

**Minutes of the BOXFORD CONSERVATION COMMISSION  
TOWN HALL MEETING ROOM #1  
September 5, 2019 7:30 PM**

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

*Absent: Alan Fowler, Mark Mitsch*

*Others Present: Planning/Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Bree Sullivan, Greg Hochmuth, Stanislav Tokarev, John Morin, Bill Manuell, Keith & Kellie DeAmbrose, Andrew and Kristal Collamore, Michael Seekamp, Michael Cronin, and others*

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

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

**Violation: 19 King George Drive, Cronin**

**Supporting Docs:**

- **Plans Submitted:** *Plan of Land in Boxford, Mass. Showing 19 King George Drive, Boxford, MA; Prepared by Northpoint Survey Services, Inc., prepared for Michael & Karen Cronin, stamped by Gregory L. Bowden, dated 7/16/19*
- **Buffer Zone Restoration Plan:** *Prepared by Seekamp Environmental Consulting, Inc., and for Michael Cronin, dated July 9, 2019, revised July 19, 2019*

Michael Seekamp, Seekamp Environmental, and Michael Cronin, the homeowner, met with the Conservation Commission to provide the Commission with additional information and revisions they've made since the last meeting. They will have the medallions in place, the plantings in place, and debris removed by the next meeting on September 19<sup>th</sup>. They will continue the discussion at that meeting.

**NOI 114- : 28 Topsfield Road, 33-1-18, Tokarev**

**Supporting Docs:**

- **Notice of Public Hearing:** *Notice of Intent by applicant Stanislav Tokarev for the property located at 28 Topsfield Road, Map 33, Block 1, Parcel 18, to relocate an existing shed and construct a new shed within the 100' Buffer Zone to a Bordering Vegetated Wetland and Intermittent Stream and to restore altered wetland area.*
- **Notice of Intent Package:** *Prepared for Stanislav Tokarev, prepared by Williams & Sparages LLC, W&S Project #BOXF-0066, dated 8/21/19*
  - *WPA Form 3 – Notice of Intent*
  - *NOI Wetland Fee Transmittal Form*
  - *Locus Map 28 Topsfield Road, Boxford, Massachusetts*
  - *Project Narrative*

- *MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form*
- *New England Wetland Plants, Inc.: New England Wetmix (Wetland Seed Mix)*
- *Affidavit of Service*
- *Town of Boxford Abutter List*
- **Plans Submitted:** *Plan to Accompany A Notice of Intent, 28 Topsfield Rd., Boxford, Mass., prepared by Williams & Sparages, LLC, stamped by John J. O'Rourke III, dated 8/21/19*

The Director read aloud the Public Notice and collected proof of abutter notifications. Greg Hochmuth, Williams & Sparages, representing the applicant, met with the Conservation Commission with a Notice of Intent to relocate an existing shed. Hochmuth provided the Commissioners with plans and photos to view as he made his brief presentation on the shed relocation and wetland restoration proposal. They are also proposing an additional shed at another location on the property. After a brief discussion, the Commissioners decided to schedule a site visit on Monday, September 9<sup>th</sup> at 6PM. Hochmuth requested to continue the hearing to September 19<sup>th</sup>.

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114- : 28 Topsfield Road, 33-1-18, Tokarev, to September 19<sup>th</sup>, under the Act and the Bylaw.

#### **NOI 114- : 85 Pinehurst Drive, 33-3-13, Gomes**

##### **Supporting Docs:**

- **Notice of Public Hearing:** *Notice of Intent by applicant Fabio Gomes, for the property located at 85 Pinehurst Drive, Map 33, Block 3, Lot 13, to permit after-the-fact installation of a shed, also to permit construction of a swimming pool, also restoration of altered wetland and altered wetland buffer areas.*
- **Notice of Intent Package:** *Prepared for Fabio Gomes, prepared by Williams & Sparages LLC, W&S Project #BOXF-0065, dated 8/19/19*
  - *WPA Form 3 – Notice of Intent*
  - *NOI Wetland Fee Transmittal Form*
  - *Locus Map 85 Pinehurst Dr., Boxford, Massachusetts*
  - *Project Narrative*
  - *MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form*
  - *New England Wetland Plants, Inc.: New England Wetmix (Wetland Seed Mix)*
  - *New England Wetland Plants, Inc.: New England Logging Road Mix*
  - *Affidavit of Service*
  - *Town of Boxford Abutter List*
- **Plans Submitted:** *Plan to Accompany A Notice of Intent, 85 Pinehurst Dr., Boxford, Mass., prepared by Williams & Sparages, LLC, stamped by John J. O'Rourke III, dated 8/21/19*

The Director read aloud the Public Notice and collected proof of abutter notifications. Greg Hochmuth, Williams & Sparages, representing the applicant, met with the Conservation Commission with a Notice of Intent to permit after-the-fact installation of a shed, construction of a swimming pool, and restoration of altered wetland and altered wetland buffer areas. Hochmuth provided photos and drawings for the Commissioners to view as he made his brief presentation. Hochmuth added that there are still revisions to be made since his discussion with the Director. He requested to continue the hearing to September 19<sup>th</sup>.

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114- : 85 Pinehurst Drive, 33-3-13, Gomes, to September 19<sup>th</sup>, under the Act and the Bylaw.

**Violation: 31 Chapman Road, 25-3-22, Souza**

Greg Hochmuth, Williams & Sparages, representing the homeowner, met with the Conservation Commission to address the violation of tree cutting in the buffer zone. Hochmuth added that the wetland will be flagged tomorrow, and they will have an RDA filing ready for the next meeting.

**NOI 114- : 68 Middleton Road, 32-2-4, Seus**

**Supporting Docs:**

- **Notice of Public Hearing:** *Notice of Intent by applicant Kenneth Seus, for the property located at: 68 Middleton Road, Map 32, Block 2, Lot 4, to install a repaired septic system within 100 feet of a bordering vegetated wetland and Riverfront Area.*
- **Notice of Intent Package:** *Prepared for 68 Middleton Road, Boxford, Mass., prepared by Wetlands & Land Management, Inc., dated 8/17/19:*
  - *Letter to Conservation Commission, from Wetlands & Land Management, Inc., Re: Notice of Intent for a Septic System Repair at 68 Middleton Road, 8/17/19*
  - *Locus Map*
  - *National Flood Hazard Layer FIRMette*
  - *WPA Form 3 – Notice of Intent*
  - *NOI Wetland Fee Transmittal Form*
  - *Boxford ConsCom Fees adopted 3/17/2011*
  - *Filing Fee Calculation*
  - *Notification to Abutters Under the Massachusetts Wetlands Protection Act*
  - *Abutters List*
  - *Project Description*
- **Plans Submitted:**
  - **Subsurface Sewage Disposal System Upgrade:** *Plan & Flow Profile: 68 Middleton Road, Boxford, Mass., prepared for Kenneth Seus, prepared by Scanlan Engineering, drawn by JBS, dated 7/2/2019, revised 8/19/19*

- **Subsurface Sewage Disposal System Upgrade:** *Details & Notes: 68 Middleton Road, Boxford, Mass., prepared for Kenneth Seus, prepared by Scanlan Engineering, drawn by JBS, dated 7/2/2019, revised 8/19/19*

**\*\* Commissioner Peter Delaney removed himself from this hearing, as an abutter \*\***

The Director read aloud the Public Notice and collected proof of abutter notifications. Bill Manuell, Wetlands & Land Management, representing the applicant, met with the Conservation Commission with a Notice of Intent to install a repaired septic system within 100 feet of a bordering vegetated wetland and Riverfront Area. Manuell noted that he will be submitting a revised plan after tonight's meeting and that the plan has been approved by the Board of Health. After a brief discussion, the applicant requested to continue the hearing to September 19<sup>th</sup>.

At the request of the applicant and on a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114- : 68 Middleton Road, 32-2-4, Seus, to September 19<sup>th</sup>, under the Act and the Bylaw.

**\*\* After the vote, Commissioner Delaney returned to the meeting. \*\***

**NOI 114- : 4 Wildmeadow Road, 40-1-71, DeAmbrose**  
**Supporting Docs:**

- **Notice of Public Hearing:** *Notice of Intent by Applicant Keith & Kellie DeAmbrose, for the property located at: 4 Wildmeadow Road, Map 40, Block 1, Lot 71. Owner is proposing to install a water supply well within 100-feet of a Bordering Vegetated Wetland and Pond.*
- **WPA Form 3 – Notice of Intent**
- **Exhibit Plan of Land:** *4 Wildmeadow Road, Boxford, Mass., prepared for Keith DeAmbrose, prepared by Hancock Survey Associates, checked by JMS, dated 7/31/19*

The Director read aloud the Public Notice and collected proof of abutter notifications. Keith DeAmbrose met with the Conservation Commission with a Notice of Intent to install a water supply well within 100-feet of a Bordering Vegetated Wetland and Pond. Kellie DeAmbrose provided the Commissioners with an updated plan to view as Mr. DeAmbrose made his presentation.

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to accept the revised plan outside the 7-day submission deadline.

The Director advised the Commissioners that there has been additional work on the property that is not shown on the plan, including a wooden trellis, paving, a gravel

walkway – all have since been removed. A brief discussion ensued while the Commissioners viewed the photos of the removed structures. Mr. DeAmbrose provided the Commissioners with his plans to restore the areas. The Chair advised the homeowner that all those plans need to be shown on the plan to be a complete filing. The Director advised there is an additional file that dates back to 1989 for a septic system, which he doesn't believe was constructed. The septic system that was constructed outside the 100-foot buffer zone. After a brief discussion, the applicant requested to continue the hearing to the next meeting.

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- : 4 Wildmeadow Road, 40-1-71, DeAmbrose, to September 19<sup>th</sup>, under the Act and the Bylaw.

### **Continued NOI 114-1283: Lockwood Lane Bridge, Olbrot**

#### **Supporting Docs:**

- **Public Meeting Notice:** *Notice of Intent by Applicant Christopher Olbrot c/o Town of Boxford, for the property located at: Lockwood Lane over Fish Brook/Mill Race to construct a replacement bridge on Lockwood Lane over Fish Brook/Mill Race.*
- **Notice of Intent Package:** *Prepared by Bayside Engineering, prepared for Town of Boxford, stamped by Bree Sullivan, dated July 2019:*
  - *WPA Form 3/NOI Wetland Fee Transmittal Form*
  - *Attachment 1 USGS Map with Project Location*
  - *Attachment 2 Orthophoto with Project Location*
  - *Attachment 3 Natural Resource and NHESP Habitat Map*
  - *Attachment 4 Flood Map*
  - *Attachment 5 Project Photos*
  - *Attachment 6 Project Description*
  - *Attachment 7 Stormwater Checklist*
  - *Attachment 8 Operation and Maintenance*
  - *Attachment 9 Assessors Map*
  - *Attachment 10 Certified Abutters List/Abutter Notification*
  - *Attachment 11 Wetland Resource Evaluation*
- **Hydraulic Study Report:** *Prepared by Bayside Engineering, prepared for Town of Boxford, stamped by Bree Sullivan, dated July 2019*
- **Plans Submitted:** *Bridge Replacement Lockwood Lane Over Fish Brook Boxford, Massachusetts: Prepared by Bayside Engineering, prepared for Town of Boxford, stamped by Bree Sullivan, dated July 10, 2019, consisting of six sheets*
- **Technical Memorandum:** *To Boxford Conservation Commission, from Bayside Engineering, Re: NOI# 114-1283 - Lockwood Lane Bridge Replacement, 8/8/2019*

The Director advised there is a request to continue this hearing to September 19<sup>th</sup>.

At the request of the applicant and on a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to continue the

hearing for NOI 114-1283: Lockwood Lane Bridge, Olbrot, to September 19<sup>th</sup>, under the Act and the Bylaw.

**Continued NOI 114-1282: 76 Surrey Lane, 34-1-57 & 30A, 38-2-24, Wheeler**  
**Supporting Docs:**

- **Notice of Public Hearing:** *Notice of Intent by Applicant David Wheeler, for the property located at: 76 Surrey Lane, Assessor's Map 34-1-57 & 30A; 38-2-24, to conduct minor grading, enhancement plantings and removal of fencing within wetland resource area, and to create approximately 2,050 square feet of wetland in existing wetland buffer area. Also proposed are the abandonment of an existing gravel drive, construction of a new gravel drive and installation of a fence in the wetland buffer.*
- **Notice of Intent Package:** Prepared by The Morin-Cameron Group, Inc., prepared for David Wheeler, dated 7/16/19
  - *WPA Form 3 – Notice of Intent*
  - *NOI Wetland Fee Transmittal Form*
  - *Affidavit of Service*
  - *Notification to Abutters Under the Massachusetts Wetland Protection Act*
  - *Town of Boxford Abutter List*
  - *USGS Map: 76 Surrey Lane, Boxford, MA*
- **Wetland Restoration Plan:** *Prepared by DeRosa Environmental Consulting, Inc., prepared for David Wheeler, dated 7/15/19*
- **Plan Submitted:** *Site Plan of Land in Boxford Massachusetts, 76 Surrey Lane, prepared by The Morin-Cameron Group, Inc., prepared for David Wheeler, stamped by John M. Morin, dated 7/15/19, rev. 8/29/19*

John Morin of The Morin-Cameron Group, representing the applicant, met with the Conservation Commission to address the results of the recent site walk on the property. Morin pointed out the revisions on the plan provided to the Commissioners to view as he made his brief presentation. After a brief discussion, the applicant requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1282: 76 Surrey Lane, 34-1-57 & 30A, 38-2-24, Wheeler, under the Act and the Bylaw.

The Director provided the Commissioners with his suggestions on conditions to include in the Order of Conditions to monitor the enhancement plantings. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to execute and issue an Order of Conditions for DEP file #114-1282: 76 Surrey Lane, under the Act and the Bylaw.



**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 for Andrew T. and Kristal R. Collamore, prepared by Hancock Associates, HA Job Number: 16199, 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*
  - *Plans*
    - *Permit Site Plan (1 Sheet)*
- **Permit Site Plan:** *Prepared by Hancock Associates, prepared for Andrew Collamore, drawn by TJR, dated 4/23/19, rev. 4/29/19, 6/6/19, 6/7/19, 7/11/19, 7/17/19, 9/4/19*

Andrew and Kristal Collamore met with the Conservation Commission with a revised drawing, revised September 4<sup>th</sup>.

On a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to accept the revised plan outside the 7-day submission deadline, under the Bylaw.

Mr. Collamore advised they reduced the size to conform with the Commission's suggestions at the last meeting and added a shed/workshop. The Chair advised that the construction of the shed will not comply with the regulations, as it is a new construction. After a brief discussion, they Collamores will build a smaller shed to comply with the regulations and include it on an As-Built Plan. The applicant requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1275: 317 Middleton Road, 42-1-13 & 14, Collamore, under the Act and the Bylaw. **Commissioner Di Luna recused himself from the vote.**

**Continued COC 114-1263: 317 Middleton Road, 42-1-13 & 14, Collamore**

**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*

on a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to execute and issue the Certificate of Compliance for 114-1263: 317 Middleton Road, 42-1-13 & 14, Collamore, under the Act and the Bylaw. **Commissioner Di Luna recused himself from the vote..**

**COC 114-1246: Alberta, 3 Rock Brook Way**

**Supporting Docs:**

- **Notice of Public Hearing:** *for the construction of a garage, driveway extension, walkway, patio, plantings retaining wall and site grading.*
- **WPA Form 3 – Notice of Intent:** *Joseph Alberta, 3 Rock Brook Way*
- **Proposed Plan:** *3 Rock Brook Way, property of Joseph Alberta & Kimberly Jackson Alberta, prepared by Donohoe Survey, Wetlands Flagging: Rimmer Environmental Consulting LLC, dated June 16, 2017*
- **8 Photos**

The Director advised there is a request to continue this hearing to September 19<sup>th</sup>.

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to continue the hearing for COC 114-1246: Alberta, 3 Rock Brook Way, to September 19<sup>th</sup>, under the Act and the Bylaw.



**Extension Request 114-1215: 12 Deer Run Road, 11-1-3.1, Boyle**

**Supporting Docs:**

- **Legal Notice/Abutter Notifications:** *For the construction of a single-family home and associated site improvements as shown on the proposed plan.*
- **Site Plan:** *ASB Design Group, LLC, 8/6/15, Revised 8/27/15*
- **Septic System Design New:** *ASB Design Group, LLC, 7/29/15*
- **Summary Binder:** *ASB Design Group, LLC, 8/5/15*
- **Proposed Hydrology:** *ASB Design Group, LLC, 7/29/15*
- **Cover Sheet/General Notes, Site Plan, BMP and Site Details, Erosion Control Details:** *ASB Design Group, LLC, 8/6/15*
- **WPA Form 3:** *Notice of Intent*
- **NOI Wetland Fee Transmittal Form**

The Director advised this would be the final extension, extended to September 8.

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to extend the Order of Conditions for 12 Deer Run Road to one-year, under the Act and the Bylaw.

**Tree Permit: 20 Pearl Road, 10-2-50, Spillman:** The Director advised there were five trees approximately 80-90 feet from the wetland. He issued an Administrative Order to remove the trees. The Director provided photos for the Commissioners to view. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to ratify the Administrative Tree Permit for the removal of five trees from 20 Pearl Road, under the Bylaw.

**Violation: 31 Chapman Road, 25-3-22, Souza**

**9:04 PM OTHER BUSINESS:**

- **41 Lawrence Road Issue:** The Director advised there was a complaint of machinery noise coming from the property. He will be meeting the homeowner at 8AM tomorrow. The homeowner advised the Director that loam has been delivered to the property and he is installing a garden. The Director will report back to the Commissioners after he visits the property.
- **Bills:**
  - **Rimmer Environmental: \$325**  
On a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to approve the payment from Rimmer Environmental for \$325 for a peer review done in August at 317 Middleton Road.
  - **Director Travel Expenses from July 30, 2019-September 4, 2019: \$62.64**

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to approve the payment from Rimmer Environmental for \$325 for a peer review done in August at 317 Middleton Road.

- **Minutes Approval: August 15, 2019:** After a brief discussion on amendments, the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** to approve the minutes of August 15, 2019, as amended.

- **Work in Wildcat:** The Director advised the Commissioners that the DEP provides regulations on parcels larger than 50 acres which requires notifying abutters within 250 feet of the parcel boundary. Povenmire suggested that the Commission may want to update the bylaw to coincide with the Mass. Wetlands Protection Act. He will check on the regulations and get back to the Commission with information.

**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 9:16 PM.

Respectfully submitted,



Judith A. Stickney  
Minutes Secretary