**Minutes of the BOXFORD CONSERVATION COMMISSION**

**POLICE STATION CONFERENCE ROOM**

**November 17, 2016 7:30PM**

*Present: Peter Delaney, Lana Spillman, Alan Fowler, Frank DiLuna*

*Absent: Natasha Grigg, Paris Beckett, Mark Mitsch*

*Others Present: Conservation Director Ross Povenmire, Minutes Sec’y Judi Stickney, Greg Murrer, Wayne Castonguay, Joe Bocelli, Dick Boldi, Bob Grasso, Brionny Angus, John Morin, Gilbert Sullivan, Greg Gagne, Mary Rimmer, Thad Berry, Brian Boyle, Daniel and Kerri Lummus, and others*

**Meeting Called to Order:**

With a quorum present, Chair Peter Delaney called the meeting to order at 7:33PM.

**7:33PM PUBLIC HEARINGS AND SCHEDULED DISCUSSION ITEMS**

* **Presentation by Wayne Castonguay of the Ipswich River Watershed Association and the Lakes Ponds and Streams Committee Regarding Drought and Water Management:** Wayne Castonguay, Executive Director of the Ipswich River Watershed Association, met jointly with the Conservation Commission and the Lakes Ponds and Streams Committee to discuss this year’s drought and water management in Boxford. Castonguay provided photos and maps to view as he made his presentation. Greg Murrer of the Lakes Ponds and Streams Committee contributed to the presentation. A discussion ensued on suggestions on how to implement town-wide water conservation measures. Spillman suggested programs to promote water conservation, such as use of rain barrels and sensors on sprinkling systems (rather than timed sprinklers). The Conservation Commission will discuss more fully at a future meeting.
* **Discussion: Update on 255 Main Street and Winterization Measures:** Joe Bocelli, property owner of 255 Main Street, met with the Conservation Commission to discuss winterization measures he would be implementing to curb the water runoff over the winter. The Conservation Director advised he’s been in contact with Bocelli and the plans appear to be in order, but there were current issues that need to be addressed. Commissioners asked about oversight and input from the design engineers at Hancock Associates and were told by Bocelli that there is regular consultation and communication. The Chair asked if the ConCom would be getting another report from Greg Hochmuth. Mr. Bocelli will contact Hochmuth for a current monitoring report.
* **DNI 2016-28: 67A Topsfield Road, Welch**

**Documents Submitted:**

* + **E-Mail:** *From Jessica Welch to Conservation Administrator, Re: Tree Stump Removal, 11/1/16 (including three photos)*

The Director provided information to the ConCom on the tree stump removal request, providing photos for the Commissioners to view. After a brief discussion:

On a **MOTION** made by **Spillman,** second by **DiLuna,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for removal of a stump in the Buffer Zone at 67A Topsfield Road, under the Bylaw.

* **DNI 2016-29: 321 Ipswich Road, Gatewood**

**Documents Submitted:**

* + **Letter:** *From Leslie Cox Gatewood to Conservation Commission, Re: Removal of 3 Trees, 11/14/16*

The Director provided information to the ConCom on the three trees to be removed at the property, noting there is a fourth tree that should also be removed. The Commissioners advised they could not approve it as it was not included in the request. After a brief discussion:

On a **MOTION** made by **Spillman,** second by **DiLuna,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for the removal of three trees in the Buffer Zone, 321 Ipswich Road, under the Bylaw

* **Continued DNI 2016-27: Utility Pole, Trench and Utility Pad at Chadwick Field**

**Documents Submitted:**

* + **Facsimile Transmittal:** *From Tighe & Bond to Conservation Commission, Re: Spofford Road Solar 1, LLC Project Correspondence, 11/1/16 (including DNI Request Letter and Plan)*
* Brionny Angus of Tighe & Bond met with the Conservation Commission, to request a Determination of Negligible Impact to install a utility pole, trench and utility pad. Angus provided photos and plans for the Commissioners to view as she made her presentation. She presented a new plan to the Commissioners:

On a **MOTION** made by **DiLuna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to accept Figure 1, Tighe & Bond Plans, outside the 7-day requirement.

On a **MOTION** made by **Spillman,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for the installation of a utility pole, trench, and utility pad at Chadwick Field, under the Bylaw.

* **Continued 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*

No one was present to represent the applicant. The Director provided information to the ConCom on the brick pavers to be installed, but had little other information. There was a brief discussion on applicants not being present to discuss their requests. The ConCom will not act on this until the applicant is present.

On a **MOTION** made by **DiLuna**, second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing for DNI 2016-23 to December 1, under the Bylaw.

* **RDA 2016-23: Camp Rotary, Boldi**

**Documents Submitted:**

* + **WPA Form 1 – Request for Determination of Applicability**
  + **Plans:** *AI Plans and Elevation Proposed New Deck, drawn by Deer Hill Architects, dated 10/4/16*

Dick Boldi of Camp Rotary, met with the Conservation Commission to discuss their plans to replace a deteriorating deck off the dining hall with a larger deck. Boldi provided photos for the Commissioners to view as he made his presentation. There were conflicts between the plans submitted and the paperwork for the Request for Determination of Applicability. The Conservation Commission requested that the applicant return with revised plans showing what they are proposing, possibly withdrawing the RDA and submitting a Notice of Intent, at the applicant’s choice. Boldi requested to continue to December 15.

At the request of the applicant and on a **MOTION** made by **DiLuna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing for RDA 2016-24 to December 15, under the Act and the Bylaw.

* **RDA 2016-25: 24 Pearl Road, 10-2- 51, Schena**

**Documents Submitted:**

* + **Notice of Public Hearing:** *To remove approximately 33 trees and prune other trees within Riverfront Area, and/or Buffer Zone to Bordering Vegetated Wetland.*
  + **WPA Form 1 – Request for Determination of Applicability**
  + **Plans:** *Plan of Land Showing Existing Site Conditions, prepared for Robert & Amy Schena, prepared by The Morin-Cameron Group, Inc., stamped by John M. Morin, dated 2/12/14*

**As an abutter, Commissioner Lana Spillman removed herself from the meeting for this hearing.**

The Director read aloud the public notice and collected proof of abutter notifications, and notified Greg Gagne, representing the applicant, that, with Spillman’s recusal, there was no quorum and the ConCom could not interact with the applicant or make any determination. After a brief discussion, the ConCom decided to a vote to continue under the Rule of Necessity:

On a **MOTION** made by **DiLuna,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to continue the hearing for RDA 2016-25 to December 1, under the Act and the Bylaw.

* **NOI 114-1239: 610 Main Street, 9-2- 25, Lydon**

**Documents Submitted:**

* + **Notice of Public Hearing:** *for the replacement of an existing sanitary disposal system for an existing single family dwelling.*
  + **WPA Form 3A – Notice of Intent**
  + **Plans:**
    - **Sanitary Disposal System Upgrade Plan System Plot Plan,** *prepared for James & Eileen Lydon, prepared by Engineering Land Services LLC, stamped by Robert M. Grasso and Stanton Warren Bigelow, dated 10/21/16*
    - **Sanitary Disposal System Upgrade Plan System Profile,** *prepared for James & Eileen Lydon, prepared by Engineering Land Services LLC, stamped by Robert M. Grasso and Stanton Warren Bigelow, dated 10/21/16*
    - **5 Photos**

The Director read aloud the public notice and collected proof of abutter notifications. Bob Grasso from Engineering Land Services, representing the applicant, met with the Conservation Commission with a Notice of Intent to replace an existing sanitary disposal system for an existing single family dwelling. Grasso provided plans and photos for the Commissioners to view as he made his presentation and noted that DEP had no comments and Natural Heritage determined there would be no impact. After a brief discussion, the applicant requested to close the hearing:

On a **MOTION** made by **Spillman,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1239, 610 Main Street, under the Act and the Bylaw.

On a **MOTION** made by **DiLuna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to execute and issue the Orders of Conditions for DEP file #114-1239, under the Act and the Bylaw as drafted.

* **NOI 114- : 81A Stiles Pond Road, 18-1-4, Sullivan**

**Documents Submitted:**

* + **Notice of Public Hearing:** *Proposed housing addition, detached garage, driveway and associated site improvements to an existing single family residence.*
  + **Notice of Intent Package:** *Prepared by The Morin-Cameron Group, including the following:*
    - **Cover Letter**
    - **WPA Form 3 – Notice of Intent**
    - **USGS Map:** *81A Stiles Pond Road*
  + **Plan:** *Site Plan of Land in Boxford Massachusetts, 81A Stiles Pond Road, prepared for Gilbert Sullivan, prepared by The Morin-Cameron Group, Inc., stamped by John M. Morin, dated 10/31/16*

The Director read aloud the public notice and collected proof of abutter notifications. John Morin of The Morin-Cameron Group, representing the applicant, met with the Conservation Commission with a Notice of Intent for a housing addition, detached garage, driveway and associated site improvements within 100 feet of Stiles Pond. Morin provided photos and plans for the Commissioners to view as he made his presentation, and suggested the Commissioners schedule a site walk. There was a lengthy discussion on the Commission’s inability to provide a variance to the Wetland Regulations to approve the plan, particularly without any mitigation. A written alternatives analysis is needed. After discussion, the ConCom decided to schedule a site walk on Saturday, November 26, at 9AM. Morin requested to continue the hearing to December 1.

At the request of the applicant and on a **MOTION** made by **DiLuna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing for 81A Stiles Pond Road, to December 1, under the Act and the Bylaw.

* **Continued RDA 2016-22: 174 Bradford Street, North Andover/Boxford, 1-14- 10, Foley**

**Documents Submitted:**

* + **WPA Form 1 – Request for Determination of Applicability**
  + **Plan:** *Upgrade Plan of Subsurface Sewage Disposal System, prepared for Jim & Janet Foley, prepared by Merrimack Engineering Services, stamped by Vladimir L. Nemchenok, dated 9/7/16, revised 10/3/16*

The Director advised there was no one in attendance to present.

In the absence of the applicant and on a **MOTION** made by **DiLuna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing for RDA 2016-22, 174 Bradford Street, to December 1, under the Act and the Bylaw.

* **Continued NOI 114-1237: 57A Deer Run Road, 11-1- 1.1, Boyle**

**Documents Submitted:**

* + **WPA Form 3 – Notice of Intent**
  + **Plan:** *As Built Plan Notice of Intent, prepared for The Winslow Drive Realty Group, LLC, prepared by ASB Design Group, LLC, stamped by Thad D. Berry, dated 9/21/16, revised 10/18/16*

Mary Rimmer, Rimmer Environmental, and Thad Berry, ASB Design, representing the applicant, Brian Boyle, met with the Conservation Commission to request that the Commission accept the As-Built plan provided as an application for a new Order of Conditions, in order to issue the two Certificates of Compliance. The project was not constructed as approved with the previous Order of Conditions which has expired. There was a change in the driveway location, a 1,600 sq. ft. change in area of Buffer Zone alteration; the garage location was changed. Berry provided photos and plans for the Commissioners to view as Rimmer made her brief presentation. After a brief discussion, the applicant requested to close the hearing.

On a **MOTION** made by **Spillman,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1237, under the Act and the Bylaw.

* **Continued ANRAD 114-1235: Willow Road and Pine Plain Road, 6-2- 2.2, Price Family**

**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 advised there was no one in attendance to present. The Commissioners scheduled a site walk on November 26, after the Stiles Pond site walk.

In the absence of the applicant and on a **MOTION** made by **DiLuna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing for ANRAD 114-1235, Willow Road and Pine Plain Road, to December 1, under the Act and the Bylaw.

* **Continued 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**

There was no one in attendance to present, but the Director advised that at the last meeting, the Commissioners determined that all that was needed was the change from the AOOC to a Request for Determination of Applicability, which has now been filed.

On a **MOTION** made by **DiLuna,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking boxes 2 and 3, under the Act and the Bylaw.

* **Continued NOI 114-1238: 5 Barker Road, 2-1- 8, Far Corner Golf Course**

**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**
  + **Plans:**
    - **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*
    - **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*
    - **Site Details & Photographs:** *Prepared for Robert Flynn, Far Corner Golf Course, prepared by ASB Design Group, LLC, stamped by Thad D. Berry, dated 9/20/16*

Mary Rimmer, Rimmer Environmental, and Thad Berry, ASB Design, met with the Conservation Commission to advise they now have a DEP file number, 114-1238, and, after a brief recap of the project, requested to close the hearing.

On a **MOTION** made by **Spillman,** second by **DiLuna,** the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1238, Far Corner Golf Course, 5 Barker Road, under the Act.

On a **MOTION** made by **DiLuna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to execute and issue an Order of Conditions for DEP file #114-1238, 5 Barker Road, under the Act only.

**9:46PM PENDING ACTION ITEMS**

* **Continued COC 114-1169: 46 Baldpate, Guerrera:** John Morin, The Morin-Cameron Group, met with the Conservation Commission to provide information on the completion of the project to comply with the Order of Conditions, with an amended plan. After a brief recap on the project’s history, Morin requested that the ConCom issue the Certificate of Compliance. The Director advised he has visited the site and, overall, the plantings are fine and recommends the issuance of the Certificate of Compliance.

On a **MOTION** made by **Spillman,** second by **DiLuna,** the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for DEP file #114-1169, 46 Baldpate Road, under the Act and the Bylaw.

* **COC 114-1198: 108 Georgetown, 24-4- 4, Lummus**

**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 advised he was at the property today and everything is in order. He recommended the issuance of the Certificate of Compliance.

On a **MOTION** made by **DiLuna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for DEP file #114-1198, 108 Georgetown Road, under the Act and the Bylaw.

* **Continued COC 114-1222: 46 Ipswich Road, 26-2- 13, Kreider**

The Director advised he has made a site visit, everything is in order, and he recommends the issuance of the Certificate of Compliance.

On the recommendation of the Director, on **MOTION** made by **DiLuna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for DEP file #114-1222, 46 Ipswich Road, under the Act and the Bylaw.

* **Continued COC 114-1211: 26 Arrowhead Farm Road, 37-1- 30, Franklin**

The Director advised he has made a site visit, everything is in order, and he recommends the issuance of the Certificate of Compliance.

Upon the recommendation of the Director, on a **MOTION** made by **DiLuna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for DEP file #114-1198, 108 Georgetown Road, under the Act and the Bylaw.

* **Continued RDA 2016-20: 87 King George Drive, 16-1-15, Jacobson: Request to Withdraw**

**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 advised the applicant has requested to withdraw their application.

At the request of the applicant, on a **MOTION** made by **DiLuna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to accept the withdrawal of the RDA application.

**9:56PM OTHER BUSINESS**

* **Minutes Review/Approval:** After a brief discussion:

On a **MOTION** made by **Spillman,** second by **DiLuna,** the Conservation Commission **VOTED** unanimously to approve the minutes of August 4, 2016 and September 15, 2016, as amended.

* **Expenses Approval: Travel Expenses: $86.94**

On a **MOTION** made by **DiLuna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to approve the travel for Mr. Povenmire of $86.94.

* **Site Walks:** The Director requested that the Conservation Commission schedule site walks for upcoming hearings on the Highland Road culvert and the Nason Conservation Land.The Commissioners will schedule them for November 26, after the others scheduled earlier in the evening.

**10:02PM ADJOURN**

On a **MOTION** made by **Spillman**, second by **DiLuna**, the Conservation Commission **VOTED** unanimously to adjourn at 10:02PM.

Respectfully Submitted,

******

*Judith A. Stickney*

*Minutes Secretary*