**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**October 19, 2017 7:30PM**

*Present: Peter Delaney, Lana Spillman, Natasha Grigg, Alan Fowler, Mark Mitsch*

*Absent: David Smallman, Frank Di Luna*

*Others Present: Conservation Director Ross Povenmire, Minutes Sec’y Judi Stickney*

**Meeting Called to Order:**

With a quorum present, Chairman Peter Delaney called the meeting to order at 7:36PM.

**7:36PM PUBLIC HEARINGS AND DISCUSSIONS**

* **Amendment and Extension NOI 114-1197: 10 Maple Avenue, 17-2-19, Sweet**

**Documents Submitted:**

* + **Public Notice:** *To revise proposed plan to construct sunroom which will be within 100 feet of a Bordering Vegetated Wetland.*
  + **Letter from Williams & Sparages to Conservation Commission:** *Re: Extension Request, 10 Maple Avenue, 9/25/17*
  + **Plans Submitted:**
    - *Plan 1: Phase I Plan*
    - *Plan 2: Phase II Plan*
    - *Plan to Accompany Notice of Intent in Boxford, Mass.: 10 Maple Avenue, prepared by Williams & Sparages, stamped by Richard L. Williams, dated 11/6/14, revised: 2/2/15, 4/9/15, 9/15/17*

The Director read aloud the public notice and collected proof of abutter notifications. Greg Hochmuth, of Williams & Sparages, representing the applicant, met with the Conservation Commission to request an amendment and extension on NOI 114-1197. Hochmuth provided drawings and photos for the Commissioners to view as he made his presentation. After comments and discussion, the Conservation Commission took the following action:

On a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1197, 10 Maple Avenue, under the Act and the Bylaw.

On a **MOTION** made by **Grigg,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to amend the Order of Conditions and extend the date to May 11, 2019, for NOI 114-1197, 10 Maple Avenue, under the Act and the Bylaw.

* **RDA 2017-15: 104 King George Drive, 16-1-13, Rubiuccio**

**Documents Submitted:**

* + **Public Notice:** *To confirm there are wetlands present on site and that the proposed house site is allowable under the Boxford Wetlands Protection Bylaw.*
  + **Letter from Matthew S. Marro Environmental Consulting to Conservation Commission:** *Re: Wetland Delineation, and Request for a determination summary, 104 King George Road, 9/13/17*
  + **Locus:** *Google Maps, 104 King George Drive*
  + **WPA Form 1 – Request for Determination of Applicability**
  + **Plan:** *104 King George Drive, Lot 60*
  + **6 Photos**

The Director read aloud the public notice and collected proof of abutter notifications. Matthew Marro, Matthew S. Marro Environmental Consulting, representing the applicant, appeared before the Conservation Commission with a Request for Determination of Applicability to ensure the wetland resource areas are as delineated and that the proposed house will be allowable. The Chair requested that the Commissioners take a site walk on the property and decided to visit the property on Tuesday, 10/24, 5PM. Marro requested to continue this hearing to November 2.

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing for RDA 2017-15, to November 2.

* **NOI 2017-1: 23 Valley Road, 14-1-36, Mingolla**

**Documents Submitted:**

* + **Public Notice:** *Owner is proposing to construct an in-ground pool, patio and fence partially within the Buffer Zone to a Bordering Vegetated Wetland.*
  + **Notice of Intent Package from Hancock Associates, including:**
    - **WPA Form 3 – Notice of Intent**
    - **Project Description**
    - **Abutters List**
    - **Tree Cutting Restriction**
    - **Priority Habitat Map**
    - **Locus Map**
  + **Permit Site Plan:** *Prepared by Hancock Associates, prepared for Ann Mingolla, stamped by Vaclav T. Valacko, dated 7/21/17*

The read aloud the public notice and collected proof of abutter notifications. Anne McMenemy, Hancock Associates, representing the applicant, met with the Conservation Commission with a Notice of Intent to construct a pool, patio and fence partially within the Buffer Zone. McMenemy provided plans, drawings, and photos for the Commissioners to view as she made her presentation. After a brief discussion, McMenemy requested to close the hearing.

On a **MOTION** made by **Spillman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to close the hearing for NOI 2017-1, 23 Valley Road, Maple Avenue, under the Bylaw.

* **NOI 114-1249: 322 Main Street, 22-1-20, Martinez**

**Documents Submitted:**

* + **Public Notice:** *Owner is proposing to restore land within 100-feet of a Bordering Vegetated Wetland and Pond pursuant to an Enforcement Order issued by the Boxford Conservation Commission, and to install a driveway to access an existing well.*
  + **Notice of Intent Package from Atlantic Engineering and Survey Consultants, Inc., including:**
    - **WPA Form 3 – Notice of Intent**
    - **Application Check List**
    - **Abutters List**
    - **Locus Map**
    - **National Heritage Map**
    - **Quitclaim Deed**
  + **Permit Plan for 322 Main Street:** *Prepared by Atlantic Engineering and Survey Consultants, Inc., prepared for Francisco Martinez, stamped by John B. Paulson, dated 9/29/17, revised 10/19/17*
  + **10 Photos**

The Director read aloud the public notice and collected proof of abutter notifications. John Paulson, Atlantic Engineering and Survey Consultants, met with the Conservation Commission with a Notice of Intent to restore land within 100 feet of a Bordering Vegetated Wetland. Paulson provided the Commissioners with an updated plan, dated 10/19/17 and requested that the Commission waive the 7-day submission requirement.

On a **MOTION** made by **Spillman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to accept the revised plan dated 10/19/17, and waive the 7-day submission requirement.

Paulson provided plans, drawings, and photos for the Commissioners to view as he made his presentation. Paulson proposed to cover the biodegradable erosion control mat with 6” of loam and a lengthy discussion ensued on the type of mat used and whether it should be removed or left in place. The Commissioners determined that it could be left in place and continued to discuss conditions for the Order of Conditions. After discussion, Paulson requested to continue the hearing to the next meeting on November 2.

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1249, to November 2, under the Act and the Bylaw.

* **RDA 2017-12: 20 Roberts Road, 26-2-9, Shaw**

**Documents Submitted:**

* + **4 Photos**
  + **Public Notice:** *To improve the existing lawn area with loam, grading and seeding.*

The Director read aloud the public notice and collected proof of abutter notifications. Barbara Shaw appeared before the Conservation Commission with a Request for Determination of Applicability to improve the existing lawn area with loam, grading and seeding. The Director provided drawings and photos for the Commissioners to view as Shaw made her presentation. After a brief discussion, the applicant requested to close the hearing.

On a **MOTION** made by **Spillman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2017-12, 20 Roberts Road, under the Act and the Bylaw.

On a **MOTION** made by **Spillman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking box 3, for RDA 2017-12, 20 Roberts Road, under the Act and the Bylaw.

* **NOI 114-1250: 47 Depot Road, 29-3-9.1, Tremblay**

**Documents Submitted:**

* + **Public Notice:** *To construct an addition, a landing with stairs, removal of an existing walkway, relocation of an AC unit and installation of infiltration trenches all within 100 feet of a bordering vegetated wetland.*
  + **Notice of Intent Package from The Morin-Cameron Group, Inc., including:**
    - **Application Check List**
    - **WPA Form 3 – Notice of Intent**
    - **Abutters List**
    - **Locus Map**
  + **Plan of Land in Boxford, Mass.:** *Prepared by The Morin-Cameron Group, Inc., prepared for Ernest Jr. and Louanne Tremblay, stamped by John M. Morin, dated 10/4/17*

The Director read aloud the public notice and collected proof of abutter notifications. John Morin, of The Morin-Cameron Group, representing the applicant, appeared before the Conservation Commission with a Notice of Intent to construct an addition, a landing with stairs, removal of an existing walkway, relocation of an AC unit and installation of infiltration trenches, all within 100 feet of a Bordering Vegetated Wetland. Morin provided photos, drawings and plans for the Commissioners to view as he made his presentation. After a lengthy discussion, the Commissioners decided to make a site walk on Tuesday, October 24, at 5:30PM. After discussion, Morin requested to continue this hearing to November 2.

On a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1250, to November 2, under the Act and the Bylaw.

**8:58 PM PENDING ACTION ITEMS**

* **OOC 114-1246: 3 Rock Brook Way, 10-2-21.1, Alberta**

**Documents Submitted:**

* + **Public Notice:** *for the construction of a garage, driveway extension, walkway, patio, plantings retaining wall and site grading.*
  + **WPA Form 3 –****Notice of Intent**
  + **Plans Submitted:**
    - **Proposed Plan, 3 Rock Brook Way:** *Prepared by Donohoe Survey, Inc., prepared for Joseph Alberta and Kimberly Jackson Alberta, wetland flagging by Rimmer Environmental Consulting 6/16/17, plan dated 8/22/17*
    - **Revised Plan, Notice of Intent, 3 Rock Brook Way:** *Prepared by ASB Design Group LLC, prepared for Joseph Alberta and Kimberly Jackson Alberta, Rimmer Environmental Consulting 6/16/17, stamped by Thad D. Berry, dated 9/27/17*
  + **8 Photos**

The Director provided the Commissioners with the information he included into the Order of Conditions, at their request. After their vote of approval, he passed the Order around for the Commissioners’ signatures.

On a **MOTION** made by **Grigg**, second by **Mitsch,** the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for file 114-1246, 3 Rock Brook Way, under the Act and the Bylaw.

**9:03 PM OTHER BUSINESS**

* **Lord Forest & Fields Conservation Land:** The Chair advised that Maria Van Dusen, a descendent of the Lords, requested that the Lord name not be on the sign for the land known as Lord Forest & Fields. She would prefer that the name be changed to Palmer Woods and Peabody Field. After discussion, the Director will contact interested parties and invite them to the next meeting to discuss.
* **Minutes Approval: 6/15/17 as amended, Spillman, 7/20, 8/3, as drafted, Mitsch**
* **Steve Knowles Barehill Road Property:** The Chair advised the Commissioners that there is an abutter issue on Barehill Road regarding a possible violation on the Steve Knowles property. Delaney advised the Commission that he spoke with Mr. Knowles about the mechanized equipment and earth moving. The Director advised he made a site visit and noted a large boulder that had been excavated, which was not in the Buffer Zone or an issue with the Scenic Roads Act. There was no other disturbance. A lengthy discussion ensued.
* **Amended Order of Conditions and Extension on File 114-1197:** After a brief discussion, the Conservation Commission took the following action:

On a **MOTION** made by **Spillman**, second by **Mitsch,** the Conservation Commission **VOTED** unanimously to issue amended Order of Conditions 114-1197, under the Act and the Bylaw, for the property at 10 Maple Avenue, as drafted and amended.

On a **MOTION** made by **Mitsch**, second by **Spillman** the Conservation Commission **VOTED** unanimously to execute and issue the extension on the Order of Conditions 114-1197, under the Act and the Bylaw, to May 11, 2019.

* **Online Conservation Education:** Commissioner Spillman advised the Commissioners that the MACC Fall Newsletter provides a link to an online informational site that she recommends the Commissioners visit.

**9:26 PM ADJOURN**

On a **MOTION** made by **Mitsch**, second by **Spillman,** the Conservation Commission **VOTED** unanimously to adjourn at 9:26 PM.

Respectfully Submitted,

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*Judith A. Stickney*

*Minutes Secretary*