

**Minutes of the BOXFORD CONSERVATION COMMISSION
Virtual Attendance Pursuant to Chapter 20 of the Acts of 2021
September 16, 2021 7:00 PM**

Present: Peter Delaney, Kerri Lummus, Natasha Grigg, Frank Di Luna, David Smallman (7:43PM),

Absent: Alan Fowler, Mark Mitsch

Others Present: Conservation Agent Ross Povenmire, Andrew Evans, Jeremy Degler, Maureen Herald, Bill Manuell, Peter Ellison, Brian & Linda Shea, Town Engineer Chris Olbrot, Shawn Nuckolls, Scott Cameron, Mark O'Hara, Frank Marshall, Ann Marton, Ted Merchant, 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
- **Site Plan:** Test Station Installation Project, 63 Herrick Road, Boxford, Mass., dated 9/3/21

Jeremy Degler, Boston Gas Company, met with the Conservation Commission with an updated map showing the erosion sediment controls and the distance to the wetland area. The Chair advised that there were still necessary elements missing from the plans. A brief discussion ensued on the requirements of an RDA, as Degler felt he had included all the elements required in the town's bylaws. After discussion, the Commissioners agreed that the plans should at least show clearly where the driveway is. Degler will provide a new plan showing the driveway. Degler requested to continue the hearing to October 7th.

At the request of the applicant and on a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for RDA 2021-11: 63 Herrick Road, 24-4-13, Boston Gas Company, to October 7th, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Frank **Di Luna** **Yes**
Natasha **Grigg:** **Yes**

Kerri Lummus: Yes
Peter Delaney: Yes

NOI 114- : 15 King Richard Drive, 20-5-9, Marshall, septic system

Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant Francis Marshall, for the property located at: 15 King Richard Drive, Map 20, Block 5, Lot 9, to install a subsurface sewage disposal system and grading within 100-feet of Bordering Vegetated Wetland.*
- **Notice of Intent Package:** *Prepared by Norse Environmental Services, Inc., for Francis Marshall, 15 King Richard Drive, dated September 2021:*
 - NOTICE OF INTENT
 - WETLAND FEE TRANSMITTAL FORM
 - NOTIFICATION TO ABUTTERS
 - ABUTTERS LIST
 - AFFIDAVIT OF SERVICE
 - NOTICE OF INTENT REPORT
 - ASSESSORS MAP
 - LOCUS MAP
 - USGS TOPOGRAPHIC MAP
 - SOILS MAP
 - FEMAMAP
 - 2021 MASSGIS MAP
 - PLAN
- **Septic System Replacement Plan:** *Prepared by O'Hara Engineering Services LLC, for 15 King Richard Drive, stamped by Mark O'Hara, Jr., dated 8/26/21*

The Director read aloud the Notice of Public Hearing to open the hearing. Maureen Herald of Norse Environmental, along with Mark O'Hara of O'Hara Engineering, and the homeowner, Frank Marshall, met with the Conservation Commission with a Notice of Intent to install a subsurface sewage disposal system and grading within 100 feet of a bordering vegetated wetland. Herald provided photos and plans for the Commissioners to view as she made her brief presentation. Herald noted that they do not have a DEP file number and are scheduled for the Board of Health on September 29th, so they will need to continue to October 7th. The Chair requested that they schedule a site walk to view the property and there was concern about the close proximity to the wetlands. After discussion, the Commissioners will make a site walk next Thursday, September 23rd, at 5:30PM. Mark O'Hara of O'Hara Engineering, advised this is the only location where the septic system can be installed. He worked with the Board of Health to locate the septic system in the best location possible.

At the request of the applicant and on a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114- : 15 King Richard Drive, 20-5-9, Marshall, to October 7th, with a site visit scheduled for September 23rd, at 5:30PM, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Frank Di Luna: Yes
Natasha Grigg: Yes
Kerri Lummus: Yes

Peter Delaney: Yes

Late Arising Issue: Lockwood Lane Culvert: Town of Boxford: Chris Olbrot, Town Engineer, met with the Conservation Commission with a request for an Emergency Certification to replace the culvert pipe with a plastic pipe and replace the headwalls. Olbrot provided plans and sequencing for the Commissioners to view as he made his brief presentation on the emergency culvert replacement. The Director advised he has the Emergency Certification ready, dated the 9th of October. After discussion, the Certification will be dated for September 27th, and the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to authorize the Director to issue the Emergency Certification to the DPW for the emergency repair of the Lockwood Lane culvert, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Frank Di Luna	Yes
Natasha Grigg:	Yes
David Smallman:	Yes
Kerri Lummus:	Yes
Peter Delaney:	Yes

NOI 114- : 316 Ipswich Road, 19-1-6, Shea, septic system

Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicants Brian & Linda Shea, Trs., for the property located at: 316 Ipswich Road, Map 19, Block 1, Lot 6, to install a septic system upgrade including a septic leach field, pump chamber, associated conduit and grading within 100-feet of Bordering Vegetated Wetland.*
- **Notice of Intent Package:** *Prepared by Wetlands & Land Management, Inc., for 316 Ipswich Road, dated September 2021:*
 - *Letter from Wetlands & Land Management, Inc., to Boxford Conservation Commission, Re: Notice of Intent for a septic system repair at 316 Ipswich Road, 8/24/21*
 - *Locus Map*
 - *WPA Form 3 – Notice of Intent*
 - *NOI Wetland Fee Transmittal Form*
 - *Boxford ConsCom Fees*
 - *Filing Fee Calculation*
 - *Abutter List*
 - *Project Description*
- **Plans Submitted:**
 - **Subsurface Sewage Disposal System Upgrade:** *Plan and Flow Profile, prepared by Scanlan Engineering for Brian & Linda Shea, stamped by James B. Scanlan, dated 8/27/21*
 - **Subsurface Sewage Disposal System Upgrade:** *Details and Notes, prepared by Scanlan Engineering for Brian & Linda Shea, stamped by James B. Scanlan, dated 8/27/21*

The Director read aloud the Notice of Public Hearing to open the hearing. Bill Manuell, Wetlands and Land Management, met with the Conservation Commission with plans for a voluntary septic upgrade. Manuell provided photos and plans for the Commissioners to view as he made his brief presentation. After a brief discussion, the Commissioners scheduled a site walk for September 30th at 5:30PM. Manuell requested to continue the hearing to October 7th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114- : 316 Ipswich Road, 19-1-6, Shea, to October 7th, with a site visit scheduled for September 30th, at 5:30PM, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Frank Di Luna	Yes
Natasha Grigg :	Yes
David Smallman :	Yes
Kerri Lummus :	Yes
Peter Delaney :	Yes

COC 114-469: 316 Ipswich Road, 19-1-16, Shea

Supporting Docs

- **Mortgage Plot Plan:** *Prepared by EK Survey, stamped by Albert Y. Trudel, dated 3/24/1994*
- **Letter from Wetlands & Land Management, Inc.,** *to Boxford Conservation Commission, Re: Request for Certificate of Compliance for 316 Ipswich Road, DEP file #114-469, 8/30/21*

Bill Manuell, Wetlands and Land Management, representing the homeowners, met with the Conservation Commission with a request for a Certificate of Compliance for an old Order of Conditions dated 1994. The Commissioners will view the property on September 30th, at 5:30PM.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for COC 114-469: 316 Ipswich Road, 19-1-6, Shea, to October 7th, with a site visit scheduled for September 30th, at 5:30PM, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Frank Di Luna	Yes
Natasha Grigg :	Yes
David Smallman :	Yes
Kerri Lummus :	Yes
Peter Delaney :	Yes

Continued 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 Chair advised that they had to cancel the site walk last week due to inclement weather and requested to reschedule the site walk for September 23rd, between 6PM and 6:15PM. The Commissioners agreed.

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*

The Director advised the Commissioners that he had a written request to continue this hearing to October 7th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Lummus**, 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 October 7th, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Frank Di Luna	Yes
Natasha Grigg :	Yes
David Smallman :	Yes
Kerri Lummus :	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>
- *Conservation Restriction*
- *Declaration of Restriction*

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

Ann Marton, LEC Environmental, requested to continue the hearing to October 7th, due to lack of Conservation Commission eligible voters.

On a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1313: Willow Road, 6-2-2.2, Toll Bros., Inc. to October 7th, without discussion, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Frank Di Luna	Recused
David Smallman :	Yes
Natasha Grigg :	Yes
Kerry Lummus :	Yes
Peter Delaney :	Yes

**** 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 the next meeting.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Lummus**, 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 October 7th, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Frank Di Luna	Yes
David Smallman :	Yes
Natasha Grigg :	Yes
Kerri Lummus :	Yes
Peter Delaney :	Yes

8:08 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 September 2nd, 2021, as amended.

Roll Call by Conservation Director Ross Povenmire:

Frank Di Luna	Yes
David Smallman :	Yes
Natasha Grigg :	Yes
Kerri Lummus :	Yes
Peter Delaney :	Yes

8:09 PM OTHER BUSINESS

National Grid R.O.W. Between Georgetown Road and Kelsey Road: The Director advised that National Grid will begin work on the Right of Way on September 20th, next Monday. They have provided a set of plans shown at the last meeting and have not requested an Emergency Certification and will be using the exemption for emergency maintenance of utility facilities.

Carnes, 30 Arrowhead Farms Road, Gas Line Replacement: National Grid notified the Director that they will be starting work on a gas line replacement at 30 Arrowhead Farms Road. They have not submitted a plan and have not filed for a permit. They are claiming an exemption to repair an existing gas line. The Chair advised that they need to provide a plan. Commissioner Di Luna suggested that they explore the exemption and pre-emption guidelines.

Town-Owned Conservation Land: Commissioner Grigg advised that in the West part of town, the ConCom owns a number of properties that are not being cared for.

Small Oxx Farm Tree Cutting: Commissioner Grigg brought up the fact that the Conservation Commission voted to allow Smolak to cut down 15 acres of trees three years ago and the lot is still completely bare.

Bylaw Review: Commissioner Grigg requested that the Conservation Commission schedule a review of the town's conservation bylaws so that they are more consistently applied.

8:27 PM ADJOURN

With no further business, on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission meeting of September 16th, 2021 adjourned at 8:27 PM.

Roll Call by Conservation Director Ross Povenmire:

Frank Di Luna	Yes
David Smallman :	Yes
Natasha Grigg :	Yes
Kerri Lummus :	Yes
Peter Delaney :	Yes

Respectfully submitted,



Judith A. Stickney
Minutes Secretary