**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

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

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

*Absent: Alan Fowler, Frank Di Luna, Mark Mitsch*

*Others Present: Conservation Director Ross Povenmire, Minutes Sec’y Judi Stickney, Greg Gagne, Vanessa Johnson-Hall, Jan & Jim Foley, Bob Prokop, Paul Hayney, John Dold*

**Meeting Called to Order:**

With a quorum present, Chair Peter Delaney called the meeting to order at 7:35PM.

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

* **Recommendation on Conservation Restriction for Leonard Property, Ipswich Road:** Vanessa Johnson-Hall from Essex County Greenbelt appeared before the Conservation Commission to recommend a Conservation Restriction for 120 acres of the Leonard Property on Ipswich Road (69 acres in Boxford). She made a brief presentation with photos and maps for the Commission to view. After a very brief discussion:

On a **MOTION** made by **Mitsch**, second by **Spillman,** the Conservation Commission **VOTED** unanimously to recommend to the Board of Selectman to approve the Conservation Restriction on Ipswich Road Leonard Property.

* **RDA 2016-26: Washington Street/Nason Conservation Land, 9-1-28.1, Boxford DPW:**

**Documents Submitted:**

* + **Public Notice:** Relocation of the iron gate 300 feet further into the property and construct a three-vehicle parking area in a previously disturbed upland area, partially filled with debris; also, removal of three trees and approximately 30 yards of clean gravelly fill would be used to grade the parking area.
  + **Proposed Parking Plan in Boxford, Mass.**: *Prepared by Donohoe Survey, Inc., prepared for Town of Boxford, dated 7/26/10, revised 8/16/16.* The Director read aloud the legal notice and collected proof of abutter notifications. Bob Prokop of Wetland Consulting Service, representing the DPW, met with the Conservation Commission with a Request for Determination of Applicability for the relocation of the iron gate 300 feet further into the property and construct a three-vehicle parking area in a previously disturbed upland area, partially filled with debris; also, removal of three trees and approximately 30 yards of clean gravelly fill would be used to grade the parking area. Prokop provided photos and plans for the Commissioners to view as he made his brief presentation.

On a **MOTION** made by **Mitsch**, second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking Box 3, under the Act and the Bylaw.

After the vote, two residents commented on the proposed work, one asking when the parking lot would be completed (not until Spring); the second (Mr. Bergstrom), who abuts the conservation land, wanted suggestions on how to keep people who use the land respectful of his property as well. Suggestions were made and he agreed that the proposal is great.

* **RDA 2016-27: 54 Sunrise Road, 25-6-11, Kathleen Dwyer:**

**Documents Submitted:**

* + **Public Notice:** *Replacement of a sewer line and abandonment of an existing septic tank within 100 feet of a bordering vegetated wetland associated with Lowe Pond.*
  + **Conservation Site Plan:** *54 Sunrise Road, Boxford, Mass., prepared by Thomas Mannetta, Inc., prepared for Kathleen Dwyer, dated 10/24/16*
  + **WPA Form 1 – Request for Determination of Applicability:** *Kathleen Dwyer, 54 Sunrise Road*
  + **3 Photos**

The Director read aloud the public notice and collected proof of abutter notifications. Tom Mannetta, Thomas Mannetta, Inc., representing Kathleen Dwyer, met with the Conservation Commission with a Request for Determination of Applicability for the replacement of a sewer line and abandonment of an existing septic tank within 100 feet of a bordering vegetated wetland associated with Lowe Pond. Mannetta provided photos and plans for the Commissioners to view as he made his presentation. After a brief discussion, the applicant requested to close the hearing:

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 RDA 2016-27, 54 Sunrise Road, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking box 3, for RDA 2016-27, 54 Sunrise Road, under the Act and the Bylaw.

* **NOI 114-1241: Road ROW Near 17-20 Highland Road, 14-1-17 & 14-2-19, Boxford DPW:**

**Documents Submitted:**

* + **Public Notice:** *Replace a 12” corrugated metal pipe (cmp) that lies under Highland Road with a 5’ w x 3’ h corrugated arch culvert. The culvert contains the flow of a very small intermittent stream. The bottom of the box culvert will be lined with 18”+ of stone and sand to replicate streambed conditions above/below the culvert.*
  + **Site Plan:** *Highland Road, Boxford, Massachusetts, prepared by Hayner Swanson, Inc., prepared for Town of Boxford, stamped by Paul F. Hayner, Jr., dated 11/17/16.*
  + **Hydraulic Report:** *Highland Road Culvert Replacement, Boxford, Massachusetts, prepared for Town of Boxford, prepared by Hayner/Swanson, Inc., dated 11/17/16.*
  + **WPA Form 3 –** **Notice of Intent:** *Culvert Replacement Between 17-20 Highland Road, Town of Boxford*

The Director read aloud the public notice and collected proof of abutter notifications. Bob Prokop, Wetland Consulting Services, representing the DPW, along with the designer, Paul Hayner, met with the Conservation Commission with a Notice of Intent to replace a 12” cmp that lies under Highland Road with a 5’ w x 3’ h corrugated arch culvert. The culvert contains the flow of a very small intermittent stream. The bottom of the box culvert will be lined with 18”+ of stone and sand to replicate streambed conditions above/below the culvert. Prokop provided photos and plans for the Commissioners to view as he made his brief presentation. Prokop noted that they have not yet received any comments from DEP and requested to continue the hearing to December 15:

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 114-1241 to December 15, 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:** *James A. & Janet Foley, 174 Bradford Street, North Andover*
  + **Upgrade Plan for Subsurface Sewage Disposal System:** *Prepared by Merrimack Engineering Services, prepared for Jim and Janet Foley, 174 Bradford Street, North Andover, stamped by Vladimir L. Nemchenok, dated 9/7/16, revised 10/3/16.*

Jim Foley and Jan Foley met with the Conservation Commission with a Request for Determination of Applicability for a proposed upgrade plan for a subsurface sewage disposal system. Mr. Foley provided plans for the Commissioners to view as he made his brief presentation. After a brief discussion, the applicant requested to close the hearing.

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2016-22, 174 Bradford Street, North Andover/Boxford, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking box 3, for RDA 2016-22, 174 Bradford Street, North Andover/Boxford, under the Act and the Bylaw.

* **Continued DNI 2016-23: 37B Pye Brook Lane, 30-01-5.B, Byrne: Request to be Withdrawn:** The Director advised he had a written explanation from the homeowner stating they are not going to do the work at this time and requested to withdraw their application.

On a **MOTION** made by **Spillman**, second by **Mitsch,** the Conservation Commission **VOTED** unanimously to authorize the withdrawal of DNI 2016-23, 37B Pye Brook Lane, under the Bylaw, without prejudice.

* **Continued 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 room for this hearing.**

Greg Gagne, Noble Tree, representing the applicant, met with the Conservation Commission with a Request for Determination of Applicability to remove 33 trees and prune other trees within the Riverfront Area, and/or Buffer Zone to Bordering Vegetated Wetland. Gagne explained that the proposed work is aimed at removing dead and/or diseased trees and improving the health of the remaining trees; all work would be done by hand. Gagne provided plans and photos for the Commissioners to view as he made his presentation. After a brief discussion, the applicant requested to close the hearing:

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2016-25, 24 Pearl Road, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking boxes 2 & 3, for RDA 2016-25, 24 Pearl Road, under the Act and the Bylaw.

Commissioner Spillman returned to the meeting, after the votes.

* **Continued NOI 114-1240: 81A Stiles Pond Road, 18-1-4, Sullivan: Request to Continue to December 15:** The Director advised the Commissioners that he had received a written request to continue this hearing to December 15:

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 114-1240 to December 15, under the Act and the Bylaw.

**Continued ANRAD 114-1235: Willow Road and Pine Plain Road, 6-2-2.2, Price Family: Request to Continue to December 15:** Before voting on the request to continue, there ensued a brief discussion on the request of the applicant to reduce the application fees. They are requesting that the fee be reduced to $10,699. The usual fees would come to approximately $20,000 in fees. The Commissioners discussed at length and requested that the Director review the fee reduction request when the Wunnegen Conservation Land was being considered for a subdivision. The Director will get that information to the Commissioners. After discussion:

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 114-1235 to December 15, under the Act and the Bylaw.

**8:50PM PENDING ACTION ITEMS**

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

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to issue the Order of Conditions for file 114-1237, 57A Deer Run Road, under the Act and the Bylaw.

* **Ratify Emergency Certification for Tree Removal: 1 Lawrence Road, 28-1-22, Stickney**

The Emergency Certification had been issued under the Act only and should have been issued under both the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Beckett,** the Conservation Commission **VOTED** unanimously to ratify the Emergency Certification for the removal of an ash tree at 1 Lawrence Road, under the Act and Bylaw.

**8:58PM OTHER BUSINESS**

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

On a **MOTION** made by **Spillman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to approve the minutes of November 17, 2016, as amended.

**8:59PM ADJOURN**

On a **MOTION** made by **Grigg**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to adjourn at 8:59PM.

Respectfully Submitted,

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*Judith A. Stickney*

*Minutes Secretary*