**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**July 19, 2018 7:30 PM**

*Present: Peter Delaney, Natasha Grigg, David Smallman, Frank Di Luna*

*Absent: Alan Fowler, Mark Mitsch*

*Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Greg Hochmuth, Louise Kress, Scott Cameron, and others*

**Meeting Called to Order**

With a quorum present, Chair Peter Delaney called the meeting to order at 7:34PM.

* **RDA 2018- 9: 20C Stiles Pond Road, 18-1-35, Kress, generator pad and trench**

**Supporting Docs:**

* + **Legal Notice:** *Applicant: David & Louise Kress, for the property located at: 20C Stiles Pond Road, Assessor’s Map 18, Block 1, Lot 35: To install precast concrete pads for generator and propane tanks within 100-feet of Stiles Pond and associated Bordering Vegetated Wetlands.*
	+ **Plan**
	+ **WPA Form 1:** *Request for Determination of Applicability*

The Director read aloud the public notice and collected proof of abutter notifications. Louise Kress, homeowner, appeared before the Conservation Commission with a Request for Determination of Applicability to install precast concrete pads for a generator and propane tanks approximately 90 feet from Stiles Pond. After a brief discussion, the Conservation Commission took the following action:

**MOTION** made by **Grigg,** second by **Smallman,** to issue a Negative Determination for 2018-9: 20C Stiles Pond Road, 18-1-35, Kress, under the Act and the Bylaw.

**MOTION** to amend the original motion by **Di Luna,** second by **Grigg,** to check box 3.

**VOTE on Amendment: Carried unanimously**

**VOTE on Amended MOTION: Carried unanimously**

* **RDA 2018-10: Toll Brothers, Inc., Willow Road, 6-2-2.2, installation of exploratory wells; staging for well installation**

**Supporting Docs:**

* + **Public Meeting Notice:** *Applicant: Toll Brothers, Inc. for the property located at: Willow Road: Map 6, Block 2, Lot 2.2: Installation of exploratory wells; staging for well installation, silt fence straw wattle, level spreader, loaming and seeding disturbed area in existing field within 100 feet of Bordering Vegetated Wetlands.*
	+ **Narrative:** *Letter from The Morin-Cameron Group to Boxford Conservation Commission, Re: Request for Determination of Applicability, 7/3/18*
	+ **WPA Form 1: Request for Determination of Applicability**
	+ **Plan Submitted:** *Plan to Accompany Request for Determination of Applicability, Bedrock Well Installation Plan, Prepared by The Morin-Cameron Group LLC, prepared for Toll Brothers, Inc., stamped by Michael C. Laham, dated 6/29/18*

**Commissioner Di Luna removed himself from the hearing, due to a conflict.**

With Di Luna’s absence, there was no longer a quorum present. The Chair asked Scott Cameron, representing the applicant, if he wanted to open the hearing. Cameron requested to continue the hearing to August 2nd.

On a **MOTION** made by **Smallman,** second by **Grigg,** the Conservation Commission **VOTED** to continue this hearing for RDA 2018-10: Toll Brothers, Inc., Willow Road, 6-2-2.2 to August 2.

There was a brief discussion on scheduling a site walk before the next meeting and the Commission decided on Tuesday, July 31st, at 6:00PM.

Some abutters were in attendance and inquired about the process for abutter notifications, as some were not notified of this hearing. They were advised of the process for abutter notifications.

* **NOI 114- : 27 Janes Road, 30-1-63, replacing an existing boardwalk**

**Supporting Docs:**

* + **Public Meeting Notice:** *By Applicant: Ross Francis, for the property located at: 27 Janes Road, Map 30, Block 1 Lot 63: To replace an existing boardwalk with a new boardwalk within jurisdictional areas of the Massachusetts Wetlands Protection Act and Town of Boxford Wetlands Protection Bylaw.*
	+ **Notice of Intent Packet:** *Prepared by Williams & Sparages, LLC, prepared for Ross Francis, 27 Janes Road, Boxford, Massachusetts, W&S Project # BOXF-0060, dated July 2, 2018.*
	+ **Plan Submitted:** *Plan to Accompany Notice of Intent, prepared by Williams & Sparages LLC, prepared for Ross A. & Lisa A. Francis, stamped by Richard A. Williams, dated 7/2/18.*

The Director read aloud the legal notice and collected proof of abutter notifications. Greg Hochmuth, from Williams and Sparages, representing Ross Francis, met with the Conservation Commission with a Notice of Intent for 27 Janes Road, to replace an existing boardwalk across the wetland. Hochmuth provided plans and drawings for the Commissioners to view as he made his brief presentation. The Director provided the Commissioners with photos as well, to show the existence of bluegill and minnows in the small pond.

At the request of the applicant and on a **MOTION** made by **Grigg,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to continue the hearing to August 2, under the Act and the Bylaw.

* **Continued NOI 114-1260: Road R.O.W. near 67 Valley Road, Dold, DPW Superintendent, replace culvert**

**Supporting Docs:**

* **Project Packet:** *Submitted by Massachusetts Department of Fish & Game, Long Term Culvert Replacement Training Project, prepared by Bayside Engineering, dated July 2017*
* **Locus Plan:** *Culvert Replacement Valley Road Over Unnamed Brook, submitted by Bayside Engineering, prepared for Town of Boxford Department of Public Works, stamped by Bree D. Sullivan, dated June 27, 2018*
* **Grading Plan & Hydrologic Design Data:** *Culvert Replacement Valley Road Over Unnamed Brook, submitted by Bayside Engineering, prepared for Town of Boxford Department of Public Works, dated June 25, 2018*
* **Test Boring Log:** *Culvert Replacement Valley Road Over Unnamed Brook, submitted by Miller Engineering & Testing, prepared for Town of Boxford Department of Public Works, dated June 25, 2018*
* **Culvert Plan:** *Culvert Replacement Valley Road Over Unnamed Brook, submitted by Bayside Engineering, prepared for Town of Boxford Department of Public Works, dated June 25, 2018*
* **Notice of Intent Packet:** *Culvert Replacement Valley Road Over Unnamed Brook, submitted by Bayside Engineering, prepared for Town of Boxford Department of Public Works, dated June 2018*

There was no one in attendance to speak on behalf of the culvert project. A brief discussion ensued among the Conservation Commissioners about the project, while they waited for someone to arrive. After a brief time, the Conservation Commission took the following action:

On a **MOTION** made by **Di Luna**, second by **Grigg,** the Conservation Commission **VOTED** unanimously to continue the hearing to August 2nd, for NOI 114-1260: Road R.O.W. near 67 Valley Road, due to the fact there is no applicant in attendance for the meeting.

* **Discussion: Tree Removal Policy**

**Supporting Docs:**

* + *Draft Tree Removal Policy*
	+ *Draft Tree Removal Form*
	+ *2 Current Tree Removal Application Forms authorized by the Director*

**MOTION** by **Di Luna,** second by **Grigg,** to continue this discussion until there is are more Commissioners present.

**VOTE:** 1 yes, 3 no

**The MOTION failed.**

The Commissioners proceeded to discuss the draft of the Tree Removal Policy and form, as drafted by the Director and provided to the Commissioners for review and edits. Commissioners discussed at length, providing suggestions to the Director for minor additions and changes in language, but approved of the policy and form overall. After discussion, the Conservation Commission took the following action:

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** to approve the Tree Policy and form as an interim policy until more members are present.

The Director provided the Commissioners with two tree removal forms for trees he authorized to be removed under the new policy. The Chair advised the Commissioners they need to ratify the tree removals authorized by the Director.

On a **MOTION** made by **Smallman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to ratify the tree removal request of Leanne Milhalchik, 27 Glen Forest Drive, to remove 1-30” red oak and 1-30” red maple, due to threatening structure/activity zone, dropping branches, as authorized by the Conservation Director.

On a **MOTION** made by **Smallman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to ratify tree removal request of Jacob Marquis, 3 Fieldstone Way, to remove 1- 24” oak, 2-24” pines, due to a threat to the house, as authorized by the Conservation Director.

**8:15PM OTHER BUSINESS**

* **Request for Support on Legislative Action: Public Lands Protection Act:** The Director advised the Commissioners of a request to support legislation to codify the policies that are described in the AG’s memo and DEP practice with regard to Article 97 dealing with protections under the Mass. State Constitution given to Conservation Land. Article 97 of the Constitution prevents Conservation Land from being changed to another use and being taken out of Conservation Land. A lengthy discussion ensued on the pending legislation. The Director provided a document for the Commissioners to view, naming Boxford Conservation Commission as a supporter. After discussion, the Commissioners decided they would not send a letter of support.

**8:25PM ADJOURN**

With no further business, on a **MOTION** made by **Grigg,** second by **Di Luna,** the Conservation Commission **VOTED** unanimously to adjourn at 8:25PM.

Respectfully submitted,



Judith A. Stickney

Minutes Secretary