

**Minutes of the BOXFORD CONSERVATION COMMISSION  
TOWN HALL MEETING ROOM #1  
May 2, 2019 7:30 PM**

*Present: Peter Delaney, David Smallman, Kerri Lummus, Natasha Grigg, Frank Di Luna, Mark Mitsch*

*Absent: Alan Fowler*

*Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Jim Scanlan, Tom Hughes, Randy Johnson, Jessica Grigg, Patrick Kelly, Derek Repucci, Anita Kreiner, and others*

**Meeting Called to Order**

With a quorum present, Chair Peter Delaney called the meeting to order at 7:30PM.

**7:30 PM SCHEDULED DISCUSSIONS AND HEARINGS**

- **Public Hearing on Proposed Regulatory Changes applicable to seasonal structures in existence prior to May 19, 1994**

**Supporting Docs:**

- **Chapter 375: Wetlands Protection Regulations**

The Chair opened the public hearing and the Director read aloud the public notice. A discussion ensued on Commissioner Di Luna's comments he had sent to the Commissioners prior to the public hearing, as well as the draft of the proposed regulatory changes to the Wetlands Protection Regulations. After a few minor edits and additions, the Commissioners agreed to the document, as edited.

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to accept the revisions of Chapter 375: Wetlands Protection Regulations as amended.

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to close the public hearing for the proposed regulatory changes applicable to seasonal structures in existence prior to May 19, 1994.

- **RDA 2019-2: 269 Washington Street, 9-1-27.1, Kelly**  
**Supporting Docs**
  - **Public Hearing Notice: Request for Determination of Applicability:**  
*applicant: Patrick Kelly, for the property located at: 269 Washington Street, Assessor's Map 9, Block 1, Lot 27, to pave an existing gravel driveway within 100-feet of a Bordering Vegetated Wetland.*

- **WPA Form 1 – Request for Determination of Applicability**

The Director read aloud the public hearing notice and collected proof of abutter notifications. The Director provided photos and plans for the Commissioners to view as he described the work being proposed to pave an existing driveway. There ensued a lengthy discussion on whether this should be a Notice of Intent, rather than a Request for Determination of Applicability. The Commission determined that the applicant should consider withdrawing the RDA and file an NOI. Mr. Kelly requested to withdraw the RDA.

**MOTION** made by **Mitsch** to accept the withdrawal of the RDA without prejudice.

**MOTION** amended by **Di Luna**, second by **Smallman**, to add that the RDA application fee be credited towards the NOI application fee.

**Both MOTIONS carried unanimously.**

- **Continued NOI 114-1273: 4 Pond Street, 25-6-7, Angelini**

**Supporting Documents:**

- **Letter and accompanying materials:** *from Michael G. O'Neill, P.E. to Conservation Commission, Re: Notice of Intent, 4 Pond Street, 4/1/19*

The Director advised that the applicant had requested that this hearing be continued to the next meeting on May 16<sup>th</sup>.

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously to continue the hearing to May 16, 2019.

- **Extension 114-1197: 10 Maple Ave., 17-2-19, Repucci:** The Director advised this is the second and last extension available.

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to extend the NOI 114-1197, 10 Maple Ave. until May 11, 2020, under the Act and the Bylaw.

- **COC 114-351: Extension of Joseph Smith Lane, Edwin Thompson:** The Director advised the Certificate of Compliance had already been issued, so the Commission can pass over this agenda item.

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to pass over the request for the Certificate of Compliance, as it has already been issued.

- **COC 114-434: 5 Barker Road, 2-1-8, Far Corners Golf Course:** The Director advised there is a request from the applicant to pass over this request at this time.

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously to pass over the request for the Certificate of Compliance for 114-434, 5 Barker Road.

- **Enforcement Order: 20 Killam Hill Road, 26-1-2, Caron:**  
**Supporting Documents:**
  - **Draft Enforcement Order: 20 Killam Hill Road**
  - **Restoration Plan:** prepared for Weibert Caron, 20 Killam Hill Road, prepared by Scanlan Engineering LLC, stamped by James B. Scanlan, dated 5/2/2019.

Jim Scanlan, of Scanlan Engineering LLC, representing the applicant, provided the Commissioners with plans showing the work that has been completed. There was also a discussion on the Commissioners' findings on the recent site walk. The Director added the Commissioners' comments to the draft Enforcement Order he had prepared and the Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously to execute and issue the Enforcement Order as drafted and amended for 20 Killam Hill Road.

- **Discussion: Forestry Provisions in the Boxford Common Conservation Restriction**  
**Supporting Documents:**
  - **Massachusetts Forestry Best Management Practices Manual**
  - **BOXFORD COMMON BTA/BOLT REVISED DRAFT, 5/01/19 (ng)**

A lengthy discussion ensued on forestry management on the Boxford Common Conservation land. The Commissioners asked if BTA/BOLT could consider not prohibiting anything in perpetuity but require reviews on proposed forestry management practices. Commissioner Natasha Grigg, also a board member of BTA/BOLT, will bring the Commission's position to the Land Trust for consideration. The Conservation Commission will not vote on this until BTA/BOLT has had an opportunity to discuss the Commission's position. Randy Johnson of the Agricultural Commission, and Jessica Grigg of BTA/BOLT also contributed to the discussion. The Chair suggested that members of the Conservation Commission attend the next meeting of BTA/BOLT to discuss and try to resolve the problematic issues. It was also suggested that a separate meeting be scheduled for both groups to meet and provide an opportunity for public input. The Conservation Commission will put this on the agenda for a late June meeting.

- **Discussion: Flooding in Wildcat:** *Whether to repair beaver deceiver, impacts on proposed bridge:* The Director provided photos of the flooding for the Commissioners to view as he described what's been happening in Wildcat. Anita Kreiner of Stiles Pond Road also provided information on the flooding situation up there. The Director advised he has tried to get in touch with someone to repair the beaver deceiver but has not been successful. He has other names he will try to contact next week for repair of the beaver deceiver and/or for trapping of the beavers. He will keep the Conservation Commission informed.

**9:09 PM      PENDING ACTION ITEMS**

- **Director Expenses: \$154.28:** After a brief review of the Director's submitted expenses, the Commission took the following action:  
On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to approve the reimbursement of \$154.28.
- **Minutes Review/Approval:** After a brief review of the minutes of April 18, 2019, the Commission took the following action:  
On a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to approve the minutes of April 18, 2019, as amended.

**9:11 PM      OTHER BUSINESS**

- **Elmlea Site Walk Report:** Natasha Grigg provided the Commission with a brief report on today's site walk with the engineers for the project, a representative from MEPA, and Pat Canonica of the Planning Board, on the Elmlea property on Main Street.

**9:16 PM      ADJOURN**

With no further business, on a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to adjourn at 9:16PM.

Respectfully submitted,



Judith A. Stickney  
Minutes Secretary