

**Minutes of the BOXFORD CONSERVATION COMMISSION
TOWN HALL MEETING ROOM #1
July 11, 2019 7:30 PM**

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

Absent: Alan Fowler

Others Present: Margaret Chow-Menzer, Bob Hazelwood, Rich O'Brien, Thomas Duval, Greg Hochmuth, Chris Olbrot, Michael Smolak, Kate Connolly, John Morin, Chris Huntress, Ann McMenemy, Dick Boldi, Michael Seekamp, Michael Cronin, Andy Collamore, Krystal Collamore, and others

7:30 PM Joint Meeting with Permanent Building Committee Re: Boxford Common: Wetland replication area, invasive species, concrete pad and other diversions from approved plans, additional process:

Supporting Docs:

- **E-Mail from Williams & Sparages to Conservation Director and Town Administrator, Re: Boxford Common, 7/11/19**
- **Letter from Williams & Sparages to Conservation Commission, Re: Japanese Hop, *Humulus japonicas*, Boxford Common – DEP File #114-1166, 7/11/19**

7:31PM With a quorum present, Conservation Chair Peter Delaney called the Conservation Commission meeting of July 11, 2019 to order, and Permanent Building Committee Chair Margaret Chow-Menzer called to order the Permanent Building Committee.

Conservation Director Ross Povenmire provided a brief report on the “weeding” that’s been taking place at Boxford Common to remove the Japanese Hop invasive species. Greg Hochmuth of Williams & Sparages, who assisted with the weeding, provided additional details on the species, noting that it must be pulled out before it goes to seed. He believes it is the only area in town that is affected by the invasive species and he is hopeful that if the weeding continues, it will eventually be eradicated. He also suggested planting fast-growing trees. Margaret Chow-Menzer, Chair of the Permanent Building Committee, contributed to the discussion. At the conclusion of the discussion, the Director advised they have scheduled ongoing weeding at Boxford Common and asked if anyone is interested in volunteering to help, they should show up at 8AM Monday and Tuesday. Weeding takes place between 8AM and 10AM.

Further discussion ensued on when the contractors would be released from responsibility for the monitoring of the replication area. Chris Huntress, Huntress Associates, one of the contractors, advised his contract expired in 2017, although they have continued to be involved in the management of the site continuously. He added that Mike DeRosa prepared a long-term management plan for the property in 2013. The Chair asked the

Director to research the long-term contract with the Town Administrator to see how it is written. The Director advised that the Town Administrator is on vacation until August 1st and he will meet with him at that time to discuss contracting for monitoring and invasive species eradication, and report back to the Commission at the next meeting.

PBC Chair Margaret Chow-Menzer asked the Conservation Commission about the concrete pad they had installed which was not in the original plan or Order of Conditions. The Director advised it is outside the wetland buffer area. Chris Huntress, Huntress Associates, advised they submitted an As-Built Plan showing the concrete slab. Huntress provided a photo for the Commissioners to view as he provided further details on the installation of the concrete slab, which was requested by the former DPW Superintendent for the equipment storage shed.

The Permanent Building Committee briefly recessed to move to another room in Town Hall to conduct further business.

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

- **E-Mail Thread to/from Michael Smolak to/from Heidi Ramsey USDA, et al, Re: Forestry Plan for Small Oxx Farm; 494 Ipswich Road, 7/2/19**

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

Kate Connolly, attorney for Small Oxx Farm, and Michael Smolak, met with the Conservation Commission to answer the Commission's questions on the site walk earlier today. The Director provided a brief report on the site walk, providing photos for the Commissioners to view as he described the work which was completed on the property. Attorney Connolly provided her interpretation of the Conservation Restriction, noting that all the activities he's conducted are allowed under the Conservation Restriction, without the Commission's approval. Commissioner Natasha Grigg respectfully disagreed and asked if there were any future plans for "thinning" the trees. Smolak advised he has no future plans to do any further clearcutting of the trees. Commissioner David Smallman also respectfully disagreed with Attorney Connolly's interpretation of the Conservation Restriction. Smolak asked the Commission how this could be avoided in the future for anyone with a similar Conservation Restriction on their property. A brief discussion ensued and Smolak advised he will continue to meet with the Conservation Commission before doing any work on his property.

**Discussion: Violation: 19 King George Drive, Cronin
Supporting Docs:**

- **Buffer Zone Restoration Plan for property located at 19 King George Drive, Boxford, Mass.:** Prepared for Michael Cronin, prepared by Seekamp Environmental Consulting, Inc., dated July 9, 2019.

**** Commissioner Mark Mitsch recused himself from this discussion. ****

Michael Seekamp, Seekamp Environmental, representing the applicant, met with the Conservation Commission to address the requirements of the amended Enforcement Order. Seekamp advised that Mr. Cronin has contracted with a surveyor to have the property surveyed, but they have not been able to do it yet. Mr. Cronin advised the surveyor is scheduled to survey the property on July 26th. Seekamp provided the Commissioners with a revised Buffer Zone Restoration Plan to view as he described the plantings and No-Disturb Zone markers which will be installed. The Director advised cedar posts are preferable for the No-Disturb Zone markers. The discussion will be continued to the August 15th meeting.

Discussion: Violation: Shed Relocation, 28 Topsfield Road, Tokarev

Greg Hochmuth, Williams & Sparages, representing the homeowner, met with the Conservation Commission to advise that he expects to file a Notice of Intent in time for the August 1st meeting.

Discussion: Violation: 85 Pinehurst Drive, Gomes

Greg Hochmuth, Williams & Sparages, representing the homeowner, met with the Conservation Commission to advise that he expects to file a Notice of Intent in time for the August 1st meeting.

Continued 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.*

Greg Hochmuth, Williams & Sparages, representing the applicant, met with the Conservation Commission to discuss the recent site walk. There was a brief discussion on the proposed split rail fence planned for the edge of the buffer zone. Commissioner Di Luna suggested that the Order of Conditions and Certificate of Compliance can address the Chair's concerns about any future projects with regards to the limit of work area. With

no further discussion, Hochmuth requested to close the hearing, and the Commission took the following action:

On a **MOTION** made by **Di Luna**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1280: 19 Appleton Lane, under the Act and the Bylaw.

Continued 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*

John Morin, The Morin-Cameron Group, representing the applicant, met with the Conservation Commission to address the recent site walk, noting that the plan was revised to show the changes made since the site walk. After a brief discussion, Morin requested to continue the hearing to the July 18th meeting.

On a **MOTION** made by **Di Luna**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1281: 201 Georgetown Road, to July 18th, under the Act and the Bylaw.

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

Michael O'Neill, representing the applicant, met with the Conservation Commission to address the Commission's concerns from the last meeting. O'Neill provided the Commission with a revised site plan to view as he described the changes made. After a brief discussion, the applicant requested to close the hearing.

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1273: 4 Pond Street, under the Act and the Bylaw.

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for NOI 114-1273: 4 Pond Street, under the Act and the Bylaw, as drafted.

Continued NOI 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*

Ann McMenemy, Hancock Associates, representing the applicant, met with the Conservation Commission to address the Commission's comments and suggestions at the last meeting. McMenemy provided the Commission with a revised plan to view as she made her brief presentation and requested that the Commission accept the plan outside the 7-day submission deadline.

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to accept the permit site plan dated 6/7/19, outside the 7-day submission requirement.

McMenemy described the changes to the plans made since the last meeting, noting that they would be requesting a continuance tonight, and requested the Commission's input

on the issue with the wetland delineation. A lengthy discussion ensued how long the delineation is valid. Commissioner Di Luna suggested that McMenemy try to get an opinion from DEP, MACC, or other outside source on whether an old delineation can be used on a new NOI filing.

McMenemy added that there was also question on the how close they can get to the 25-foot buffer. The Director noted that they were allowed to go to 28.6 feet from the wetland boundary on the old Order of Conditions. The applicant was again asked to get advice from DEP or MACC. After discussion, McMenemy requested to continue the hearing to July 18th.

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1275: 317 Middleton Road, to July 18th, under the Act and the Bylaw.

Continued COC 114-1263: 317 Middleton Road, 42-1-13 & 14, Collamore: McMenemy requested to continue this request to the July 18th meeting.

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to continue the COC request for file #114-1263: 317 Middleton Road, to July 18th, under the Act and the Bylaw.

Continued COC 114-1264: 372 Ipswich Road, 18-2-4, Camp Rotary: The Director advised this was a request for a COC for an outdated design for a project that was never started. The Director recommended issuance of the Certificate of Compliance.

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for DEP file #114-1264, 372 Ipswich Road, under the Act and the Bylaw.

9:40 PM PENDING ACTION ITEMS

- **Tree Permits: 1 Camelot Circle; 13 King George Drive:**
 - **13 King George Drive:** The Director provided the Commission with an administrative tree permit issued for 13 King George Drive, consisting of two oak trees – one 14” and one 5”. Both are 75 feet away from the wetlands and he recommends ratification of the tree permit.

On a **MOTION** made by **Lummus**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to ratify the tree permit for 13 King George Drive, for the removal of two oak trees, one 14” and one 15”, under the Bylaw.

- **1 Camelot Drive:** The Director provided the Commission with an administrative tree removal permit for the removal of three trees, all oaks, leaning toward the house, and recommended the ratification of the permit.

On a **MOTION** made by **Lummus**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to ratify the administrative tree removal permit for 1 Camelot Drive, for the removal of three oak trees leaning toward the house, under the Bylaw.

- **265 Washington Street:** The Director provided the Commission with an administrative tree removal permit for the removal of four ash trees and recommended that the Commission ratify the permit.

On a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to ratify the tree permit for 265 Washington Street, for the removal of four Ash trees, under the Bylaw.

9:45 PM ROUTINE BUSINESS

- **Bills Payable:** The Chair advised he had one bill to be approved for payment:
 - **Annual Membership Dues to MACC: \$762:**

On a **MOTION** made by **Grigg**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously to approve the payment of \$762 for the MACC annual membership dues.


- **Minutes Approval:**
 - **June 20, 2019:** After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously to approve the minutes of June 20, 2019, as submitted.

9:47 PM ADJOURN

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

Respectfully submitted,


Judith A. Stickney
Minutes Secretary