mitsch**: Yes  
Peter **Delaney**: Yes

**NOI 114-1332: 104 King George Drive, 16-1-13, Massad  
Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by applicant Pamela Massad for the property located at 104 King George Drive, Assessor's Map 16, Block 1, Lot 13, to construct a house and driveway, and associated improvements, within 100-feet of Bordering Vegetated Wetland.*
- **Notice of Intent Package:** *Prepared by Drohan Tocchio & Morgan, P.C. for Pamela Massad, dated 8/18/21*
  - 1.0 Application Forms
  - Notice of Intent Forms
  - Fee Transmittal Form
  - Copies of Filing Fee Checks
  - Signature Authorization Form
  - 2.0 Project Narrative
  - 3.0 Figures
  - USGS Map – Site Locus
  - Wetland Data Forms
  - Patrick C. Garner Resume
  - Peter M. Blaisdell Resume
  - Assessor's Card – 104 King George Drive
  - Deed in Lieu of Foreclosure
  - 4.0 Abutter Notification
  - List of Abutters
  - Affidavit of Service
  - 5.0 Site Plan
- **Plan to Accompany Notice of Intent:** *Prepared by Williams & Sparages, for Pamela Massad, stamped by Peter M. Blaisdell Jr., dated 7/12/21*

The Director read aloud the Notice of Public Hearing to open the hearing. Adam Brodsky and Peter Blaisdell, and Patrick Garner, representing the applicant, met with the Conservation Commission with a Notice of Intent to construct a house and driveway, and associated improvements, within 100-feet of Bordering Vegetated Wetland. Brodsky noted that the original house was constructed in 1964. After a brief discussion, the Chair requested that they schedule a site visit for next Thursday, September 9<sup>th</sup>, at 5:30PM. The Commissioners agreed. Brodsky requested to continue the hearing to October 7<sup>th</sup>.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1332: 104 King George Drive, 16-1-13, Massad, to October 7<sup>th</sup>, with a site visit scheduled for September 9<sup>th</sup>, at 5:30PM, under the Act and the Bylaw.

**Roll Call by Conservation Director Ross Povenmire:**

Frank <b>Di Luna</b>	<b>Yes</b>
David <b>Smallman</b> :	<b>Yes</b>
Natasha <b>Grigg</b> :	<b>Yes</b>
Mark <b>Mitsch</b> :	<b>Yes</b>
Peter <b>Delaney</b> :	<b>Yes</b>

**Continued NOI 114-1331: 146 Georgetown Road, 25-4-8, Sena  
Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by applicant Claudio Sena for the property located at 146 Georgetown Road, Map 25, Block 4, Lot 8, to develop a parcel including construction of a single-family residence, septic, pool and associated improvements within 100-feet of Bordering Vegetated Wetland and Stevens Pond.*
- **Authorization for Publication:** *Community Newspapers*
- **WPA Form 3 – Notice of Intent**
- **Wetland Fee Transmittal Form**
- **Project Narrative**
- **Abutter List**
- **Mass. GIS Overlays for 146 Georgetown Road**
- **Plans Submitted:**
  - *Cover Sheet*
  - *C-101: EXISTING CONDITIONS AND EROSION CONTROL PLAN*
  - *C-102: GRADING AND DRAINAGE PLAN*
  - *C-103: SEPTIC SYSTEM DESIGN AND CALCULATIONS*
  - *C-104: SEPTIC SYSTEM PROFILES AND DETAILS*
  - *C-501 -502: CONSTRUCTION DETAILS*
- **Hydrologic Analysis and Drainage Calculations:** *Prepared for Claudio Sena, by MF Engineering & Design, Inc., dated 8/15/21*
- **Letter from Matthew S. Marro Environmental Consulting, Re: Planting Summary Georgetown Road**
- **Plans to Accompany Notice of Intent:** *Prepared for Claudio Sena, by MF Engineering, stamped by Carlos Ferreira, dated 6/11/21, rev 7/15/21, rev 8/17/21*

There was a brief discussion on whether the applicant had requested that the hearing be continued, but it was determined that the applicant did not file a written request to continue and Carlos Ferreira, representing the applicant, was present to meet with the Conservation Commission to review the recently submitted documents, noting that nothing is changing with the stormwater management, but that the new application needs to be completed and submitted. Ferreira provided plans for the Commissioners to view as he explained that there is a planting plan, which includes identifying the trees, totaling more than 200 trees. Some will be removed, but many will be replaced. There will be 190 trees when the plan is complete. Discussion turned to the existing pathway to the water. Ferreira noted that nothing would be changed with the existing pathway. Commissioner Grigg expressed concern with the “pristine” pathway to the pond, noting that she was not on the recent site walk to view it, but that the waterfall that would result is not appropriate. She would rather see a serpentine path. Ferreira noted that they would be happy to install a serpentine pathway but suggested that it might be more disturbance than leaving the existing pathway. The other Commissioners advised Commissioner Grigg that the pathway is barely noticeable and not “pristine” as depicted on the plan. Discussion turned to the stormwater management permit that will be filed for a future meeting. Ferreira provided plans for the Commissioners to view of the stormwater management plan. It was determined that the stormwater management permit is not before the Commission tonight and requested that the applicant request a continuance to discuss multiple projects together. Ferreira requested to continue the hearing to September 16<sup>th</sup>.

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the

hearing for NOI 114-1331: 146 Georgetown Road, 25-4-8, Sena, to September 16<sup>th</sup>, under the Act and the Bylaw.

**Roll Call by Conservation Director Ross Povenmire:**

Frank Di Luna	Yes
David Smallman:	Yes
Natasha Grigg:	Yes
Mark Mitsch:	Yes
Peter Delaney:	Yes

**Continued NOI 114-1313: Willow Road, 6-2-2.2, Toll Bros., Inc., and  
Continued Discussion of Conservation Restriction: Willow Road, 6-2-2.2, Toll Bros., Inc.  
Supporting Docs:**

- <https://www.town.boxford.ma.us/conservation-commission/pages/willows-boxford>

**\*\* Commissioner Frank Di Luna recused himself from  
discussions and voting on these hearings. \*\***

Scott Cameron, The Morin-Cameron Group, along with Ted Merchant, Ann Marton, and Shawn Nuckolls, met with the Conservation Commission to discuss the recent documents that were revised and submitted to the Conservation Commission. Cameron provided plans for the Commissioners to view as he made his presentation. The Commissioners needed time to review the recently submitted plans and requested a continuance to September 16<sup>th</sup>.

Ann Marton, LEC, advised that Natural Heritage has accepted all their comments, adding that Director Povenmire has all the recently revised documents, noting that the sub-committee has signed off on the Conservation Restriction. Commissioner Grigg advised this is a development within a piece of protected property. It needs a 30-year placeholder to protect the property. Ann Marton explained that the DR placeholder will allow construction to proceed while the CR is awaiting approval. The Chair advised that they will be attending the Select Board meeting on September 13<sup>th</sup> to move this along to the next phase.

On a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to accept the findings of the Conservation Restriction subcommittee.

**Roll Call by Conservation Director Ross Povenmire:**

Frank Di Luna	Recused
David Smallman:	Yes
Natasha Grigg:	Yes
Mark Mitsch:	Yes
Peter Delaney:	Yes

Ann Marton advised that the requested scenarios regarding construction monitoring for engineering and environmental were submitted to Director Povenmire late today. Marton added that examples and photographs were submitted with the scenarios, noting the other municipalities where they've worked on similar projects. Following discussion, the applicant requested to continue the hearing to September 16<sup>th</sup>, and the Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** by roll call vote to continue the hearing for NOI 114-1313 and the Conservation Restriction discussion for Willow Road, 6-2-2.2, Toll Bros., Inc. to September 16<sup>th</sup>, under the Act and the Bylaw.

**Roll Call by Conservation Director Ross Povenmire:**

Frank <b>Di Luna</b>	<b>Recused</b>
David <b>Smallman</b> :	<b>Yes</b>
Natasha <b>Grigg</b> :	<b>Yes</b>
Mark <b>Mitsch</b> :	<b>Yes</b>
Peter <b>Delaney</b> :	<b>Yes</b>

**\*\* After the vote, Commissioner Di Luna returned to the meeting. \*\***

**Continued SWMP 2021-2: Harry Lee Cole School at 28 Middleton Road, 32-1-21, Stephen Clifford for the Town of Boxford**

**Supporting Docs:**

- <https://www.town.boxford.ma.us/conservation-commission/pages/harry-lee-cole-school-project>

**Continued NOI 114-1319: Spofford Pond School at 31 Spofford Road, 15-1-4, Stephen Clifford for the Town of Boxford**

**Supporting Docs**

- <https://www.town.boxford.ma.us/conservation-commission/pages/spofford-po...>

The Conservation Director advised the Commission that he received a written request to continue the hearings for Cole School and for Spofford School to September 16<sup>th</sup>.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for SWMP 2021-2: Harry Lee Cole School at 28 Middleton Road, 32-1-21, and NOI 114-1319: Spofford Pond School at 31 Spofford Road, 15-1-4, Stephen Clifford for the Town of Boxford, Stephen Clifford for the Town of Boxford, to September 16<sup>th</sup>, under the Act and the Bylaw.

**Roll Call by Conservation Director Ross Povenmire:**

Frank <b>Di Luna</b>	<b>Yes</b>
David <b>Smallman</b> :	<b>Yes</b>
Natasha <b>Grigg</b> :	<b>Yes</b>
Mark <b>Mitsch</b> :	<b>Yes</b>
Peter <b>Delaney</b> :	<b>Yes</b>

**Tree Permit**

- **20 Pond Street:** The Director advised the Commission that he issued an Administrative Tree Permit to 20 Pond Street, noting that the tree is on the shores of Lowe Pond. It is a very large white pine. He provided photos of the tree for the Commissioners to view. After a brief discussion, the Commission took the following action:

Upon the recommendation of the Conservation Director and on a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED**

unanimously by roll call vote to ratify the administrative tree permit at 20 Pond Street, to remove a white pine.

**Roll Call by Conservation Director Ross Povenmire:**

Frank <b>Di Luna</b>	<b>Yes</b>
David <b>Smallman</b> :	<b>Yes</b>
Natasha <b>Grigg</b> :	<b>Yes</b>
Mark <b>Mitsch</b> :	<b>Yes</b>
Peter <b>Delaney</b> :	<b>Yes</b>

- **82 Herrick Road:** The Director advised the Commission that he issued an Administrative Tree Permit to 82 Herrick Road, noting that that this is a mountain ash tree that is dead. He provided photos of the tree for the Commissioners to view. After a brief discussion, the Commission took the following action:

Upon the recommendation of the Conservation Director and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the administrative tree permit at 82 Herrick Road to remove one mountain ash tree.

**Roll Call by Conservation Director Ross Povenmire:**

Frank <b>Di Luna</b>	<b>Yes</b>
David <b>Smallman</b> :	<b>Yes</b>
Natasha <b>Grigg</b> :	<b>Yes</b>
Mark <b>Mitsch</b> :	<b>Yes</b>
Peter <b>Delaney</b> :	<b>Yes</b>

**9:13 PM Other Business**

- **RDA 2021-11: 63 Herrick Road, 24-4-13, Boston Gas Company:** Jeremy Degler, Boston Gas, returned to the meeting and requested that the hearing, which the Commission voted to continue, be closed, because no additional permits are needed under the Conservation Commission's regulations. The Chair advised that they could not reopen the hearing tonight. It's been continued to September 16<sup>th</sup>. A brief argument ensued.

**9:17 PM ROUTINES:**

- **Minutes Review/Approval:** After a brief discussion on edits, the Commission took the following action:  
On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to approve the minutes of August 19<sup>th</sup>, 2021, as amended.

**Roll Call by Conservation Director Ross Povenmire:**

Frank <b>Di Luna</b>	<b>Yes</b>
David <b>Smallman</b> :	<b>Yes</b>
Natasha <b>Grigg</b> :	<b>Yes</b>
Mark <b>Mitsch</b> :	<b>Yes</b>
Peter <b>Delaney</b> :	<b>Yes</b>



- **Travel Expenses:** The Director provided the Commission with a travel expense report covering the period from the beginning of the fiscal year on July 1<sup>st</sup>, in the amount of \$86.83. The Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to reimburse Director Ross Povenmire for travel expenses in the amount of \$86.83 for the Conservation Commission.

**Roll Call by Conservation Director Ross Povenmire:**

Frank <b>Di Luna</b>	<b>Yes</b>
David <b>Smallman</b> :	<b>Yes</b>
Natasha <b>Grigg</b> :	<b>Yes</b>
Mark <b>Mitsch</b> :	<b>Yes</b>
Peter <b>Delaney</b> :	<b>Yes</b>

**9:20 PM      ADJOURN**

With no further business, on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission meeting of September 2<sup>nd</sup>, 2021 adjourned at 9:20 PM.

**Roll Call by Conservation Director Ross Povenmire:**

Frank <b>Di Luna</b>	<b>Yes</b>
David <b>Smallman</b> :	<b>Yes</b>
Natasha <b>Grigg</b> :	<b>Yes</b>
Mark <b>Mitsch</b> :	<b>Yes</b>
Peter <b>Delaney</b> :	<b>Yes</b>

Respectfully submitted,



Judith A. Stickney  
Minutes Secretary