**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**August 2, 2018 7:30 PM**

**\*\* Minutes recorded from video posted at: http://www.boxfordcabletv.com/dnn7/\*\***

*Present: Peter Delaney, Natasha Grigg, David Smallman, Frank Di Luna, Alan Fowler, Mark Mitsch*

*Absent: None*

*Others Present: Conservation Director Ross Povenmire, Greg Hochmuth, Will Gatchell, Bob Gore, John Pitcavage, Tim Murphy, David Stuhlsatz, Carol Hubbard, Brian Hubbard, Bree Sullivan, Rich Cordell, Rich Boldi, Scott Cameron, Kyle Lally, Rich Tomczyk, Greg Hochmuth, and others*

**Meeting Called to Order**

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

**7:35PM PRESENTATION**

* **Discussion: Municipal Facilities Task Force Presentation of Conceptual DPW Facility and Access Drive**

**Supporting Docs**

* + **PowerPoint Presentation:** Prepared by Harriman, prepared for Municipal Facilities Task Force

Will Gatchell of Harriman, and Bob Gore of the Municipal Facilities Task Force, met with the Conservation Commission with a brief presentation on the conceptual plans for the DPW facility and access drive. After the presentation, the Chair asked the Commissioners to submit any questions they might have to the Conservation Director, who will compile them and send them to the Municipal Facilities Task Force for review and discussion at their next meeting. The Chair also suggested that they might want to get the NRAD process started as well, to get the wetland delineation approved by the Conservation Commission. Gatchell will discuss with the Conservation Director.

**7:54PM HEARINGS**

* **DNI 2018-32: 4 Pond Street, 25-6-7, Endless Energy, Remove Trees**

**Supporting Docs**

* + **E-Mail from Jim Laskowski** to Conservation Director, Re: 4 Pond Street Tree Removal, 7/27/18
	+ **Administrative Tree Removal Permit**

John Pitcavage of Endless Energy, representing the homeowner, met with the Conservation Commission with a request for Determination of Negligible Impact to remove four trees from the property that pose a danger to nearby structures. The Director provided photos of the trees for the Commissioners to view and provided additional information on the trees to be removed and tree work that has been done on an Administrative Permit. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Grigg,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for 4 Pond Street, to remove 4 trees, under the Bylaw.

* **DNI 2018-31: Four Mile Village, Murphy, Fountain in Fire Pond**

**Supporting Docs**

* **E-Mail from Tim Murphy** to Conservation Director, Re: 4MV Request for Fountain, 7/26/18

Tim Murphy, Facilities Manager at 4 Mile Village, met with the Conservation Commission with a request for a Determination of Negligible Impact to install a floating fountain in the fire pond in an effort to alleviate some of the mosquito and Canadian geese issues in 4 Mile Village. The Director provided photos of the pond, as well as additional information for the Commissioners. Murphy provided a photo of the floating fountain they are considering, adding that they are planning on having the floating fountain in the water in April, through September. After a brief discussion on the fountain’s possible negative effect on amphibians, they requested that the fountain be in the water from May 1st through October 1st, and took the following action:

On a **MOTION** made by **Grigg,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for the installation of a fountain in the fire pond, starting June 1st and running through October 1st, under the Bylaw.

* **RDA 2018-11: 4 Dana Road, 33-2-10, Hubbard, Driveway Construction**

**Supporting Docs**

* **Notice of Public Hearing:** Brian & Carol Hubbard, 4 Dana Road: To construct a portion of a driveway and associated grading partially within the 100-foot Buffer Zone to a Bordering Vegetated Wetland.
* **WPA Form 1: Request for Determination of Applicability**
* **Plan:** Proposed Site Plan, submitted by Benjamin Nutter Architects LLC, drawn by David Stuhlsatz, dated 7/9/18

David Stuhlsatz, of Benjamin Nutter Architects, representing the homeowner, met with the Conservation Commission with a Request for Determination of Applicability to construct a driveway to accommodate an in-law suite, adjacent to the 100-foot setback. Stuhlsatz provided photos and plans for the Commissioners to view as he made his presentation. After a brief discussion, the Commissioners decided to schedule a site walk on Thursday, August 9th, at 6PM. Stuhlsatz requested to continue the hearing to August 16th.

At the request of the applicant, and on a **MOTION** made by **Smallman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to continue the discuss for RDA 2018-11: 4 Dana Road, to August 16th.

* **Continued RDA 2018-10: Willow Road parcel, 6-2-2.2, Toll Brothers, Installation of Exploratory Wells**

**Supporting Docs:**

* + **Public Meeting Notice:** *Applicant: Toll Brothers, Inc. for the property located at: Willow Road: Map 6, Block 2, Lot 2.2: Installation of exploratory wells; staging for well installation, silt fence straw wattle, level spreader, loaming and seeding disturbed area in existing field within 100 feet of Bordering Vegetated Wetlands.*
	+ **Narrative:** *Letter from The Morin-Cameron Group to Boxford Conservation Commission, Re: Request for Determination of Applicability, 7/3/18*
	+ **WPA Form 1: Request for Determination of Applicability**
	+ **Plan Submitted:** *Plan to Accompany Request for Determination of Applicability, Bedrock Well Installation Plan, Prepared by The Morin-Cameron Group LLC, prepared for Toll Brothers, Inc., stamped by Michael C. Laham, dated 6/29/18*

**\*\*Commissioner Di Luna removed himself from the**

**hearing, due to a conflict, and did not return.\*\***

Scott Cameron, of the Morin-Cameron Group, met with the Conservation Commission, representing Toll Brothers, with a Request for Determination of Applicability for the installation of exploratory wells. Cameron provided photos and plans for the Commissioners to view as he made his presentation. Cameron noted that the activity is exempt under the Wetlands Protection Act and that they were there to comply with the local bylaw regulations. Cameron added that these will be bedrock wells and provided details on the process that will be used to drill the wells. They have filed a site exam with the DEP, as the final wells will provide a public water supply. Cameron reviewed the Commission’s recent site visit, answering the questions raised during the site visit. The Chair advised Cameron that the Commission had received several letters and e-mails from abutters regarding the proposed project, and provided the abutters in attendance an opportunity to voice their concerns:

* + **Resident, 26 Pine Plain Road:** Asked what the purpose of the hearing is. Cameron advised it was to drill test pits to determine whether there was enough potable water available onsite to support 66 units.
	+ **Dick Manzi, 10 Pine Plain Road:** How will the wells affect my water supply? The Chair advised there will be a report sent to the DEP regarding the results of the water supply tests, including the effect on the area groundwater supplies. There ensued a discussion on the draw down on the other wells in the area. Cameron added that these will be deep wells.
	+ **Nadine Manzi, 10 Pine Plain Road:** What is the difference between private wells and a public water supply? Cameron advised that a private well supports 25 persons per well, regulated by the Board of Health. A public water supply goes through scrutiny by DEP as well as many other factors. A brief discussion ensued on public water supplies.
	+ **David Morton, 26 Pine Plain Road:** Will wells on Pine Plain Road be monitored for draw down? Cameron advised they would not be monitored, as these are temporary test wells.
	+ **Cynthia Woodburn, 62 Willow Road:** Very concerned about the number of units going back there. She was looking for a guarantee that her well would not be affected. The Chair advised that there would be no intentional impact on others’ properties.
	+ **Terri Allen, 11 Pine Plain Road:** What happens if I don’t have any water? She feels that the wells should be monitored. Allen also requested that the well drilling and pumping schedule be posted on the Town web site. The Chair explained that they do not have the contractor’s schedule ahead of time in order to be able to do that.
	+ **Spofford Road Resident:** The resident expressed her concern about the draw down of the water from area residents’ wells and what should they do if they notice an issue with their water?
	+ **Vivian, 14 Pine Plain Road:** Why is this permitted in conservation land?

The Commissioners advised the residents that their well concerns were under the jurisdiction of the Board of Health, and that the Conservation Commission concerns are with the wetlands. The Chair explained that the conservation land is still conservation land, but there will be two wells on that land, which is permitted. The buildings being proposed will not be on conservation land. It was further clarified that the land in question is not conservation land at all. Discussion turned to the Order of Conditions, with Commissioner Fowler requesting a condition that pumping take place during the weekday hours, Monday through Friday, so the activity could be monitored by the Director or a Commissioner on a daily basis. After discussion, the Commission took the following action:

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking box 3, with the condition that the ConsCom Director view the project daily.

* **NOI 114-1262: 42 High Ridge Road, 24-4-9.1, Oliveira, House Construction**

**Supporting Docs**

* **Notice of Public Hearing:** Paul & Lisa Oliveira, 42 High Ridge Road, to construct a single-family dwelling within the same footprint of an existing single-family dwelling, and associated site work, within 100-feet of Bordering Vegetated Wetland and Four Mile Pond.
* **Plan Submitted:** Plan to Accompany Notice of Intent, submitted by Williams & Sparages, for Paul & Lisa Ellis-Oliveira, stamped by Richard L. Williams, dated 7/5/18
* **Notice of Intent Packet:** Submitted by Williams & Sparages, prepared for Paul & Lisa Ellis-Oliveira, dated 7/5/18
	+ **WPA Form 3: Notice of Intent**
	+ **NOI Wetland Fee Transmittal Form**
	+ **Locus Map: 42 High Ridge Road**
	+ **Project Narrative**
	+ **MassDEP Bordering Vegetated Wetland Delineation Field Data Form**
	+ **Affidavit of Service**
	+ **Town of Boxford Abutter List:** 42 High Ridge Road

The Director read aloud the public meeting notice and collected proof of abutter notifications. Greg Hochmuth, Williams and Sparages, representing the applicant, met with the Conservation Commission with a Notice of Intent to construct a single-family dwelling within the same footprint of an existing single-family dwelling, and associated site work, within 100-feet of Bordering Vegetated Wetland and Four Mile Pond. Hochmuth advised the house sustained fire damage last year and they are rebuilding the house on the same footprint. Hochmuth provided photos and plans for the Commissioners to view as he made his brief presentation. After a brief discussion, Hochmuth requested to close the hearing and the Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to close the hearing for file #114-1262: 42 High Ridge Road, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for file #114-1262: 42 High Ridge Road, under the Act and the Bylaw.

* **NOI 114- : 317 Middleton Road, 42-1-13, Collamore, Wetland Restoration**

**Supporting Docs**

* **Notice of Public Hearing:** Andrew Collamore, 317 Middleton Road: After the fact approval for the removal of vegetation within Bordering Vegetated Wetland and the 100’ foot Buffer Zone, replanting, and the removal/relocation of a raised garden bed and a play structure. Also, two sheds and an animal pen are proposed outside of the 25’ No-disturb Zone.
* **Plan Submitted:** Permit Site Plan, submitted by Hancock Associates, prepared for Andrew Collamore, stamped by Vaclav Talacko, dated 7/6/18
* **Notice of Intent Packet:** Submitted by Hancock Associates, prepared for Andrew Collamore, dated July 2018
	+ **Boxford Conservation Commission NOI Check List**
	+ **WPA Form 3: Notice of Intent**
	+ **NOI Wetland Fee Transmittal Form**
	+ **Town of Boxford Abutter List:** 317 Middleton Road
	+ **Project Narrative**
	+ **Locus Map: 317 Middleton Road**

The Director read aloud the public meeting notice and collected proof of abutter notifications. Kyle Lally, Hancock Associates, met with the Conservation Commission with a Notice of Intent for after the fact approval for the removal of vegetation within Bordering Vegetated Wetland and the 100’ foot Buffer Zone, replanting, and the removal/relocation of a raised garden bed and a play structure. Also, two sheds and an animal pen are proposed outside of the 25’ No-disturb Zone. Lally advised he reached out to DEP for a file number, but there has been no response. After a brief discussion, the Commissioners decided to schedule a site walk to view the proposed expansion of the split rail fence and animal pen. The site walk will take place on Tuesday, August 14th, at 6PM. The applicant requested to continue the hearing to August 16th.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114- : 317 Middleton Road, 42-1-13, to August 16th, under the Act and the Bylaw.

* **NOI 114- : Camp Rotary, 18-2-4, Boldi, Rehabilitate Dining Structure**

**Supporting Docs**

* **Notice of Public Hearing:** Richard Boldi, Camp Rotary, 372 Ipswich Road, to repair the foundation of an existing summer camp dining structure, including the construction of a temporary access route.
* **WPA Form 3: Notice of Intent**
* **Plan Submitted:** Site Plan, prepared by Donohoe Survey, Inc., prepared for Camp Rotary, stamped by Paul J. Donohoe, dated 7/17/18

The Director read aloud the public meeting notice and collected proof of abutter notifications. Rich Cordell, along with Rich Boldi of Camp Rotary, met with the Conservation Commission to review the plans and proposed renovation of the dining hall and stone retaining wall. Cordell provided photos and plans for the Commissioners to view as he made his brief presentation. Cordell requested a waiver of the Bylaw fee, as they are a non-profit organization.

On a **MOTION** made by **Smallman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to waive the bylaw fee for the non-profit Camp Rotary.

Because DEP had not yet issued a file number, the applicant requested to continue the hearing to the next meeting.

At the request of the applicant and on a **MOTION** made **Smallman,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-: Camp Rotary, 18-2-4,to August 16th.

* **Continued NOI 114-1261: 27 Janes Road, 30-1-63, Francis, Replace a Damaged Boardwalk**

**Supporting Docs:**

* + **Public Meeting Notice:** *By Applicant: Ross Francis, for the property located at: 27 Janes Road, Map 30, Block 1 Lot 63: To replace an existing boardwalk with a new boardwalk within jurisdictional areas of the Massachusetts Wetlands Protection Act and Town of Boxford Wetlands Protection Bylaw.*
	+ **Notice of Intent Packet:** *Prepared by Williams & Sparages, LLC, prepared for Ross Francis, 27 Janes Road, Boxford, Massachusetts, W&S Project # BOXF-0060, dated July 2, 2018.*
	+ **Plan Submitted:** *Plan to Accompany Notice of Intent, prepared by Williams & Sparages LLC, prepared for Ross A. & Lisa A. Francis, stamped by Richard A. Williams, dated 7/2/18.*

Greg Hochmuth, Williams & Sparages, met with the Conservation Commission to advise that DEP had issued a file number for the project and that was all they needed to close the hearing. The Commission took the following action.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to close the hearing for file #114-1261: 27 Janes Road, 30-1-63,under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for 114-1261: 27 Janes Road, 30-1-63, under the Act and the Bylaw.

* **Continued NOI 114-1260: Road R.O.W. near 67 Valley Road, Dold, DPW Superintendent, Replace Culvert**

**Supporting Docs:**

* **Project Packet:** *Submitted by Massachusetts Department of Fish & Game, Long Term Culvert Replacement Training Project, prepared by Bayside Engineering, dated July 2017*
* **Locus Plan:** *Culvert Replacement Valley Road Over Unnamed Brook, submitted by Bayside Engineering, prepared for Town of Boxford Department of Public Works, stamped by Bree D. Sullivan, dated June 27, 2018*
* **Grading Plan & Hydrologic Design Data:** *Culvert Replacement Valley Road Over Unnamed Brook, submitted by Bayside Engineering, prepared for Town of Boxford Department of Public Works, dated June 25, 2018*
* **Test Boring Log:** *Culvert Replacement Valley Road Over Unnamed Brook, submitted by Miller Engineering & Testing, prepared for Town of Boxford Department of Public Works, dated June 25, 2018*
* **Culvert Plan:** *Culvert Replacement Valley Road Over Unnamed Brook, submitted by Bayside Engineering, prepared for Town of Boxford Department of Public Works, dated June 25, 2018*
* **Notice of Intent Packet:** *Culvert Replacement Valley Road Over Unnamed Brook, submitted by Bayside Engineering, prepared for Town of Boxford Department of Public Works, dated June 2018*

Bree Sullivan, Bayside Engineering, met with the Conservation Commission to review the findings and answer the questions the Commissioners had on the recent site walk. Sullivan provided photos and plans for the Commissioners to view as she reviewed the questions. After discussion, the Commissioners requested that a narrative be included with the documents submitted. The applicant requested to continue the hearing to August 16th.

At the request of the applicant and on a **MOTION** made Smallman, second by **Grigg,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114- : Camp Rotary, 18-2-4,to August 16th.

**9:37PM PENDING ACTION ITEMS**

* **Nason Land Boardwalk Funding:** Rich Tomczyk of BTA/BOLT met with the Conservation Commission to report that they are the recipients of a recreational trail grant from DCR for the Nason Land Boardwalk. They are looking for matching funds for the project. They are requesting up to $5,000 from Warrant Article of 2006, which has approximately $21,000 remaining. He provided details of what the money will be spent on, as well as information on the work they will be doing on the boardwalk. Tomczyk advised they will also be meeting with the CPC for the same approval.

On a **MOTION** made by **Smallman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to approve expenditure of up to $5,000 for the Nason Land Boardwalk, to be expended from the Warrant Article of 2006.

* **Administrative Tree Permit 2018-3: 4 Pond Street:** The Director advised the permit was issued to remove a pine tree and limbs that were a hazard to the house.

On a **MOTION** made by **Grigg,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to ratify the Administrative Tree Permit #2018-3, 4 Pond Street, as presented.

* **Wildcat Trail Signs:** The Director provided signs for the Commissioners to view. The signs will be placed by BTA/BOLT, Inc. in various places on the Wildcat trails. Commissioner Natasha Grigg, of BTA/BOLT, Inc., took the signs for her committee.

* **Middleton Road Culvert Update:** The Director provided the Commissioners with the latest photos of the project.

**9:47PM ADJOURN**

With no further business, on a **MOTION** made by **Grigg,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to adjourn at 9:47PM.

Respectfully submitted,



Judith A. Stickney

Minutes Secretary