**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**September 1, 2016 7:30PM**

*Present: Peter Delaney, Lana Spillman, Natasha Grigg, Mark Mitsch (7:39PM)*

*Absent: Alan Fowler, Paris Beckett, Frank Di Luna*

*Others Present: Conservation Director Ross Povenmire, Minutes Sec’y Judi Stickney, Josh Gould, Nathaniel Higley, John Morin, Greg Hochmuth, Bob Hazelwood, Garth Tolman, Margaret Chow-Menzer, Anthony Lauria, Larry Goldstein, Annie L. Goldstein, Tricia Tsoutsouras*

**Meeting Called to Order:**

With a quorum present, Chairman Delaney called the meeting to order at 7:39PM.

**7:39PM PUBLIC HEARINGS AND SCHEDULED DISCUSSION ITEMS:**

**Permanent Building Committee Discussion Relating to the Placement of Binder Course on the Roadway at Boxford Common:** Garth Tolman of the Permanent Building Committee, asked the Conservation Commission to reconsider the requirement of the binder course on the proposed roadway, noting that the compacted gravel roadway is as stabilized as it is going to be, with or without the binder course. Tolman added that it is an unnecessary added expense, in the opinion of the Permanent Building Committee. Another member of the PBC, Bob Hazelwood, contributed to the discussion. There ensued a lengthy discussion on the binder course requirement, where Commissioners noted that the binder course was suggested by Commissioner Fowler, who was not in attendance. After discussion, the Commissioners determined that there is no need to pave the roadway until they are moving on to Phase III. The PBC will relay the Commission’s discussions and determination that there is no need for either the binder course or any paving at this time.

* **RDA 2016-16: 45 Towne Road, 33-3-7&8, Goldstein, Remove Trees**

**Documents Submitted:**

* + **Notice of Public Hearing:** *To remove 17 trees as identified in the field and on a plan submitted within 100-feet of a Bordering Vegetated Wetland.*
  + **WPA Form 1:** *Request for Determination of Applicability*
  + **E-Mail from 51 Towne Road:** *Re: Removal of 17 trees from 45 Towne Road, 8/31/16*

The Director read aloud the public notice and collected proof of abutter notifications. Larry Goldstein met with the Conservation Commission with a Request for Determination of Applicability to cut down 17 trees, three of which are within the 25-foot no-disturb zone. He added that since the application, it has been determined that some of the trees are not in jurisdictional area and the number is down to 13 trees. Goldstein provided the Commission with photos and the environmental report from Rimmer Environmental. After a brief discussion, noting that there was a letter from an abutter, the Commission decided to schedule a site visit for Wednesday, September 7, at 5:30PM.

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing for RDA 2016-16, 45 Towne Road, to September 15, under the Act and the Bylaw.

* **RDA 2016-17: 31 Rock Brook Way, 10-2-29.4, Johnson, Remove Trees**

**Documents Submitted:**

* + **Notice of Public Hearing:** *Removal of seven trees by crane within 100 feet to bordering vegetated wetland.*
  + **WPA Form 1:** *Request for Determination of Applicability*

The Director read aloud the public notice and collected proof of abutter notifications. Anthony Lauria, Ironwood Tree Service, appeared before the Conservation Commission, representing the applicant, with a Request for Determination of Applicability to remove seven oak trees in order to provide more sun for proposed solar panels to be installed on the roof. After a brief discussion, the Commissioners decided to schedule a site visit on Wednesday, September 7, at 6PM.

On a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to continue the hearing for RDA 2016-17, 31 Rock Brook Way, to September 15, under the Act and the Bylaw.

* **Amended NOI 114-1214: 42 Topsfield Road, 33-1-16/16.1/6.2, Higley, Revised Parking Area**

**Documents Submitted:**

* + **Notice of Public Hearing:** *To modify the location of a parking area located within the 100-foot Buffer Zone to a Bordering Vegetated Wetland. An associated structure is located outside the Buffer Zone.*
  + **Revised Site Plan:** *Drawing C-1, prepared for Lillooet Cheesery, 42 Topsfield Road, Boxford, Mass., prepared by ASB Design Group LLC, stamped by Thad D. Berry, dated 7/17/16*
  + **Letter from Rimmer Environmental Consulting LLC:** *Request for Amendment to Order of Conditions, 8/9/16*
  + **Letter from ASB Design Group:** *Re: Summary Letter – Site Plan Revision Lillooet Cheesery, 7/18/16*

The Director read aloud the public notice and tried to collect proof of abutter notifications. Nathaniel Higley met with the Conservation Commission with proposed changes to the location of the parking area, on Notice of Intent 114-1214. Higley provided photos for the Commissioners to view as he made his presentation. There was a concern that the abutter notifications were not received by the Director. Due to that, the Chair requested that the hearing be continued to the next meeting, on September 15.

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 Amended NOI 114-1214, 42 Topsfield Road, to September 15, under the Act and the Bylaw.

* **Continued NOI 114-1232: 19 Stonecleave Road, 31-1-6, Caperonis, Septic System Upgrade**

**Documents Submitted:**

* + **Notice of Public Hearing:** To remove an existing septic tank, abandon an existing leach field and install a new septic system upgrade with associated site improvements, as well as a sump pump extension and tree removal not associated with septic system upgrade
  + **Plans: Sanitary Disposal System Repair Plan:** 19 Stonecleave Road, Boxford, Mass.; prepared for Serena Caperonis, prepared by The Morin-Cameron Group, Inc., stamped by John M. Morin, dated 7/29/16
  + **WPA Form 3 – Notice of Intent:** 19 Stonecleave Road, Boxford, Mass.

John Morin of The Morin-Cameron Group, representing the applicant, met with the Conservation Commission to discuss the revised plan, submitted after the site walk, including the removal of two additional trees. He added that Natural Heritage had no issues with the changes. DEP has reviewed the plans and have no comments. He noted that the Board of Health approved the plan.

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1232, 19 Stonecleave Road, under the Act and the Bylaw.

On a **MOTION** made by **Spillman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue the Order of Conditions for NOI 114-1232, 19 Stonecleave Road, under the Act and the Bylaw, as written.

* **Continued NOI 114-1234: 41 Woodcrest Road, 20-9-12, Gould, After-The-Fact Permit for Grading**

**Documents Submitted:**

* **Notice of Public Hearing:** to add fill material, patio, shed, and swing set within 100 feet of Bordering Vegetated Wetlands.
* **Plan to Accompany Notice of Intent:** 41 Woodcrest Road, prepared by Williams & Sparages, stamped by Richard L. Williams, dated 8/3/16
* **Notice of Intent Packet:** Prepared by Williams & Sparages, dated 8/2/16, prepared for applicant Josh Gould, 41 Woodcrest Road, Boxford, Mass.
* **2 Photos**

Greg Hochmuth, Williams and Sparages, representing the applicant, met with the Conservation Commission to discuss the results of the site walk and the revisions. Hochmuth submitted new plans to the Conservation Commission to view and requested a waiver of the 7-day prior submittal date.

On a **MOTION** made by **Spillman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to accept the revised plan and waive the 7-day prior submittal date requirement.

Hochmuth continued with his presentation, providing photos and revised plans for the Commissioners to view. After a brief discussion, Hochmuth requested to close the hearing.

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1234, 41 Woodcrest Road, under the Act and the Bylaw.

On a **MOTION** made by **Spillman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue the Order of Conditions for NOI 114-1234, 41 Woodcrest Road, under the Act and the Bylaw.

* **Continued NOI 114-1233: 36 Andrews Farm Road, 38-3-35, Conn, Water Supply Connection**

**Documents Submitted:**

* + **Notice of Public Hearing:** to provide a permanent connection water line to the Town of Topsfield Water Service within the 100-foot buffer zone to a bordering vegetated wetland.
  + **Water Connection Options:** Andrews Farm Water Co., Connection to Topsfield Water, July 2016
  + **WPA Form 3: Notice of Intent:** Andrews Farm Water Co., Inc., 36 Andrews Farm Road, Boxford, Mass.
  + **Grading & Drainage Plan:** Andrews Farm, Boxford, Mass., prepared by Hancock Survey Associates, stamped by A.F. Sharry III, dated 11/2/89, revised 12/20/89, 1/24/90, 7/20/16

The Chair advised the applicant requested to continue the hearing to October 6.

On a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1233, 36 Andrews Farm Road, to October 6, under the Act and the Bylaw.

**8:40PM PENDING ACTION ITEMS:**

* **Continued COC 114-1022: Lot 14D Burning Bush Drive, 40-1-34.1, Golub**

**Documents Submitted:**

* + **Letter from The Morin-Cameron Group, Inc.:** *Re: DEP File No. 114-1022, 7/15/16*
  + **As-Built Plan of Land:** *45 Burning Bush Drive, Boxford, Massachusetts, prepared by The Morin-Cameron Group, Inc., prepared for Matthew Wheeler, dated 7/6/16, stamped by John M. Morin*

John Morin of The Morin-Cameron Group, representing the applicant, appeared before the Conservation Commission with a request to issue the Certificate of Compliance for file #114-1022. Morin provided photos and plans for the Commissioners to view as he made his presentation, noting changes to the design that were not included in the original application. He added that the Order has expired, so a request to amend the Order of Conditions was not an option. After a brief discussion, it was determined that the appropriate filing would be a Request for Determination of Negligible Impact and a subsequent request for the Certificate of Compliance. Morin requested to continue the request for the Certificate of Compliance.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the review for the request for the Certificate of Compliance 114-1022, lot 14B Burning Bush Drive, to September 15, under the Act and the Bylaw.

* **Bylaw COC 2000-02, 2001-01, 2001-02, 2001-03, 2001-04: Budnick Way, 10-1-20 (Lots 1, 2 and 3), 1000 LLC**

The Director noted that there was no one present to speak to this. He provided information to the Commissioners on the request for the Certificates of Compliance for Budnick Way and requested that the Commissioners issue the COC’s.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to continue the review for the request for the Certificates of Compliance for 2000-02, 2001-01, 2001-02, 2001-03, 2001-04: Budnick Way, 10-1-20 (Lots 1, 2 and 3), 1000 LLC, to September 15, under the Act and the Bylaw.

* **COC 114-777 & 578: 335 A, B, and C Middleton Road**

Someone representing the applicant met with the Conservation Commission to request that the Certificates of Compliance be issued for file # 114-777 and 14-578, 335 A, B, and C Middleton Road, as they were doing a title search for a real estate sale and noted they had not been issued. The Director had made a site visit and advised the Commissioners on his findings, with photos for the Commissioners to view, showing some debris dumping issues near the wetlands. He recommended that the Commissioners schedule a site visit before issuing the Certificates of Compliance. A lengthy discussion ensued and the Commissioners determined they could issue the COC for 114-777, because the issues were with the access driveway in file #114-578.

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for file # 114-777, 335C Middleton Road, under the Act and the Bylaw.

After further discussion, the Commissioners decided to schedule a site walk for September 14 at 5:30PM. The applicant requested to continue the review to the next meeting.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to continue the review for the request for the Certificate of Compliance #114-578, 335 A & B Middleton Road, to September 15, under the Act and the Bylaw.

* **COC 114-1227: 41 Andrews Farm Road, 38-3-32**

The Director provided photos for the Commissioners to view, showing the grass growing at the property and he recommended that the Commission issue the Certificate of Compliance.

On a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for file #114-1227, 41 Andrews Farm Road, under the Act and the Bylaw.

**9:25PM OTHER BUSINESS**

* **Water Restrictions:** The Chair noted that Essex County is experiencing severe drought conditions and reminded viewers to conserve water.
* **Expenses:** The Chair provided a bill from the Conservation Director for $97.20 for travel expenses.

On a **MOTION** made by **Spillman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to approve the payment of $97.20 for travel expenses for the Conservation Director.

* **Essex County Greenbelt Open Space Conference:** The Chair noted that Essex County Greenbelt is hosting an Open Space Conference on Saturday, November 12.
* **MACC Fall Conference:** The Chair noted that the MACC Fall Conference is scheduled forOctober 29, in Holyoke, Mass.
* **67A Topsfield Road, Kachel:** The Director advised that there has been some woody dumping taking place on an old driveway at that location. He added that he advised the owners to remove the material and the homeowner assured him it would be removed this weekend. The homeowner requested authorization to park his truck in the buffer zone on the existing old road.

**9:34PM ADJOURN**

On a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to adjourn at 9:34PM.

Respectfully Submitted,

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*Judith A. Stickney*

*Minutes Secretary*