**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**November 2, 2017 7:30PM**

*Present: Peter Delaney, Lana Spillman, David Smallman, Frank Di Luna, Mark Mitsch*

*Absent: Alan Fowler, Natasha Grigg*

*Others Present: Conservation Director Ross Povenmire, Minutes Sec’y Judi Stickney, Nancy Merrill, Bonnie Lucas, Michael Winslow, John Morin, Jim Scanlan, Richard Tomczyk, Mary Rimmer, Matt Marro, Martha Clark, Peter Clark, and others*

**Meeting Called to Order:**

With a quorum present, Chairman Peter Delaney called the meeting to order at 7:30PM.

**7:30 PM PUBLIC HEARINGS AND SCHEDULED DISCUSSION ITEMS**

* **Discussion of Boxford Common Trail System:**

**Documents Submitted:**

* **Trail Map:** *Boxford Common*
* **Letter from Nancy Merrill to Conservation Commission,** *Re: Boxford Common Trail System*

Nancy Merrill, BTA-BOLT, met with the Conservation Commission to discuss the trail system at Boxford Common. Merrill provided a trail map for the Commissioners to view as she described the location of the trails on the map. She also described new trails proposed for the conservation land and asked the Commission for permission to do so. She added that the Boy Scouts will take on the task of removing brush from the proposed perimeter trail. After a brief discussion, the Chair asked Merrill to submit a narrative with specifics and a revised map.

* **Discussion of Lord Forest and Fields Sign:** Nancy Merrill, BTA-BOLT, provided a brief history of the land, noting that there have been 16 generations of women who have owned this property and the Lord name came from the husband of one of the women. A descendent of the Lords, Maria Van Dusen, has requested that the sign be changed to Peabody Fields/Palmer Woods. The Director provided a copy of the Deed of the land, noting the names on the deed: Lord and Lane. The Chair recalled discussing the name of the property with Margaret Lane and John Van Dusen and all agreed with the Lord name. Merrill added that BTA-BOLT has already discussed providing signage designating the three separate areas.

On a **MOTION** made by **Smallman,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to allow BTA-BOLT to create and erect signs, as described, with the approval of the Conservation Commission for the three pieces of property: Palmer Woods, Peabody Fields, Christmas Tree Lot.

* **RDA 2017-16: 104 High Ridge Road, 24-4-9.28, Winslow**

**Documents Submitted:**

* **Public Notice:** *To extend patio, install firepit with gas line, install wall to retain patio, level area at end of driveway and move shed to that area, install steps from existing steps to water, install new dock, trim low branches, within 100-feet of a Bordering Vegetated Wetland and Four Mile Pond.*
* **WPA Form 1 – Request for Determination of Applicability**
* **Plan:** *Lot 46A Plan 47 of 1980*
* **3 Photos**

The Director read aloud the public notice and collected proof of abutter notifications. Michael Winslow, Perennial Landscaping, met with the Conservation Commission with a Request for Determination of Applicability to extend the patio, install a firepit with gas line, install a wall to retain the patio, level the area at the end of the driveway and move the shed to that area; install steps from the existing steps to the water, install a new dock, and trim low branches, all within 100-feet of a Bordering Vegetated Wetland and Four Mile Pond. Winslow provided photos and plan for the Commissioners to view as he made his presentation. After a lengthy discussion on the new dock, the Commissioners determined that the dock work could not be done under an RDA, and notified Winslow that he would need to file a Notice of Intent, with a full set of engineered plans. Further discussion ensued and, at the conclusion of the discussion, Winslow requested to continue the hearing to the next meeting.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Di Luna,** the Conservation Commission **VOTED** unanimously to continue the hearing for RDA 2017-16, for 104 High Ridge Road, to November 16, under the Act and the Bylaw.

* **Continued 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**

Matt Marro, representing the applicant, met with the Commissioners to discuss the findings of the site walk on the property. The Chair advised there were many concerns about the ground water elevation on the site and they didn’t feel the site would qualify as a home site. Mr. Rubiuccio advised he had a sounding done on the concrete foundation and it was determined that it was suitable to build on. He added that there was an existing dwelling there, for which a permit was issued in 1997, and he is proposing that the house would be built on that existing foundation, without adding to the foundation and driveway. A lengthy discussion ensued and it was determined that this property is not suitable for building a house. The Commission noted that there has been no effort to restore the property for ten years.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2017-15, 104 King George Drive, under the Act and the Bylaw.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to Issue a Positive Determination for 104 King George Drive, under the Act and the Bylaw.

* **NOI 114-1248: Chapman Way Boardwalk, 25-2-44 & 25-1-1, Town of Boxford**

**Documents Submitted:**

* **Public Notice:** *To replace an existing boardwalk with a new boardwalk in close proximity. The existing boardwalk is to remain in order to minimize disturbance of an existing beaver dam.*
* **WPA Form 3 – Notice of Intent**
* **Plan:** *Site Plan in Boxford Mass. Prepared for Town of Boxford, prepared by Donohoe Survey, Inc., stamped by Paul J. Donohoe, dated 10/5/17*
* **3 Photos**

Rich Tomczyk, BTA-BOLT, met with the Conservation Commission with a Notice of Intent to replace an existing boardwalk with a new boardwalk on town-owned land. Tomczyk provided plans and photos for the Commissioners to view as he made his presentation. Tomczyk noted that Natural Heritage has not yet reviewed the proposal and there were no comments from DEP. After a brief discussion, Tomczyk requested to close the hearing at the next meeting, pending comments from Natural Heritage.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1248, Chapman Way Boardwalk, under the Act and the Bylaw to November 16.

* **NOI 114-1251: 17 Towne Road, 32-3-1, Clark**

**Documents Submitted:**

* **Public Notice:** *To install a septic system upgrade and remove trees within the Buffer Zone to a Bordering Vegetated Wetland.*
* **Notice of Intent Package:** *Prepared by Scanlan Engineering, LLC:*
  + **Letter:** *From Scanlan Engineering to Conservation Agent, Re: Notice of Intent Application, Clark Residence, 17 Towne Road, Boxford, Mass. 01921, 10/17/17*
  + **WPA Form 3 – Notice of Intent**
  + **Locus Plan:** *Peter Clark, 17 Towne Road, Boxford, Mass., 10/17/17*
* **Plans Submitted:**
  + **Plan & Flow Profile:** *Subsurface Sewage Disposal System Upgrade, Prepared for Peter Clark, 17 Towne Road, Boxford, Mass., Prepared by Scanlan Engineering, LLC, dated October 18, 2017*
  + **Details & Notes:** *Subsurface Sewage Disposal System Upgrade, Prepared for Peter Clark, 17 Towne Road, Boxford, Mass., Prepared by Scanlan Engineering, LLC, dated October 18, 2017*

The Director read aloud the public notice and collected proof of abutter notifications. Jim Scanlan, representing the homeowner, met with the Conservation Commission with a Notice of Intent to install a septic system upgrade and remove 22 trees within the Buffer Zone to a Bordering Vegetated Wetland. Scanlan provided plans and photos for the Commissioners to view as he made his presentation. There was a lengthy discussion on the trees to be removed and the Commissioners decided they needed to schedule a site walk to view the trees. After further discussion, they agreed to meet on Saturday, November 11, 9AM, for the site visit. Scanlan requested to continue the hearing to November 16.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1251, 17 Towne Road, to November 16, under the Act and the Bylaw.

* **Amended OOC 114-1214: 42 Topsfield Road, Higley**

**Documents Submitted:**

* **Letter from Ben Nutter Architects to Director of Conservation:** *Re: Amendment to Existing Order of Conditions DEP # 114-1214, 42 Topsfield Road, 10/13/17*
* **Public Notice:** *To construct an addition within the footprint of an existing shed and to construct a covered porch both of which are located within 100-feet of a Bordering Vegetated Wetland.*
* **Plan:** *Additions/Renovations for Lillooet Cheesery, 42 Topsfield Road, Boxford, Mass., Prepared by Benjamin Nutter Architects, LLC, drawn by R Bernard AIA, dated 10/6/17*

The Director read aloud the public notice and collected proof of abutter notifications. Mary Rimmer, Rimmer Environmental Consulting, representing the applicant, met with the Conservation Commission with a request for an Amended Order of Conditions. She provided photos and plans for the Commissioners to view as she made her brief presentation. After a very brief discussion, the applicant requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to close the hearing for the Amended Order of Conditions 114-1214, 42 Topsfield Road, under the Act and the Bylaw.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to execute and issue the second amended Order of Conditions for file # 114-1214, 42 Topsfield Road, as drafted, under the Act and the Bylaw.

* **Continued 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**

Francisco Martinez met with the Conservation Commission to confirm that the mesh being used for erosion control is a biodegradable mesh, as he described at the last meeting. Mitsch confirmed, from the materials submitted, that it is jute netting. There ensued a brief discussion on the conditions regarding mowing the seeded area. The Commission agreed to authorize removal of an 18-inch oak in the disturbed area, and to a no-mow, unmaintained first 50 feet from the Wetland Resource Area, as a continuing condition. After a brief discussion, the applicant requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1249, 322 Main Street, under the Act and the Bylaw.

* **Continued 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**
  + **Plans Submitted:**
    - **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, Revised 10/28/17*
    - **Discretionary Cutting Area Plan:** *Prepared by The Morin-Cameron Group, Inc., prepared for Ernest Jr. and Louanne Tremblay, stamped by John M. Morin, dated 10/4/17, Revised 10/28/17*
  + **Google Earth Photo:** *47 Depot Road*

John Morin, The Morin-Cameron Group, representing the applicant, met with the Conservation Commission to discuss the findings of the site visit the Conservation Commission made recently to review the wetland line. He added that he submitted a revised plan today and requested that the Conservation Commission waive the 7-day submission requirement.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to accept the revised plans submitted for NOI 114-1250, waiving the 7-day submission requirement.

Morin provided photos for the Commissioners to view as he made his presentation on the trees that had been cut. Morin advised the existing house was built in 1969. After a brief discussion, including that it could not be determined if the tree cutting was a violation of the Bylaw Regulations, Morin requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Spillman,** second by **Di Luna,** the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1250, 47 Depot Road, under the Act and the Bylaw.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for file # 114-1250, 47 Depot Road, as drafted, under the Act and the Bylaw.

* **Task Force Site Walk Saturday November 4 at 10:30 Town DPW:** Chair Delaney reminded the Commissioners that there is a site walk at the DPW garage on Saturday, November 4, 10:30AM, with the Facilities Task Force. The Director will e-mail Commissioners the conceptual plan for the Town DPW.

**9:47 PM PENDING ACTION ITEMS**

* **COC 114-269: 10 Barnside Road, 37-1-60, Newman:** The Director advised this was an old Order of Conditions from June 15, 1988. The Newmans have sold their house and need the Certificate of Compliance for the closing. He advised a partial Certificate was issued for some of the lots, but not for the one at 10 Barnside Road.

On a **MOTION** made by **Di Luna,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to execute and issue the partial Certificate of Compliance, releasing 10 Barnside Road, file # 114-269, as drafted and amended, under the Act only.

The Director is to contact the remaining two owners to get them to request those partial Certificates of Compliance.

* **COC 114-1217: 114 King George Drive, 16-1-11, Scott**

**Documents Submitted:**

* **1 Photo**

Jim Scanlan, representing the homeowner, advised all the work was completed according to the Order of Conditions. The Director confirmed with photos for the Commissioners to view.

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to execute and issue the Certificate of Compliance for file # 114-1217, 114 King George Drive, as drafted, under the Act and the Bylaw.

* **OOC 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*

After a brief review, the Commission took the following action:

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to execute and issue the Certificate of Compliance for file 2017-1, 23 Valley Road, as drafted, under the Bylaw.

* **Ratify Emergency Certification: 6 Maple Ave, Cole: Dangerous Split Tree**

**Documents Submitted:**

* **2 Photos**

On a **MOTION** made by **Spillman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to ratify the Emergency Certification issued for 6 Maple Avenue, for tree removal, under the Act (the Emergency Certification was mistakenly issued under the Act only).

* **OOC** **114-1249: 322 Main Street, 22-1-20, Martinez (see above NOI 114-1249 hearing for documents)**

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** **4-1** (**NO: Di Luna)** to execute and issue the second amended Order of Conditions for file #114-1249, 322 Main Street, as drafted, under the Act and the Bylaw.

**10:12 PM ADJOURN**

On a **MOTION** made by **Mitsch**, second by **Di Luna,** the Conservation Commission **VOTED** unanimously to adjourn at 10:12 PM.

Respectfully Submitted,

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*Judith A. Stickney*

*Minutes Secretary*