**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**August 17, 2017 7:30PM**

*Present: Peter Delaney, Natasha Grigg, Alan Fowler, David Smallman*

*Absent: Lana Spillman, Mark Mitsch, Frank Di Luna*

*Others Present: Conservation Director Ross Povenmire, Rick Forrest, Debra Woodman, Blaine Scribner, and others*

**Meeting Called to Order:**

With a quorum present, Chairman Peter Delaney called the meeting to order at 7:38PM.

**7:38PM PUBLIC HEARINGS AND DISCUSSIONS**

* **RDA 2017-10: 9 Crooked Pond Drive, 40-2-8, Woodman:**
* **Documents Submitted:**
  + **Legal Notice:** *to install an underground gas line, construct a porch, expand existing driveway area and restore disturbed lawn associated with reconstruction/repair of a fire-damaged house within 100 feet of a bordering vegetated wetland.*
  + **WPA Form 1: Request for Determination of Applicability**

The Director read aloud the legal notice and collected proof of abutter notifications. Rick Forrest, resident of 9 Crooked Pond, appeared before the Conservation Commission with a Request for Determination of Applicability to install an underground gas line, construct a porch, expand the existing driveway area and restore the disturbed lawn associated with reconstruction/repair of a fire-damaged house within 100 feet of a bordering vegetated wetland. Forrest noted that they lost their home to a fire on July 15, 2015. He provided plans and drawings for the Commissioners to view as he made his presentation on the work proposed. The Director contributed to the presentation, providing photos for the Commissioners to view. After discussion, the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking box 3, for RDA 2017-10, 9 Crooked Pond Drive, according to the Act and the Bylaw.

* **Amendment NOI 114-1245: Lot 2 Berry Patch Lane (a.k.a. 186 Main Street), Gore**

**Documents Submitted:**

* + **Legal Notice:** to consider the amendment to the Notice of Intent proposing to construct a new single-family home with associated site improvements, portions of which would be located within 100 feet of a bordering vegetated wetland. An amendment is required to address proposed changes to the footprint of the house and driveway from the original approved plan.
  + **Letter of Map Amendment:** The Commission finds that the 1% chance of flood area boundary shown on the Federal Emergency Management Agency (FEMA) flood insurance late maps for the site does not reflect field conditions of flood elevation of 118.6 feet NGVD was approved for the vicinity of the site in an Order of Conditions issued by the Commission in 1988, File 114-246. This is equivalent to an elevation of 117.8 feet on the approved plan made part of this Order, and defines an area within the limits of the Bordering Vegetated Wetland. A Letter of Map Amendment was obtained from FEMA removing the property formerly part of 186 Main Street from the Zone A flood zone. 24;47
  + **WPA Form 3 – Notice of Intent**
  + **Plan Submitted:** Berry Patch Lane Septic System, Prepared by ASB Design Group, LLC, prepared for Judy and Bob Gore, stamped by Thad D. Berry, dated 6/12/17
  + **9 Photos**

The Director reminded the Commissioners that at the last meeting, the Commissioners agreed to issue an Amended Order with the revised plans. The Director advised he has received evidence of abutter notifications and proceeded to read aloud the public notice. He also addressed the Letter of Map Amendment After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Grigg,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to close the hearing for 114-1245, 186 Main Street, under the Act and the Bylaw.

On a **MOTION** made by **Grigg,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for 114-1245, 186 Main Street, under the Act and the Bylaw.

* **Extension 114-1115: 325 Ipswich Road, 18-2-15, Markuns**
* **Discussion: Weed control at turtle habitat area, Boxford Common.Continued RDA 2017-8: 4 Pond Street, 26-6-7, Sheehan**

**Documents Submitted:**

* + **WPA Form 1: Request for Determination of Applicability**
  + **Plan:** *Subsurface Septic Disposal System Replacement: Prepared by Michael O’Neill, P.E., prepared for Michael Sheehan, 4 Pond Street, Boxford, Massachusetts, dated June 14, 2017, stamped by Michael G. O’Neill*
  + **Public Notice:** *To install a sanitary septic system replacement partially within 100-feet to Lowe Pond and associated Bordering Vegetated Wetland.*
  + **9 Photos**

The Director read aloud the public notice and collected proof of abutter notifications. Michael O’Neill, representing the applicant, met with the Conservation Commission with a Request for Determination of Applicability to install a sanitary septic system replacement, partially within 100 feet of Lowe Pond and associated Bordering Vegetated Wetland. O’Neill provided plans for the Commissioners to view as he made his presentation. The Director provided photos of the site as well. After the presentation, O’Neill requested to close the hearing. Wayne Maguire, an abutter on Pond Street, asked if the work to be done meets all the state requirements. The Commission advised that it exceeds the state requirements.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Di Luna,** the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2017-8, 4 Pond Street, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Di Luna**, the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking box 3, for 4 Pond Street, 26-6-7, under the Act and the Bylaw.

**7:41PM PENDING ACTION ITEMS**

* **OOC 114-1245: 186 Main Street 27-1-15.6, Gore**

**Documents Submitted:**

* + **Legal Notice:** to construct a new single-family home with associated site improvements, portions of which would be located within 100 feet of a bordering vegetated wetland.
  + **WPA Form 3 – Notice of Intent**
  + **Plan Submitted:** Berry Patch Lane Septic System, Prepared by ASB Design Group, LLC, prepared for Judy and Bob Gore, stamped by Thad D. Berry, dated 6/12/17
  + **9 Photos**

The Director advised that the hearing was closed at the last meeting and, as requested, he made the changes to the Order of Conditions, regarding the issues with the FEMA flood plain map and the post-construction tree line location. While reviewing the Order of Conditions, prepared by the Director, Di Luna pointed out a couple of items that needed to be corrected before the Commissioners could issue and sign it.

On a **MOTION** made by **Di Luna,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for file #114-1245, as amended, under the Act and the Bylaw.

* **ORAD 114-1242: 599 Main Street and Silvermine Road, 10-1-28, 599 Main LLC**

**Documents Submitted:**

* + **Legal Notice:** The Applicant seeks to determine the nature and extent of Wetland Resource Areas under both the Massachusetts Wetlands Protection Act and the Town of Boxford’s Wetlands Protection Bylaw.
  + **Plans:** *Plan of Land in Boxford MA to Accompany an Abbreviated Notice of Resource Area Delineation, Land on Silvermine Road and Main Street, prepared for 599 Main LLC c/o Thomas A. Frangos, prepared by Hancock Associates, stamped by Joseph M. Small, dated 3/2/17, revised: 3/15/17, 5/3/17, 6/22/17*
  + **Peer Review:** *Prepared by Greg Hochmuth, Williams & Sparages, June 14, 2017*

The Director advised he had a revised plan that shows the revised delineation, as requested at the last meeting. Di Luna suggested that the revised plan be included as an Exhibit in the Order of Conditions. The Director revised the Order of Conditions and printed it for the Commissioners to sign. While waiting for the reprint, the Commissioners moved on to approving Minutes (see below).

On a **MOTION** made by **Di Luna,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to execute and issue the Order of Resource Area Delineation for 599 Main Street LLC, under the Act and the Bylaw.

* **Ratify Enforcement Order 322 Main Street:** The Director advised they have had very good response from the homeowner; he has done everything requested. He noted that the Enforcement Order requires a Notice of Intent filing by August 3 and professional assistance.

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to ratify the Enforcement Order for 322 Main Street, dated 7/10/17, under the Act and the Bylaw.

**7:56PM** **OTHER BUSINESS**

* **Minutes: 3/17/17, 7/6/17:** After a brief discussion, the Conservation Commission took the following action:

On a **MOTION** made by **Mitsch,** second by **Di Luna,** the Conservation Commission **VOTED** unanimously to approve the minutes of March 16, 2017 and July 6, 2017, as edited by Spillman.

**8:14PM ADJOURN**

On a **MOTION** made by **Di Luna**, second by **Mitsch,** the Conservation Commission **VOTED** unanimously to adjourn at 8:14PM.

Respectfully Submitted,

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*Judith A. Stickney*

*Minutes Secretary*