**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**October 20, 2016 7:30PM**

*Present: Peter Delaney, Paris Beckett, Lana Spillman, Mark Mitsch*

*Absent: Natasha Grigg, Frank DiLuna, Alan Fowler*

*Others Present: Conservation Director Ross Povenmire, Minutes Sec’y Judi Stickney, Greg Hochmuth, Nick Cline, Sam Shirley, Adam Bartke, Stephen DeSalvo, Michael Koenig, Bruce Eaton, Craig Jacobson, Curt Young, Chris Huntress, Timothy O’Brien, and others*

**Meeting Called to Order:**

With a quorum present, Chair Peter Delaney called the meeting to order at 7:36PM.

**7:36PM PUBLIC HEARINGS AND SCHEDULED DISCUSSION ITEMS**

* **AOOC 114-1205: 17 Pye Brook Lane, 30-2-2, Ovanes**

**Documents Submitted:**

* **Notice of Public Hearing:** *To amend the approved plan to include loam and re-seeding a portion of the front yard*
* **Letter:** *From Williams & Sparages to Conservation Commission, Re: 17 Pye Brook Lane, DEP File #114-1205, Request to Amend Order of Conditions, 9/27/16*
* **Plan of Land**

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. Greg Hochmuth, Williams & Sparages, representing the applicants, appeared before the Conservation Commission with an application for an Amended Order of Conditions. Hochmuth provided a drawing for the Commissioners to view as he made his brief presentation to loam and reseed a portion of the front yard. A discussion ensued and there was a question if an Amended OOC was the correct filing. The Commissioners determined that they could issue a Negative Determination of Applicability for a filing of an RDA.

On a **MOTION** made by **Spillman,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to change, for the Commissioners’ consideration, a proposal for an Amended Order of Conditions to a Request for Determination of Applicability for file # 2016-22, under the Act and the Bylaw.

On a **MOTION** made by **Spillman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2016-22, under the Act and the Bylaw.

* **Eagle Scout Projects: Trail Markers at Wildcat, Sam Shirley; New Trail at Boy Scout Park, Nick Cline:**

**Documents Submitted:**

* + **Photo:** *Sign Example*
  + **Project Handout:** *Photos, map, project description*
  + **Photos:** *(3) Old Posts*
  + **Map:** *Wildcat Conservation Area*
  + **Letter:** *From Sam Shirley to Conservation Commission, Re: Request for Determination of Negligible Impact, 9/22/16*

Sam Shirley, Boy Scout Troop 51, met with the Conservation Commission with a proposal for his Eagle Scout project to provide 12 signs on the Wildcat trails and a post at the trailhead. Shirley provided photos and information for the Commissioners to view as he made his brief presentation. A brief discussion ensued. After discussion, the Commissioners took the following action:

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination for the Wildcat signs and post, as presented, under the Bylaw.

Nick Cline, Boy Scout Troop 51, met with the Conservation Commission with a proposal for his Eagle Scout project to clear part of the trail at Boy Scout Park and move part of the trail from the parking lot. Cline provided the Commissioners with photos and information for the Commissioners to view as he made his brief presentation. A brief discussion ensued. After discussion, the Commissioners took the following action:

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact, with the Condition that the trail be at least 25 feet from the Vernal Pool, under the Bylaw.

On a **MOTION** made by **Beckett,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to waive the filing fees for the Wildcat trail signs for Sam Shirley and the trail work at Boy Scout Park for Nick Cline, under the Bylaw.

* **RDA 2016-21: 22 Andersen Drive, 17-2-7, Bartke**

**Documents Submitted:**

* + **Notice of Public Hearing:** *To install a deck using hand-dug sono tubes within100 feet of a Bordering Vegetated Wetland*
  + **WPA Form 1 – Request for Determination of Applicability**
  + **Deck Plan for RDA:** *dated 9/21/16*

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. Adam Bartke met with the Conservation Commission with a Request for Determination of Applicability to install a deck. Bartke provided photos for the Commissioners to view as he made his brief presentation.

On a **MOTION** made by **Spillman,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2016-21, 22 Andersen Drive, under the Act and the Bylaw.

On a **MOTION** made by **Spillman,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking box 3, for 2016-21, 22 Andersen Drive, under the Act and the Bylaw.

* **RDA 2016-20: 46 Surrey Lane, 38-2-9. DeSalvo**

**Documents Submitted:**

* + **Notice of Public Hearing:** *To clean up two downed trees and remove an additional five trees from within 100 feet of a Bordering Vegetated Wetland*
  + **WPA Form 1 – Request for Determination of Applicability**
  + **Plan of Land**

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. Stephen DeSalvo met with the Conservation Commission with a Request for Determination of Applicability to clean up two downed trees and remove an additional five trees on his property.

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2016-20, 46 Surrey Lane, under the Act and the Bylaw.

On a **MOTION** made by **Spillman,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking Box 3, for RDA 2016-20, 46 Surrey Lane, with the standard conditions, under the Act and the Bylaw.

* **DNI 2016-23: 37B Pye Brook Lane, 30-01-5.B, Byrne**

**Documents Submitted:**

* **Letter:** *From John Byrne to Conservation Commission, Re: Determination of Negligible Impact, 37B Pye Brook Lane, Lauren and Michael Miller*

The Director advised that the applicant was not present. He provided photos for the Commissioners to view, but the Chair advised he would prefer that the applicant be present to discuss possible mitigation.

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to continue the hearing for DNI 2016-23, 37B Pye Brook Lane, to November 3, under the Act and the Bylaw.

* **DNI 2016-24: 29 Berry Patch Lane, 27-1-15.2, Koenig**

Michael Koenig met with the Conservation Commission with a proposal to remove three trees from his yard, which are hanging over the house. After a brief discussion, the Conservation Commission took the following action:

On a **MOTION** made by **Spillman,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for DNI 2016-24, 29 Berry Patch Lane, for the removal of three overhanging trees with the stumps to remain, under the Bylaw.

* **Continued 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*

Craig Jacobson met with the Conservation Commission with a Request for Determination of Applicability to build a shed and retaining wall. He provided photos and drawings for the Commissioners to view as he made his brief presentation. A lengthy discussion ensued on the proposed poured concrete retaining wall. The Commissioners decided they would schedule a site walk for Saturday, October 22, at 9AM. The applicant requested to continue the hearing.

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 RDA 2016-20, 87 King George Drive, to November 3, under the Act and the Bylaw.

* **Continued ANRAD 114-1235: 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

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. The Director provided the Commissioners with the cost estimates he has received from the peer review companies. The bid of $2,300, from Greg Hochmuth, of Williams & Sparages, was the winning bid. Young advised the application fees could be as high as $18,000 and he is requesting a reduction in the fee. Young provided the Commissioners with photos and drawings for the Commissioners to view as he made his brief presentation. The Commissioners will make a site visit on Saturday, October 22, at 9:30AM, at the farm stand area.

On a **MOTION** made by **Spillman,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to authorize the Peer Review by Williams & Sparages, as proposed by Greg Hochmuth, under the provisions of MGL,§53G, and the Boxford Bylaw, with the amount being $2,300.

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 RDA 2016-20, 87 King George Drive, to November 3, under the Act and the Bylaw.

After the votes, the Commissioners discussed changing the site visit to October 29, rather than October 22.

* + **Continued 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.*
  + **WPA Form 3 –** **Notice of Intent**
  + **Plan:** *Existing Conditions and Site Plan, prepared for Robert Flynn, Far Corner Golf Course, prepared by ASB Design Group LLC, stamped by Thad D. Berry, dated 9/20/16*
  + **Plan:** *Site Details, prepared for Robert Flynn, Far Corner Golf Course, prepared by ASB Design Group LLC, stamped by Thad D. Berry, dated 9/20/16*
  + **Plan:** *Site Details and Photographs, prepared for Robert Flynn, Far Corner Golf Course, prepared by ASB Design Group LLC, stamped by Thad D. Berry, dated 9/20/16*

The Director advised the file number has not yet been issued and the applicant has requested to continue the hearing to November 3.

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 RDA 2016-20, 87 King George Drive, to November 3, under the Act and the Bylaw.

* + **Continued NOI 114-1236: 128 Main Street, 28-1-25, Eaton**
  + **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*
  + **Permit Site Plan to Accompany Notice of Intent:** *Plan and Flow Profile, prepared by Scanlan Engineering, prepared for Bruce Eaton, dated 8/20/16, revised 9/19/16, revised 9/20/16*

Bruce Eaton met with the Conservation Commission with his Notice of Intent for file #114-1236. The Director advised they were waiting for a file number from DEP and they have it now, so the hearing can be closed.

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 114-1236, 128 Main Street, under the Act and the Bylaw.

On a **MOTION** made by **Spillman** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue the Order of Conditions for 114-1236, as amended, under the Act and the Bylaw.

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

**Documents Submitted:**

* **Letter:** *From Huntress Associates to Conservation Commission, Re: Town of Boxford – Boxford Common, 9/28/16*
* **12 Photos**
* **As-Built Plan:** *Haynes Land Recreation Fields, Grading and Drainage As-Built Plan Phase Two, prepared by Huntress Associates/The Neve-Morin Group, Inc., dated 5/27/16*
* **Letter:** *From The Morin-Cameron Group to Conservation Commission, Re: Site Inspection – Field 1/Haynes Land Recreation Area, Boxford, MA, 9/30/16*

Chris Huntress, Huntress Associates, representing the applicant, met with the Conservation Commission to review the results of the site walk that was scheduled for last week, noting that they have obtained the requested letter from the wetlands monitor.

On a **MOTION** made by **Mitsch**, second by **Spillman**, the Conservation Commission **VOTED** unanimously to allow the Boxford Common Project to proceed to Phase 3.

**9:14PM PENDING ACTION ITEMS:**

* **COC 114-1229: 5B Endicott Road, 41-1-10, O’Brien:** Timothy O’Brien met with the Conservation Commission to obtain a Certificate of Compliance for his recently installed septic system upgrade. The Director advised the area is stabilized and he has no concerns. He provided photos for the Commissioners to view and recommended that they issue the Certificate of Compliance.

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for COC 114-1229, 5B Endicott Road, under the Act and the Bylaw.

* **Ratify Emergency Certifications:** 
  + **13B Partridge Lane:** The Director advised he issued an Emergency Certification to the homeowner to remove a dead ash tree from the property, which is leaning toward the house and is about 75 feet from the wetland.

On a **MOTION** made by **Mitsch,** second by **Spillman**, the Conservation Commission **VOTED** unanimously to ratify the Emergency Certification for 13B Partridge Lane, under the Act and the Bylaw.

* + **55 Herrick Road:** The Director advised he issued an Emergency Certification to the homeowner to remove a dead pine the property.

On a **MOTION** made by **Mitsch**, second by **Spillman**, the Conservation Commission **VOTED** unanimously to ratify the Emergency Certification for 55 Herrick Road, under the Act and the Bylaw.

* + **23 Glendale Road:** The Director advised he issued an Emergency Certification to the homeowner to drill a new water well to replace an old shallow well and slurry pit.

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to ratify the Emergency Certification for 23 Glendale Road, under the Act and the Bylaw.

* **Signatures on OOC 114-1233, 41 Andrews Farm Road:** The Chair circulated the Order of Conditions for 114-1233, which was voted on at a previous meeting, for the Commissioners’ signatures.

**9:23PM ADJOURN**

On a **MOTION** made by **Mitsch**, second by **Spillman**, the Conservation Commission **VOTED** unanimously to adjourn at 9:23PM.

Respectfully Submitted,

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*Judith A. Stickney*

*Minutes Secretary*