**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**June 7, 2018 7:30 PM**

*Present: Peter Delaney, Frank Di Luna, Lana Spillman, David Smallman, Mark Mitsch (8:03pm)*

*Absent: Natasha Grigg, Alan Fowler*

*Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Bud Jerrett, Moira Pellegrino, Robin Phelan, Mark Phelan, Heather Spinetti, John Morin, Linda Shea, Matt Rainville, Nancy Gruner, Greg Bernard, Natasha Grigg (as an applicant), and others*

**Meeting Called to Order**

With a quorum present, Chair Peter Delaney called the meeting to order at 7:47PM.

**7:47PM HEARINGS AND DISCUSSIONS**

* **DNI 2018-26: 146 Georgetown Road, Jerrett:** Demolish existing abandoned house

**Supporting Docs:**

* + **E-Mail with 2 Photos:** *From Bud Jerrett to Conservation Director, Re: DNI Request to Demolish Existing Structure*

Bud Jerrett, contractor for the applicant, met with the Conservation Commission with a request for a Determination of Negligible Impact to demolish the abandoned house to get the lot ready for a new house. Jerrett provided a plan for the Commissioners to view, showing the jurisdictional area. Upon viewing the plan, the Chair determined that the filing should be a Request for Determination of Applicability, rather than the Determination of Negligible Impact. Jerrett will discuss with the property owner and they will be back with an RDA.

* **DNI 2018-25: 57A Deer Run Road, Rainville, remove several trees**

**Supporting Docs:**

* + **Letter with 6 Photos:** From Matt Rainville to Conservation Director, Re: Seeking approval for Pine Tree Removal, 5/31/18

Matt Rainville, property owner, met with the Conservation Commission with a Determination of Negligible Impact filing for authorization to remove five trees. They will be removed by climbing and cutting piece-by-piece, flush-cutting the stumps.

On a **MOTION** made by **Di Luna,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to close the discussion for DNI 2018-25: 57A Deer Run Road, under the Bylaw.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact letter for 57A Deer Run Road, to remove five trees, under the Bylaw.

* **DNI 2018-23: 38 Spofford Road, 15-1-2, Gruner:** Remove three trees

**Supporting Docs:**

* + **E-Mail:** From Nancy & Ron Gruner to Conservation Director, Re: DNI to remove 3 trees
	+ **5 Photos**

Nancy Gruner met with the Conservation Commission with a request for a Determination of Negligible Impact to remove three trees from the property, as they are leaning over the roof of the house. Mayer Tree will be doing the work. The trees will be removed with a crane, flush-cutting the stumps.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to close the discussion, under the Bylaw.

On a **MOTION** made by **Di Luna**, second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact letter for 38 Spofford Road, to remove three trees, under the Bylaw.

* **NOI 114-1257: 20 Moonpenny Drive 40-1-9, Rybicki:** Septic system upgrade

**Supporting Docs:**

* + **Legal Notice:** Notice of Intent: To install a 1000-gallon pump chamber and associated piping in the buffer zone of Bordering Vegetated Wetlands
	+ **NOI Packet:** Submitted by Gregory P. Bernard, including:
		- **Letter:** To Conservation Commission, Re: 20 Moonpenny Drive (Map 40-01-09), 5/15/18
		- **Boxford Board of Health: Application for Disposal System Construction Permit**
		- **Boxford Conservation Commission: Application Check List NOI**
		- **WPA Form 3: Notice of Intent**
		- **NOI Wetland Fee Submittal Form**
		- **Locus Map**
		- **Abutter List**
	+ **Plan:** Sewage Disposal System, 20 Moonpenny Drive, drawn by Gregory P. Bernard, dated 5/15/18
	+ **Plan:** Sewage Flow Design, 20 Moonpenny Drive, drawn by Gregory P. Bernard, dated 5/15/18
	+ **4 Photos**

The Director read aloud the public notice and collected proof of abutter notifications. Greg Bernard, representing the homeowners, met with the Conservation Commission with a Notice of Intent to install a 1000-gallon pump chamber and associated piping for a disposal system. Bernard provided plans and photos for the Commissioners to view as he made his brief presentation. After a brief discussion, the Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to close the public hearing, under the Act and the Bylaw.

* **Continued NOI 114-1253: 427C Ipswich Road, 14-1-21, Smith:** Driveway construction

**Supporting Docs:**

* + **Legal Notice:** Notice of Intent: To extend an existing driveway and abandon a portion of existing driveway, including grading and alteration of vegetation, within 100-feet of a Bordering Vegetated Wetland and Intermittent Stream.
	+ **NOI Packet:** Submitted by Hancock Associates, including:
		- **WPA Form 3: Notice of Intent**
		- **NOI Wetland Fee Submittal Form**
		- **Project Narrative**
		- **Abutters List**
		- **USGS Locus Map**
	+ **Plan:** 427C Ipswich Road Driveway Concept Plan, prepared for Rodney & Karla Smith, 427B Ipswich Road, Boxford, Massachusetts 01921, prepared by Hancock Associates, stamped by Vaclav Talacko, dated 1/31/18, revised 4/17/18
	+ **Plan:** 427C Ipswich Road Common Driveway Relocation, prepared for Rodney & Karla Smith, 427B Ipswich Road, Boxford, Massachusetts 01921, prepared by Hancock Associates, stamped by Vaclav Talacko, dated 4/17/18
	+ **10 Photos**

The Director advised he had received a written request to continue this hearing to July 12th.

On a **MOTION** made by **Di Luna,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1253: 427C Ipswich Road, to July 12th, under the Act and the Bylaw.

* **Continued RDA 2018-4: 27 Janes Road, 30-1-63, Francis:** Remove trees, repair wooden plankway (requested to withdraw application without prejudice)

**Supporting Docs:**

* + **Legal Notice:** Request for Determination of Applicability: To replace a damaged wooden walkway over a pond.
	+ **WPA Emergency Certification:** 27 Janes Road, to remove trees
	+ **2 Photos**

The Director advised he had received a request to withdraw this application without prejudice.

On a **MOTION** made by **Di Luna,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to allow the request to withdraw the application without prejudice.

* **Extension OOC 114-1189: Crooked Pond Drive, 40-2-16 & 16.1, Patrician**

**Supporting Docs:**

* + **4 Photos**

The Director advised that this is the second and final extension, noting that the current extension expires in September and, if granted, the new extension would expire September 8, 2019. Nothing further has been done on the project. The Director provided photos for the Commissioners to view, noting that the soil is stable.

On a **MOTION** made by **Spillman,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue the second and final extension to Order of Conditions 114-1189, to expire September 8, 2019, under the Act and the Bylaw.

* **Violation Update: 317 Middleton Road, Collamore:** Request from Hancock Associates for more time to prepare plan

The Director advised that Hancock Associates are working on a plan and are requesting an extension to June 21st in order to complete it. The Director provided a photo for the Commissioners to view, noting that the soil is stabilized.

At then a **MOTION** made by **Spillman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to extend the review for the violation at 317 Middleton Road to the June 21st meeting.

* **Ratify Emergency Certification: 251 Main Street, Cincotta:** Remove damaged tree

The Director provided photos for the Commissioners to view, noting that the homeowner would like to have the tree removed. He had issued an Emergency Certification and requested that the Commissioners ratify it.

On a **MOTION** made by **Di Luna,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to ratify the Emergency Certification for 251 Main Street, Cincotta, to remove the damaged tree.

* **DNI 2018-23: 92 Lake Shore Road, 5-1-17, Grigg:** Remove several trees and invasives

Natasha Grigg, 92 Lake Shore Road, met with the Conservation Commission with a request for a Determination of Negligible Impact to remove several fallen and diseased trees and invasives at the 655 Main Street property, consisting of 9 acres.

On a **MOTION** made by **Spillman,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to close the discussion and issue a letter of Determination of Negligible Impact to remove several fallen and diseased trees, at the property located at 655 Main Street, as proposed under the Bylaw.

* **NOI 114- : 43 Silverbrook Road, 38-1-10, Phelan:** Addition to house

**Supporting Docs:**

* + **Legal Notice:** Notice of Intent: Owner is proposing to construct an addition, patio and remove an existing deck within the 100-foot Bordering Vegetated Wetland Buffer
	+ **WPA Form 3: Notice of Intent Packet,** including:
		- **WPA Wetland Fee Submittal Form**
		- **Abutters List**
		- **USGS Locus Map**
	+ **Plan:** Plan of Land in Boxford, Mass. Showing Proposed Addition, 43 Silverbrook Road, Boxford, Massachusetts 01921, prepared for Robin & Mark Phelan, prepared by The Morin-Cameron Group, stamped by John M. Morin, dated 5/21/18, revised 5/25/18
	+ **6 Photos**

John Morin, from The Morin-Cameron Group, provided the Commissioners with a revised plan.

On a **MOTION** made by **Smallman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to accept the revised plan and waive the 7-day submission requirement.

The Director read aloud the public notice and collected proof of abutter notifications. John Morin, representing the applicant, met with the Conservation Commission with a Notice of Intent to construct an addition, patio and remove an existing deck within the 100-foot Bordering Vegetated Wetland Buffer. Morin provided photos and plans for the Commissioners to view, as he made his presentation. There will be no increase on the existing encroachment. It is 91 feet from the wetland. Because DEP had not yet issued a file number, the hearing will be continued to June 21st. After a brief discussion about a possible site walk in the meantime, the Commissioners decided to schedule a site walk for June 12th at 6PM.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114- : 43 Silverbrook Road, 38-1-10, Phelan, to June 21st, under the Act and the Bylaw.

* **Continued RDA 2018-5: 165 Herrick Road, 19-2-12.1, Spinetti:** New lawn area, restoration of buffer

**Supporting Docs:**

* + **Public Notice:** Request for Determination of Applicability: Heather and William Spinetti, to reseed cleared area, plant shrubs, install lamp posts, bury power line, repair driveway, and install decorative fencing, within 100-feet of Bordering Vegetated Wetland.
	+ **Plan**

Heather Spinetti met with the Conservation Commission with a Request for Determination of Applicability to reseed a cleared area, plant shrubs, install lamp posts, bury power line, repair driveway, and install decorative fencing, all within 100-feet of a Bordering Vegetated Wetland. After the last meeting, the homeowner decided that the fencing will not be installed, and a new drawing was submitted. There was a brief discussion on whether a revised drawing was needed. After discussion, Ms. Spinetti will submit a revised plan and photos to the Commission, showing everything needed to ensure the project can be completed correctly.

Linda Shea, 316 Ipswich Road, an abutter, expressed her concern with all the downed trees, brush, and debris blocking the flow of the streams in the area, and suggested that all be cleaned out, some of which is on Spinetti’s property and she encouraged the Commission to allow that those trees and brush be removed.

The Commissioners continued to discuss the plan submitted and determined they could issue a Determination for some of the work now, with the requirement that a Notice of Intent be submitted to address the projects proposed for repaving the driveway and the drainage issues at the end of the driveway, as well as the removal of the downed trees in the channel. The Chair advised Spinetti to have a professional plan drawn for the NOI. The Director suggested that a revised Enforcement Order be issued to address the issues other than the driveway issues, which will instruct the applicant to file an NOI by June 1, 2019, for the driveway improvements. The applicant was instructed to withdraw the Request for Determination of Applicability.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to issue an Amended Friendly Enforcement Order to allow the activities discussed and requiring a filing of a Notice of Intent to do any driveway improvements, under the Act and the Bylaw.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing to June 21st, under the Act and the Bylaw.

Spinetti submitted a written request to the Director to withdraw the RDA without prejudice.

**9:27PM OTHER BUSINESS**

* **Tree Removal Policy:** The Chair requested that all Commissioners review the draft of the Tree Removal Policy, as submitted by the Director, and discuss it at next meeting. The Chair also requested that the end of the second paragraph should read:

“The administrative approval shall be in writing and shall be ratified (strike “reported to”) by the Commission at the next scheduled meeting.”

* **Wildcat Signage:** Commissioner Spillman provided the Commissioners with suggested wording for signs she suggested be placed at all entrances to Wildcat. The Chair requested that the Commissioners read it over and they will discuss it at the next meeting.
* **Minutes Review/Approval:** After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Spillman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to approve the meeting minutes of February 1, 2018, February 15, 2018, April 5, 2018, and May 3, 2018, as amended.

* **Retaining Wall Camp Stepping Stone:** The Director advised that the retaining wall has been started but added that the level of Stiles Pond needs to drop before it can be completed.
* **Lawrence Road Update:** At the request of Commissioner Di Luna, the Director advised the Lawrence Road issue is in litigation with the Building Inspector and there is nothing new to report.
* **Mosquito Control on Conservation Land Update:** At the request of Commissioner Spillman, the Director reported that he submitted a lengthy packet of materials to Mosquito Control and received a response that it is not eligible for inclusion in the opt out program; only private property is eligible.
* **Minutes Online:** Commissioner Spillman suggested that the Conservation Commission post its minutes online, on the Town’s website. The Director advised that the website needs some work on it before minutes can be uploaded to the site. He will work with the Assistant to the Town Administrator to try to get that done.

**9:42PM ADJOURN**

With no further business, on a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to adjourn at 9:42PM.

Respectfully submitted,



Judith A. Stickney

Minutes Secretary