

**Minutes of the BOXFORD CONSERVATION COMMISSION
TOWN HALL MEETING ROOM #1
September 19, 2019 7:30 PM**

Present: Peter Delaney, David Smallman, Natasha Grigg, Kerri Lummus, Mark Mitsch, Alan Fowler

Absent: Frank Di Luna

Others Present: Planning/Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Bree Sullivan, Greg Hochmuth, Michael Cronin, Frank Quackenbush, Cheryl Suozzo, Anthony Suozzo, Barbara Jessel, Vitalij Markuns, Bill Manuell, Keith & Kellie DeAmbrose, Chris Olbrot, and others

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

7:30 PM SCHEDULED HEARINGS AND DISCUSSIONS:

Continued: NOI 114-1284: 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*

Greg Hochmuth, Williams & Sparages, representing the applicant, met with the Conservation Commission to address the issues from the last meeting and the recent site visit. Hochmuth provided the Commission with a drawing to refer to as he made his brief presentation. After a brief discussion, Hochmuth requested to close the hearing, and the Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to close the hearing for 114-1284: 28 Topsfield Road, 33-1-18, Tokarev, 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 114-1284: 28 Topsfield Road, 33-1-18, Tokarev, under the Act and the Bylaw.

Continued: NOI 114-1285: 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*

Greg Hochmuth, representing the applicant, requested to continue this hearing to the next meeting, and the Conservation Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1285: 85 Pinehurst Drive, 33-3-13, Gomes, to October 3rd, under the Act and the Bylaw.

Continued: 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., prepared for Michael Cronin, dated July 9, 2019, revised July 19, 2019*

Michael Cronin, the homeowner, met with the Conservation Commission to provide the Commission with additional information since the last meeting. The Director provided photos for the Commissioners to view as he described the work that's been done in the wetland replication area. One of the photos showed a pile of debris that was to have been removed by the meeting. Cronin removed the wrong pile and will have that one removed within the next few days. The Director will confirm when the pile has been removed and the Commission will close out this issue at the next meeting on October 3rd.

RDA 2019-3: 48 King Richard Drive, 20-6-1, Suozzo
Supporting Docs

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant Anthony Suozzo, for the property located at 48 King Richard Drive, Map 20, Block 6, Lot 1, to fill in a pool and install a paver patio at grade.*
- **WPA Form 1 – Request for Determination of Applicability**
- **Plan Submitted:** *As-Built Conservation Site Plan, prepared for Dan & Deb Desmond, prepared by William G. Holt PLS, RS, SE, stamped by William Garry Holt, dated 6/24/15*

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. Cheryl and Anthony Suozzo met with the Conservation Commission with a Request for Determination of Applicability to fill in a pool and install a paver patio at grade. The Suozzos provided a plan and photos for the Commissioners to view as they made their brief presentation. A discussion ensued on whether the brick pavers could be used as fill to fill the pool. After discussion, the Commissioners decided that the pavers should not be used as fill and that the concrete side walls should not be removed, and the pool should be filled with the concrete walls in place. After discussion, the Director advised them that the Commission would have the Determination ready for the next meeting. The Suozzos requested to continue the hearing to October 3rd, and the Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to continue the hearing for RDA 2019-3: 48 King Richard Drive, 20-6-1, Suozzo, to October 3rd, under the Act and the Bylaw.

Continued RDA 2019-4: Wildcat Conservation Area, 18-2-11, Markuns
Supporting docs

- **Notice of Public Hearing:** *Request for Determination of Applicability by applicant Vitalij Markuns, for the property located at: Wildcat Conservation Area: Map 18, Block 2, Lot 11, to install a plankway over an intermittent stream at an existing trail crossing.*
- **WPA Form 1 – Request for Determination of Applicability**
- **Project Narrative:** *Eagle Project: Wildcat Boardwalk, prepared by Vitalij Markuns, dated 8/15/19*

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. Boy Scout Vitalij Markuns, Troop 51, met with the Conservation Commission

to address the concerns the Commissioners had at the last meeting when Markuns presented his Eagle Scout project. Markuns returned with a PowerPoint presentation, complete with photos and plans to describe his project in more detail. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2019-4: Wildcat Conservation Area, under the Act and the Bylaw.

On a **MOTION** made by **Grigg**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking box 2 & 3, for RDA 2019-4: Wildcat Conservation Area, under the Act and the Bylaw.

Continued NOI 114-1286: 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, 9/10/19*
 - **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, 9/10/19*

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

Bill Manuell, Wetlands & Land Management, representing the applicant, met with the Conservation Commission to address the Commission's concerns at the last meeting. Manuell provided updated plans for the Commissioners to view as he made his

presentation. After his presentation, he requested to close the hearing and the Commission took the following action:

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1286: 68 Middleton Road, 32-2-4, Seus, 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 NOI 114-1286: 68 Middleton Road, 32-2-4, Seus, under the Act and the Bylaw.

**** After the votes, Commissioner Peter Delaney
returned to the meeting. ****

**Continued NOI 114-1287: 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*

Keith DeAmbrose met with the Conservation Commission to address the concerns the Commissioners expressed at the last meeting. DeAmbrose provided an updated plan for the Commissioners to view as he made his presentation.

On a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to accept the revised plan from Mr. DeAmbrose and waive the 7-day submission requirement.

DeAmbrose continued with his presentation, describing the changes made to the plans since the last meeting. After a brief discussion on the slurry pit, the Commission decided to schedule a site visit for Wednesday, September 25th, at 5:30PM. Mr. DeAmbrose requested to continue the hearing to October 3rd.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1287: 4 Wildmeadow Road, 40-1-71, DeAmbrose, to October 3rd, under the Act and the Bylaw.

COC: 114-297: 4 Wildmeadow Road, 40-1-71, DeAmbrose

The Director advised the file was for a project that was not recorded. He spoke with the Public Health Director and they determined that the Certificate of Compliance should be issued to be filed.

On a **MOTION** made by **Grigg**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to execute and issue the Certificate of Compliance for 114-297, 4 Wildmeadow Road, 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*

Chris Olbrot, DPW Superintendent/Town Engineer, met with the Conservation Commission to provide additional details on the historic value of the property, including State and local regulations that must be met to complete the work necessary on the bridge. He will be meeting with the Historic Districts Commission next week to discuss the project. Bree Sullivan, Bayside Engineering, provided additional details on the revised plans they submitted for the project. A lengthy discussion ensued on various parts of the project and ensuing delays. There were abutters present who wished to speak. Among those:

- Bonni Theriault, 44 Arrowhead Farm Road, who expressed her concern about emergency personnel not having use of the road to get to her house for the past 9 months.
- Jennifer Wiedman, 39 Arrowhead Farm Road, expressed similar concerns.
- Selectwoman Barbara Jessel suggested that the engineers, including the Town Engineer, ensure that the residents' concerns be conveyed to the regulatory boards they will be meeting with, as a means to avoid additional delays.

After further discussion, the applicant requested to continue the hearing to the next meeting on October 3rd.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1283: Lockwood Lane Bridge, to October 3rd, under the Act and the Bylaw.

9:48 PM OTHER BUSINESS

Discussion: Vote to Reopen Public Hearing on 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*

The Chair advised that they got a letter from Hancock Associates referencing an error on the plans submitted, so they need to re-open the hearing to address the revised plans.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to re-open the hearing for NOI 114-1275, 317 Middleton Road, 42-1-13 & 14, Collamore, under the Act and the Bylaw.

The Director read aloud the Notice of Public Hearing he drafted to publish the re-opening of the hearing. The Commission approved.

9:51 PM PENDING ACTION ITEMS

COC 114-1246: 3 Rock Brook Way, Alberta

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 the applicant would like to withdraw the request for the Certificate of Compliance and requested that the fee be applied to a future filing.

On a **MOTION** made by **Smallman**, second by **Fowler**, the Conservation Commission **VOTED** unanimously to accept the withdrawal of the request for the Certificate of Compliance for DEP file 114-1246: 3 Rock Brook Way.

Administrative Tree Permits:

- **41 Lawrence Road, Soskov:** 5 saplings in the wires
- **233 Georgetown Road, Magsaysay:** 4 pine trees, 1 oak

On a **MOTION** made by **Lummus**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to ratify the Administrative Tree Permit for 41 Lawrence Road, 5 sapling trees, 5" or less, under the policy.

On a **MOTION** made by **Lummus**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to ratify the Administrative Tree Permit for 233 Georgetown Road, 1 oak and 4 pine trees, under the policy.

Discussion: Draft Bylaw Amendment Regarding Notification Requirements: The Director explained that he put this on the agenda because it has been suggested that the Town change the bylaw to conform with the Wetlands Protection Act and notify everyone within a specific distance of the proposed project. He proposed wording for the Commissioners to consider. A brief discussion ensued, but the Commissioners decided not to change the bylaw for the time being.

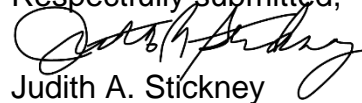
Minutes Approval: September 5, 2019: After a brief discussion on amendments, the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** to approve the minutes of September 5, 2019, as amended.

10:02 PM ADJOURN

With no further business, on a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to adjourn at 10:02 PM.

Respectfully submitted,



Judith A. Stickney
Minutes Secretary