**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**October 6, 2016 7:30PM**

*Present: Natasha Grigg, Paris Beckett, Alan Fowler, Mark Mitsch*

*Absent: Peter Delaney, Lana Spillman, Frank Di Luna*

*Others Present: Conservation Director Ross Povenmire, Minutes Sec’y Judi Stickney, Craig Jacobson, Matthew Wheeler, John Morin, Curt Young, Mary Rimmer, Thad Berry, Bill Manuel, Chris Huntress, Meghan Cooke, and others*

**Meeting Called to Order:**

With a quorum present, Commissioner Natasha Grigg called the meeting to order at 7:35PM.

**7:35PM PUBLIC HEARINGS AND SCHEDULED DISCUSSION ITEMS:**

* **RDA 2016-20: 87 King George Drive, 16-1-15, Jacobson**

**Documents Submitted:**

* + **Public Notice:** *Building a 10’x16’ shed and retaining wall within 100 feet of a Bordering Vegetated Wetland*
  + **WPA Form 1:** *Request for Determination of Applicability*

The Director read aloud the public notice and collected proof of abutter notifications. Craig Jacobson met with the Conservation Commission with a Request for Determination of Applicability to build a 10’x16’ shed and a retaining wall. Jacobson provided photos and drawings for the Commissioners to view as he made his brief presentation. A brief discussion ensued regarding the retaining wall material. The Commission requested that more detailed drawings and plans be provided to the Conservation Commission. The applicant requested to continue the hearing to October 20.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to continue the hearing for RDA 2016-20, 87 King George Drive, to October 20, under the Act and the Bylaw.

* **Continuation DNI 2016-21: Lot 14D Burning Bush Drive, 40-1-34.1, Wheeler**
* **Continuation COC 114-1022: Lot 14D Burning Bush Drive, 40-1-34.1, Golub (c/o Wheeler)**

**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*

Matthew Wheeler met with the Conservation Commission with updates to the project since the last meeting. The Director advised that he made a site visit, everything appears to be in order and he recommends that the Commission issue a DNI and the COC.

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for DNI 2016-21, Lot 14D Burning Bush Drive, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for DEP file #114-1022, Lot 14D Burning Bush Drive, under the Act and the Bylaw.

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

**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 advised that he has received the abutter notifications that they had been waiting for and the Order of Conditions can now be issued.

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue the Order of Conditions for the Amended NOI 114-1214, 42 Topsfield Road, under the Act and the Bylaw.

* **Ratification of Emergency Certification: 22 Lily Pond Road, 2-1-3, Fry, removal of two trees**

The Director advised declining beech tree and dead pine tree and he issued an Emergency Certification which needs to be ratified.

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to ratify the Emergency Certification for the removal of two trees at 22 Lily Pond Road, under the Act and the Bylaw.

* **Extension OOC 114-1070: Lot 2 Main Street, 27-1-19.1, Present, requesting one-year extension of OOC expiring on 11/10/16**

John Morin, of the Morin-Cameron Group, representing Charlotte Present, met with the Conservation Commission to request an extension of the Order of Conditions, advising that this would be the last extension allowed under the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to issue the extension for Order of Conditions 114-1070, from 11/10/2016 to 11/10/2017, under the Act and the Bylaw.

* **ANRAD 114-: Willow Road and Pine Plain Road, 6-2-2.2, Price Family, Agreement required on Bylaw Fee**

**Documents Submitted:**

* + **Public Notice:** The Applicant seeks to determine the nature and extent of Wetland Resource Areas under both the Massachusetts Wetlands Protection Act and the Town of Boxford’s Wetlands Protection Bylaw.
  + **ANRAD Application Package:**
    - Letter from Wetlands Preservation, Inc.
    - Abbreviated Notice of Resource Area Determination, prepared for the Price Family LLC, September 22, 2016
    - WPA Form 4A – Abbreviated Notice of Resource Area Determination
    - Notification to Abutters
    - Affidavit of Service
    - Wetland Delineation Report, Willow Road and Pine Plain Road, September 22, 2016
    - DEP BVW Delineation Data Sheets
    - Locus Map
    - Soil Map
    - FEMA/FIRM Map
    - NHESP Map
    - CVP & PVP Map
    - ANRAD Plan

The Director read aloud the public notice and collected proof of abutter notifications. Curt Young, Wetlands Preservation, Inc., met with the Conservation Commission with an ANRAD to determine the nature and extent of wetland resource areas under the Wetlands Protection Act and Boxford’s Wetlands Protection Bylaw. Commissioner Grigg, acting Chair, advised the applicant that, due to the number of members absent, she suggested they request a continuation. Young advised that a continuation would provide some time to begin the peer review process and provide the Commissioners with an opportunity for a site visit. There ensued a brief discussion on the peer review process. The Director provided the Commissioners with a list of qualified peer review options. After a brief discussion, the Conservation Commission decided to schedule a site visit for Monday, October 17, at 4:00PM and the applicant requested to continue the hearing to October 20.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to continue the hearing for ANRAD 114-, Willow Road and Pine Plain Road, Price Family, to October 20, under the Act and the Bylaw.

* **NOI 114- : 5 Barker Road, 2-1-8, Far Corner Golf Course, Pump house and intake**

**Documents Submitted:**

* + **Notice of Public Hearing:** *Owner is proposing to demolish an existing pump house and construct a new pump house and pond intake in and adjacent to a pond.*

The Director collected proof of abutter notifications. Mary Rimmer, Rimmer Environmental Consulting, representing the applicant, met with the Conservation Commission with a Notice of Intent to replace the pump house. Rimmer provided photos and plans for the Commissioners to view as she made her presentation, noting that the application is under the Wetlands Protection Act only. Thad Berry, ASB Design Group, contributed to the discussion. There ensued a brief discussion and the applicant requested to continue the hearing, due to the lack of a DEP file number.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-, 5 Barker Road, Far Corner Golf Course, to October 20, under the Act and the Bylaw.

* **Discussion: 57A Deer Run Road**

Mary Rimmer, Rimmer Environmental Consulting, representing Brian Boyle, met with the Conservation Commission, to discuss the issue of the Order of Conditions for one of the house lots, which has expired, and there is a discrepancy between the Order of Conditions and the actual location of the driveway. She was requesting guidance from the Conservation Commission as to how to proceed.

* **NOI 114- : 128 Main Street, 28-1-25, Eaton**

**Documents Submitted:**

* + **Notice of Public Hearing:** *New dwelling construction and renovation**of current home.*
  + **Notice of Intent Application Package:** *Prepared by Wetlands and Land Management, Inc., September 22, 2016*
    - *Locus Map*
    - *Project Description*
    - *FEMA/FIRM Map*
    - *WPA Form 3 – Notice of Intent*
    - *NOI Wetland Fee Transmittal Form*
    - *Abutter List*
    - *Notification to Abutters*
    - *Transmittal to Natural Heritage Program*
  + Bill Manuel, Wetlands and Land Management, representing the applicant, met with the Conservation Commission with a Notice of Intent to build a new dwelling and renovate current home. A lengthy discussion ensued and, because there was no file number issued, the applicant requested to continue to October 20.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-, 128 Main Street, to October 20, under the Act and the Bylaw.

* **Extension Permit OOC 114-1166: Boxford Common, 28-2-17.1, Town of Boxford**

**Also: Request to Proceed to Phase 3 of the Boxford Common Project**

Chris Huntress, Huntress Sports, met with the Conservation Commission to request a one-year extension on their Order of Conditions. After a brief discussion, the Conservation Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to extend the Order of Conditions for file #114-1166, to December 9, 2017, under the Act and the Bylaw.

Huntress continued with the next request to proceed to Phase 3 on the project. Acting Chair Natasha Grigg requested that this discussion be continued to the next meeting when more members of the Commission would be present. Huntress agreed with the continuance for deliberation by the Commission, but requested time for his brief presentation. Huntress provided photos for the Commissioners to view as he made his presentation, noting the activities that have taken place over the summer, and, in particular, over the past month, to comply with the Commission’s phasing requirements. There ensued a lengthy discussion on whether the area is stabilized. The Conservation Commission decided to schedule a site walk for 3PM on Monday, October 17, and revisit the request to proceed to Phase 3 at the next meeting.

**9:18PM PENDING ACTION ITEMS:**

* **COC 114-914: 47C Pond Street, 25-5-22, American Tower**

Meghan Cooke, American Tower rep, advised that all orders on the Order of Conditions have been met and she requested that the Conservation Commission issue the Certificate of Compliance. The Director advised he visited the site today and provided photos for the Commissioners to view. He recommended that the Certificate of Compliance be issued. After a brief discussion, the Conservation Commission took the following action:

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for DEP file #114-914, 47C Pond Street, American Tower, under the Act and the Bylaw.

**9:23PM OTHER HEARINGS AND DISCUSSIONS**

* **BTA-BOLT Monitoring Conservation Restriction Properties:** Commissioner Natasha Grigg announced to the Conservation Commission that BTA-BOLT will be monitoring the Conservation Restriction properties in town and will be sending reports to the Conservation Commission.
* **Continuation NOI 114-1233: 36 Andrews Farm Road, 38-3-35, Conn**

**Documents Submitted:**

* + **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
  + **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.

There was no one from the Andrews Farm Water Company in attendance to address this hearing and the Conservation Commission delayed the hearing to provide time for someone to arrive, but no one did. The Director advised that the Andrews Farm Water Company has provided the plan the Commission was waiting for and he recommended that the Order of Conditions be issued for the Notice of Intent. A brief discussion ensued regarding whether the Board of Health also needed to approve the plan. After discussion, the Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1233, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue the Order of Conditions for NOI 114-1233, under the Act and the Bylaw.

**9:35PM ADJOURN**

On a **MOTION** made by **Beckett**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to adjourn at 9:35PM.

Respectfully Submitted,

******

*Judith A. Stickney*

*Minutes Secretary*