

**Minutes of the BOXFORD CONSERVATION COMMISSION
TOWN HALL MEETING ROOM #1
June 20, 2019 7:00 PM**

Present: Peter Delaney, Kerri Lummus, Frank Di Luna, Alan Fowler

Absent: Natasha Grigg, Mark Mitsch, David Smallman

Others Present: Jessica Grigg, Lou Athanas, Randy Johnson, Carol Johnson, Tom Hughes, Laura Grabski, John Morin, Greg Hochmuth, Michael Seekamp, Stanislav Tokarev, Sean and Donna McArdle, and others

7:00 PM Discussion: Joint Meeting with Board of Selectmen regarding Boxford Common Conservation Restriction: Members of BTA/BOLT, Conservation Commission, and Agricultural Commission were in attendance to jointly discuss the following with the Board of Selectmen:

- **June 2019 Draft of CR:** Frank Di Luna, member of both the Agricultural Commission and Conservation Commission, advised the Board of Selectmen that the primary issue the Ag Commission has with the revised draft of the Conservation Restriction is the exclusion of forestry management activities. Di Luna advised that the exclusion of forestry management activities will result in a dilapidated forest. A brief discussion ensued on commercial logging and whether that should be allowed or prohibited. Laura Grabski of the Agricultural Commission and President of the Massachusetts Association of Agricultural Commissions, also spoke in favor of allowing forestry management on Boxford Common, noting that other communities have forest management plans in place which have generated revenue for the town. She encouraged making room in the restriction to allow commercial forest management activities. Peter Delaney, chair of the Conservation Commission, advised this has been an issue before the Conservation Commission several times. Delaney encouraged the Board to consider the compromise that was developed with the Conservation Commission and BTA/BOLT. Jessica Grigg, president of BTA/BOLT, advised that while their Board is not totally in agreement with removing trees from the property, they voted unanimously to agree to the compromise. A lengthy discussion ensued with Lou Athanas, the Town Administrator, and Randy Johnson contributing to the discussion. After a lengthy discussion, the Board took the following action on the revised Conservation Restriction for Boxford Common:

On a **MOTION** made by **Vaz**, second by **Nay**, the Board of Selectmen **VOTED** unanimously to approve the Conservation Restriction between the grantor, the Town of Boxford, and grantee, BTA/BOLT, for Boxford Common, as presented without amendment.

Following the vote by the Board of Selectmen, the Conservation Commission recessed briefly to head upstairs to another meeting room in Town Hall to open their regularly scheduled meeting.

Meeting Called to Order

With a quorum present, Chair Peter Delaney called the regularly scheduled meeting of the Conservation Commission to order at 8:03 PM.

8:03 PM Commissioner Frank Di Luna left the meeting briefly to appear at the Board of Selectmen's meeting in Town Hall scheduled at the same time.

8:03 PM PUBLIC HEARINGS AND DISCUSSIONS

- **Public Hearing: MS4 Stormwater Management Program (SWMP) Plan Supporting Docs:**
 - **Stormwater Management Program – Town of Boxford**

The Conservation Director, Ross Povenmire, provided information on the Stormwater Management Program Plan for the Town of Boxford. Povenmire noted there is a new program effective in 2018 which requires every municipality in Massachusetts to comply with the new program, and he provided details on the program to those in attendance. Povenmire also noted that this public hearing is a requirement of the program. There were no comments from the Commissioners or from the public in attendance.

On a **MOTION** made by **Fowler**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to close the public hearing for MS4 Stormwater Management Program Plan.

- **Discussion: 19 King George Drive, Cronin:** Michael Seekamp, Seekamp Environmental, representing the applicant, met with the Conservation Commission to address the requirements of the Enforcement Order. Seekamp advised that all the plantings the Director required have been installed. The Chair advised that a mitigation plan was a requirement of the Enforcement Order, which has not yet been received. The Director provided the applicant with a detailed Enforcement Order, amended to include the mitigation plan.
- **Discussion: Violation 85 Pinehurst Drive, Gomes:** Greg Hochmuth, Williams & Sparages, representing the homeowner, met with the Conservation Commission to address the violation at 85 Pinehurst Drive. Hochmuth advised they will be filing a Notice of Intent to address the restoration of areas within the Commission's jurisdiction as well as other projects the homeowner would like to do on the property. Hochmuth noted that areas have been seeded and grass is growing. They discovered an ATV trail which encroaches on the wetland and notified the owner that that activity is not allowed in the wetland. Hochmuth added that they will have a definitive restoration plan ready for the Commission at the next meeting. The Director will provide an

Enforcement Order for the homeowner as soon as possible. Hochmuth noted that the homeowner is anxious to get started with restoration. The Chair advised they will put this on the agenda for the July 11 meeting.

8:29 PM Commissioner Di Luna returned to the meeting.

- **Discussion: Shed Relocation at 28 Topsfield Road, Tokarev:** Stanislav Tokarev met with the Conservation Commission to advise the Commissioners that all the work the Director requested be done is now being done. The Chair advised that at the last meeting, an engineered restoration plan was requested to be submitted by June 20th. Mr. Tokarev asked the Chair for a recommendation on which engineer to choose. The Chair advised that he was provided with a list of engineers from which to choose and that the Commission cannot advise homeowners on which engineer to choose. The Chair added that they can extend the deadline for the restoration plan to July 11th. Mr. Tokarev will engage the services of a professional and have a plan by the new deadline.
- **NOI 114-1281: 201 Georgetown, 20-10-8, Famolare**
Supporting Docs:
 - **Notice of Public Hearing:** *Notice of Intent by applicant Joseph & Cynthia Famolare for the property located at: 201 Georgetown Road, Map 20, Block 10 Lot 8. Proposed work within the 100-foot wetland buffer zone includes construction of portions of additions, deck, patio, portions of a driveway, re-grading, installation of a septic vent and installation of an access riser on the existing septic tank.*
 - **Notice of Intent Application Package:** *Submitted by The Morin-Cameron Group, prepared for Joseph & Cynthia Famolare, dated June 6, 2019:*
 - *WPA Form 3 – Notice of Intent*
 - *NOI Wetland Fee Transmittal Form*
 - *Affidavit of Service*
 - *Notification to Abutters*
 - *Abutter List*
 - *USGS Locus Map: 201 Georgetown Road*
 - *Letter and related materials from DeRosa Environmental to The Morin-Cameron Group: Re: Wetland Delineation Letter, 201 Georgetown Road, 6/5/19*
 - **Site Plan of Land: 201 Georgetown Road:** *Prepared by The Morin-Cameron Group, prepared for Joseph & Cynthia Famolare, drafted by WAS, stamped by John M. Morin, dated June 6, 2019*

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. John Morin, The Morin-Cameron Group, representing the applicant, met with the Conservation Commission to provide details on the proposed project to construct portions of additions, deck, patio, portions of a driveway, re-grading,

installation of a septic vent and installation of an access riser on the existing septic tank within the 100-foot wetland buffer zone. Morin advised the wetland is about 4800 square feet and has been inspected by DeRosa Environmental who determined there is no vernal pool there. Morin provided photos, plans and drawings for the Commissioners to view as he made his brief presentation on the proposed work. Morin noted that they have filed with the Zoning Board of Appeals for a Special Permit and they will also be filing for a driveway bylaw permit. After a brief discussion, the Chair advised they would like to schedule a site walk on the property and scheduled the site walk for Monday, June 24th at 6PM. The applicant requested to continue the hearing to July 11th.

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1281: 201 Georgetown, 20-10-8, Famolare, to July 11th, under the Act and the Bylaw.

- **NOI 114-1280: 19 Appleton Lane, 19-2-33, Hall**

Supporting Docs:

- **Notice of Public Hearing:** *Notice of Intent by applicant William T. Hall for the property located at: 19 Appleton Lane, Map 19, Block 2 Lot 33. Owner is proposing to construct a paver patio, retaining wall, and associated site improvements within 100 feet of a bordering vegetated wetland.*
- **Notice of Intent Application Package:** *Prepared by Williams & Sparages, prepared for William T. Hall, W&S Project No. BOXF-0064, dated May 22, 2019:*
 - *WPA Form 3 – Notice of Intent*
 - *NOI Wetland Fee Transmittal Form*
 - *USGS Locus Map: 19 Appleton Lane, Boxford, Mass.*
 - *Project Narrative*
 - *MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form*
 - *Affidavit of Service*
 - *Abutter List*
- **Plot Plan of Land:** *19 Appleton Lane, prepared by Sullivan Engineering Group, prepared for William T. Hall, stamped by John D. Sullivan III, dated 5/20/19.*

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. Greg Hochmuth, Williams & Sparages, representing the applicant, met with the Conservation Commission to provide details on the proposed project to construct a paver patio, retaining wall, and associated site improvements within 100 feet of a bordering vegetated wetland. Hochmuth provided plans, drawings, and photos for the Commissioners to view as he made his brief presentation. After a brief discussion, the Conservation Commission scheduled a site walk for June 24th at 6:30PM. Hochmuth requested to continue the hearing to the July 11th meeting.

On a **MOTION** made by **Lummus**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1280: 19 Appleton Lane, 19-2-33, Hall, to July 11th.

- **DNI: Upcoming Paving Projects in Town: Town of Boxford, John Dold, DPW Superintendent:** John Dold, DPW Superintendent, met with the Conservation Commission to request a Determination of Negligible Impact to repave three roads in Town. Dold provided the Commissioners with details, drawings, and plans on the proposed pavement projects. After a brief discussion, where the Chair requested that the Director review all projects before the work is started, with erosion controls in place, the Commission took the following action:

On a **MOTION** made by **Di Luna**, second by **Fowler**, the Conservation Commission **VOTED** unanimously to authorize the issuance of a Determination of Negligible Impact, with conditions, for the paving work as articulated.

After the vote, the Director advised Dold that he and some of the Commissioners would be removing invasive species at Boxford Common over the weekend and requested that the DPW remove the hay bales from the Boxford Common. Dold thanked the Commission for all their support over the years.

- **Continued NOI 114-1277: 34 Brookview Road, 31-1-21, McComas Supporting Docs:**
 - **Notice of Public Hearing:** *Notice of Intent by Applicant Parker McComas for the property located at 34 Brookview Road, Assessor's Map 31, Block 1, Lot 21. Owner is proposing to construct a detached barn within 100 feet of a Bordering Vegetated Wetland.*
 - **Notice of Intent Application Package:** *Prepared by Williams & Sparages, prepared for Parker McComas, W&S Project No: BOXF-0061, dated 5/6/19:*
 - *WPA Form 3 – Notice of Intent*
 - *NOI Wetland Fee Transmittal Form*
 - *Project Narrative*
 - *4 Photos*
 - *USGS Locus Map: 34 Brookview Road*
 - *MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form*
 - *Affidavit of Service*
 - *Abutter List*
 - **Plan to Accompany Notice of Intent:** *Prepared by Williams & Sparages, prepared for Oliver Parker McComas and Ursula A. McComas, drawn by SML, stamped by Richard L. Williams, dated 5/2/19*
 - **Letter from Williams & Sparages to Conservation Commission:** *Re: DEP File #114-1127, 34 Brookview Road, Notice of Intent, 6/11/19*

- **Revised Plan to Accompany Notice of Intent:** *Prepared by Williams & Sparages, prepared for Oliver Parker McComas and Ursula A. McComas, drawn by SML, stamped by Richard L. Williams, dated 6/11/19*

Greg Hochmuth, Williams & Sparages, representing the applicant, met with the Conservation Commission to review the recent site visit and the resulting changes in the plans, based on the comments of the Conservation Commission at the site visit. The revised plans were provided to the Commission prior to the meeting. Hochmuth provided the Commission with photos and drawings for review as he made his presentation. After a brief discussion, Hochmuth requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to close the public hearing for DEP file 114-1277: 34 Brookview Road, under the Act and the Bylaw.

On a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for DEP file 114-1277: 34 Brookview Road, as drafted, under the Act and the Bylaw.

- **Continued NOI 114-1278: 34 Winding Oaks Way, 31-2-16.4, Colella Supporting Docs**
 - **Notice of Public Hearing:** *Notice of Intent by Applicant Fiore Colella for the property located at: 34 Winding Oaks Way, Assessor's Map 31, Block 2, Lot 16.4. Owner is proposing to construct a pool, pool patio, install a fence and conduct minor grading within the 100-foot Buffer Zone to a Bordering Vegetated Wetland and within Riverfront Area.*
 - **Notice of Intent Package:** *Prepared by The Morin-Cameron Group, prepared for applicant Florindo and Melinda Colella, dated 5/15/19*
 - *WPA Form 3 – Notice of Intent*
 - *WPA Form 4 – Order of Resource Area Delineation*
 - *NOI Wetland Fee Transmittal Form*
 - *Affidavit of Service*
 - *Abutter List: 34 Winding Oaks Way*
 - *USGS Map: 34 Winding Oaks Way*
 - **Site Plan of Land: 34 Winding Oaks Way:** *Prepared by The Morin-Cameron Group, prepared for applicant Florindo and Melinda Colella, drafted by WAS, stamped by John M. Morin, dated 5/9/19, revised 6/12/19*

John Morin, The Morin-Cameron Group, representing the applicant, met with the Conservation Commission to review the results of the recent site walk and the resulting revised plan. Morin provided the Commission with the revised plan before the meeting. Morin also provided photos and drawings 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 **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to close the hearing for DEP file 114-1278: 34 Winding Oaks Way, under the Act and the Bylaw.

On a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for DEP file 114-1278: 34 Winding Oaks Way, as drafted, under the Act and the Bylaw.

- **Continued 114-1275: 317 Middleton Road, 42-1-13 & 14 Collamore**
Supporting Docs:

- **Notice of Public Hearing:** *Notice of Intent by Applicant Andrew T. and Kristal R. Collamore for the property located at: 317 Middleton Road, Map 42, Block 1 Lot 13 & 14. Owner is proposing to construct an addition to an existing dwelling to include an In-law apartment and garage space, also to construct a barn and make other associated improvements to the property within 100 feet of a bordering vegetated wetland.*
- **Notice of Intent Package:** *Prepared by Hancock Associates, prepared for Andrew T. and Kristal R. Collamore, HA Job Number: 16199, dated May 2019*
 - **NOI Checklist**
 - **Project Description**
 - **WPA Form 3a - Notice of Intent**
 - **Filing Fee Information**
 - **Fee Transmittal Form**
 - **Copy of Checks**
 - **Abutter Information**
 - **Certified List of Abutters**
 - **Abutter Notification**
 - **Locus Map**
 - **FEMA Map**
- **Plan Submitted:** *Permit Site Plan: prepared by Hancock Associates, prepared for Andrew Collamore, drawn by TJR, stamped by Deborah L. Colbert Environmental, dated 4/23/19, revised: 4/29/19, 6/6/19, 6/7/19*

The Director advised the Commissioners that he had received a request to continue the hearing for this Notice of Intent to the July 11th meeting.

At the request of the applicant and on a **MOTION** made by **Lummus**, second by **Fowler**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1275: 317 Middleton Road to July 11th.

- **COC 114-1263: 317 Middleton Road, 42-1-13 & 14, Collamore Supporting Docs**
- **Continued NOI 114-1273: 4 Pond Street, 25-6-7, Angelini Supporting Docs**
 - **Notice of Public Hearing:** *Notice of Intent by applicant Nancy Angelini for the property located at: 4 Pond Street, Assessor's Map 25, Block 6, Lot 7. Owner is proposing to pave an existing gravel driveway and make associated improvements within 100' of Lowe Pond and associated Bordering Vegetated Wetlands.*
 - **Notice of Intent Package:** *Prepared by Michael G. O'Neill P.E. Consulting Engineering Services, prepared for Nancy Angelini, dated April 1, 2019*
 - **WPA Form 3 – Notice of Intent**
 - **USG Locus Map**
 - **Fee Transmittal Form**
 - **Affidavit of Service**
 - **Legal Notice to Abutters/List of Abutters**
 - **Site Plan:** *4 Pond Street, prepared by Michael O'Neill P.E., dated 2/6/19*

There was no one in attendance for this application and the Chair requested a motion to continue to July 11th.

With the absence of the applicant and on a **MOTION** made by **Lummus**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1273: 4 Pond Street, 25-6-7, Angelini, to July 11th.

- **OOC 114-1279: 372 Ipswich Road, 18-2-4, Camp Rotary Supporting Docs:**
 - **Notice of Public Hearing:** *Notice of Intent by Applicant Richard Boldi for the property located at: Camp Rotary on Ipswich Road, Assessor's Map 18, Block 2, Lot 4, to partially demolish the existing dining hall structure and renovate, reconstruct and expand the dining hall structure within 100-feet of Stiles Pond and Bordering Vegetated Wetland, and make associated improvements.*
 - **Notice of Intent Package:** *Prepared by Hughes Environmental Consulting, prepared for applicant Camp Rotary, Inc., dated May 16, 2019*
 - *Project Narrative*
 - *WPA Form 3 Notice of Intent*
 - *USGS Map*
 - *2013 Orthophoto*
 - *View from the North*
 - *View from the West*
 - *Site Photos*
 - *Abutters List and copy of Abutter Notice*

- *DEP Fee Transmittal form*
- *Site Plan Set, 4 sheets, prepared by Hancock Associates, dated May 16, 2019*

Tom Hughes, Hughes Environmental, representing the applicant, met with the Conservation Commission to review the updated plans. Hughes had provided the Commission with updated plans and drawings before the meeting. Hughes explained the project to the Commissioners, referencing the photos, plans, and drawings provided. After a brief discussion, the applicant requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to close the hearing for DEP file 114-1279: 372 Ipswich Road, 18-2-4, Camp Rotary, under the Act and the Bylaw.

On a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for DEP file 114-1279: 372 Ipswich Road, 18-2-4, Camp Rotary, as drafted, under the Act and the Bylaw.

Di Luna amended his **MOTION** to include that the Order of Conditions be amended to show “camp” Rotary as “Camp” Rotary, with a capital C.

- **COC 114-1264: 372 Ipswich Road, 18-2-4, Camp Rotary:** Tom Hughes, Hughes Environmental, representing the applicant, reminded the Commission that they had requested to continue the COC request to July 11th.
- **COC 114-1251: 17 Towne Road, 32-3-1, Clark:** The Director advised the Commissioners that he had visited the site and the grass is well-established. He provided a photo for the Commissioners to view, as he recommended the issuance of the Certificate of Compliance.

On a **MOTION** made by **Di Luna**, second by **Fowler**, the Conservation Commission **VOTED** unanimously to execute and issue the Certificate of Compliance for 17 Towne Road, DEP file #114-1251, under the Act and the Bylaw.

- **Discussion: Clearing of New Agricultural Field at Smolak Farms, Main Street:**

**** Commissioner Frank Di Luna recused himself from this discussion. ****

The Director advised the Commissioners that he added this to the agenda at the request of a concerned resident. Mrs. McArdle expressed concern that she had not been notified as an abutter of the clear-cutting of the property at Smolak Farms. The Chair advised her that there had been many meetings, as well as opinions from Town Counsel, on the proposed activity and that the proposed activity did not require abutter notification. Laura

Grabski was in attendance, representing Mike Smolak, the property owner, who advised that he has ordered chestnut trees to cover about five acres. Grabski also advised the residents that Smolak would be happy to discuss his plans for the property with him and he invited them to contact him for more information.

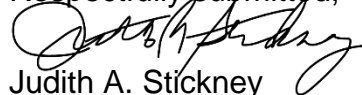
8:41 PM ROUTINE BUSINESS

- **Bills Payable:** The Chair advised he had two bills that need to be approved for payment:
 - **Beaver Deceiver Repair in Wildcat:**
On a **MOTION** made by **Fowler**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously to approve the payment of \$1,400.00 for repair of the breached beaver deceiver in Wildcat.
 - **Reimbursement to Kerri Lummus for Continuing Education:**
On a **MOTION** made by **Di Luna**, second by **Fowler**, the Conservation Commission **VOTED** unanimously to approve the reimbursement to Commissioner Kerri Lummus for continuing education.
- **Minutes Approval:**
 - **May 2, 2019:** After a brief discussion, the Commission took the following action:
On a **MOTION** made by **Lummus**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously to approve the minutes of May 2, 2019, as prepared.

9:45 PM ADJOURN

With no further business, on a **MOTION** made by **Lummus**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously to adjourn at 9:45 PM.

Respectfully submitted,



Judith A. Stickney
Minutes Secretary