

**Minutes of the BOXFORD CONSERVATION COMMISSION
TOWN HALL MEETING ROOM #1
October 3, 2019 7:30 PM**

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

Absent: Mark Mitsch, Alan Fowler

Others Present: Planning/Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Suzy & Wally Arsenault, Dave Ingalls, Bev Ingalls, Tim Walker, Bill Manuell, Genevieve Bleiler, Barbara Jessel, Ted Riter, Bree Sullivan, Greg Hochmuth, Justin Perkins, Chris Olbrot, Vanessa Johnson-Hall, John & Theresa Hilton, Krystal Collamore, Anne McMenemy, and others

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

7:30 PM SCHEDULED HEARINGS AND DISCUSSIONS:

Discussion: New Conservation Restriction at 665 Main Street to be Held by Essex County Greenbelt: Vanessa Johnson-Hall from Essex County Greenbelt, met with the Conservation Commission to discuss a 9 +/- acre parcel of land at 665 Main Street, owned by Jennifer Grigg and Natasha Grigg. The land is part of Anvil Farm and Johnson-Hall advised that the Griggs requested that the Essex County Greenbelt hold the Conservation Restriction on that parcel. She added that the Conservation Commission needs to vote to recommend that the Board of Selectmen the Conservation Restriction. After a brief discussion, the Conservation Commission took the following action:

On a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to recommend to the Board of Selectmen that they sign the Conservation Restriction for 665 Main Street, to be held by Essex County Greenbelt.

Discussion: Permission Sought to Use Cargill Field for Pumpkin Hunt: Rich Tomczyk of BTA/BOLT met with the Conservation Commission to request authorization to use Cargill Field for their 12th Annual Pumpkin Hunt, to be held on Sunday, October 27th, at 10:45AM. Tomczyk added there will be hayrides and refreshments and they will begin cleaning up the property at noon. Tomczyk advised that he has spoken with one of the license holders of the property, Lou Athanas, who had no issues with the event being held there and would be helping with the event. After a brief discussion, the Conservation Commission took the following action:

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to approve the pumpkin hunt on Cargill Field, scheduled for October 27th.

Continuation: 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*

The Director advised there was no one in attendance for this hearing, noting that there was a pile of debris that was to be removed by today and that he got an e-mail stating that it had been removed. However, when he made a site visit, the pile was still there. A brief discussion ensued on whether an amended Enforcement Order should be issued. The Director will follow-up with the homeowner and report to the Commission at the next meeting.

RDA 2019-5: Tricentennial Park at 7A Spofford Road, 19-3-28, Bd. of Comm. of Trusts

Supporting Docs:

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant, Board of Commissioners of Trust Funds for the Town of Boxford, for the property located at 7A Spofford Road, Map 19, Block 3, Lot 28 a.k.a. Tricentennial Park, to clear brush from an existing trail and within a proposed picnic area adjacent to the existing wellhead and gate, to place a picnic table, and to maintain the trail and picnic area clear of brush in a manner suitable for use by the public.*
- **WPA Form 1 – Request for Determination of Applicability**

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. Ted Riter of the Boxford Commissioners of Trust Funds and Justin Perkins of Perkins Landscaping met with the Conservation Commission with a Request for Determination of Applicability to clear brush from the existing trail at Tricentennial Park. Riter provided photos for the Commissioners to view as he made his brief presentation. After a brief discussion, the applicant requested to close the hearing, and the Commission took the following actions:

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2019-5, Tricentennial Park, under the Act and the Bylaw.

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking box 3, for RDA 2019-5, Tricentennial Park, to clear brush from an existing trail, and to place a picnic table, to maintain the trail and picnic area clear of brush, under the Act and the Bylaw.

RDA 2019-6: 671 Main Street, 5-1-13, Walker

Supporting Docs:

- **Notice of Public Hearing:** *Request for Determination of Applicability from applicant, Timothy P. Walker, for the property located at: 671 Main Street, Assessor's Map 5, Block 1, Lot 13, to rip and repave an existing driveway within 100-feet of a Large Isolated Wetland.*
- **WPA Form 1 – Request for Determination of Applicability**
- **Drawing: Walker Driveway Plan**
- **Delineation Sketch:** *671 Main Street, prepared by DeRosa Environmental, dated 8/1/19*

**** Commissioner Natasha Grigg recused herself from this hearing, as an abutter ****

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. Tim Walker, 671 Main Street, met with the Conservation Commission with a Request for Determination of Applicability to rip up and repave an existing driveway. Walker provided photos for the Commissioners to view as he made his brief presentation. After a brief discussion, Walker requested to close the hearing, and the Commission took the following actions:

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** to close the hearing for RDA 2019-6, 671 Main Street, under the Act and the Bylaw. **Grigg Abstained.**

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** to issue a Negative Determination, checking box 3, for RDA 2019-6, to rip up and repave the driveway at 671 Main Street, under the Act and the Bylaw. **Grigg Abstained.**

**** After the vote, Commissioner Grigg returned to the meeting. ****

NOI 114-1288: 38 Baldpate, 19-3-18.12, Hough

Supporting Docs:

- **Notice of Public Hearing:** *Notice of Intent by Applicant Michael Hough, for the property located at 38 Baldpate Road, Map 19, Block 3 Lot 18.12. Owner is proposing to construct a building addition, relocate septic tanks, and remove and reconstruct a deck within 100 feet of a bordering vegetated wetland.*
- **Notice of Intent Application Package:** *Prepared by Wetlands and Land Management, Inc., prepared for 38 Baldpate Road, Boxford, Mass., dated 9/17/19:*
 - **Project Narrative**
 - **Locus Map**
 - **WPA Form 3 – Notice of Intent**
 - **NOI Wetland Fee Transmittal Form**
 - **Abutter Information**

- **StreamStats Report**
- **Plans Submitted:**
 - **C-1 Layout Plan:** *Prepared by Carpenter & MacNeille, Project: Hough/Erickson Residence, stamped by Daniel C. MacRitchie, dated 9/17/19*

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. Bill Manuell, of Wetlands and Land Management, representing the applicant, met with the Conservation Commission with a Notice of Intent to construct a building addition, relocate septic tanks, and remove and reconstruct a deck, all within 100 feet of a Bordering Vegetated Wetland. Manuell provided the Commissioners with drawings, plans, and photos to view as he made his presentation, noting that DEP had reviewed the project and had no comments. After a brief discussion, the applicant requested to close the hearing, and the Commission took the following actions:

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1288: 38 Baldpate, 19-3-18.12, Hough, 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 DEP file #114-1288: 38 Baldpate, 19-3-18.12, Hough, under the Act and the Bylaw, as drafted.

RDA 2019-7: 64 Woodcrest, 20-10-10, Hilton
Supporting Docs:

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant John A. Hilton, for the property located at: 64 Woodcrest Road, Assessor's Map 20, Block 10, Lot 10, to fill in an existing pool and remove pool fence within 100-feet of a Bordering Vegetated Wetland.*
- **WPA Form 1 – Request for Determination of Applicability**

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. John and Theresa Hilton met with the Conservation Commission with a Request for Determination of Applicability to fill an existing pool and remove pool fence within 100 feet of a Bordering Vegetated Wetland. The Commissioners had photos to view as the Hiltons made their brief presentation. A discussion ensued on whether the sides of the pool could be pushed into the empty pool or whether they would have to be removed off site. The Commissioners determined that if the sides were metal, they would have to be removed. The Commissioners ordered that only clean fill be used to fill the pool. After discussion, the Hiltons requested to close the hearing, and the Commission took the following action:

On a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2019-7: 64 Woodcrest, 20-10-10, Hilton, under the Act and the Bylaw.

The Director advised the applicant that the DNI would be signed at the next meeting.

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, Williams and Sparages, representing the applicant, met with the Conservation Commission to address the Commission's comments on the recent site walk, noting that revised plans were submitted which adds a small wall and ramp. Hochmuth added that as a means of mitigating the additional wall and ramp, they are proposing to do extensive work to eradicate invasive species. A brief discussion ensued, and the Conservation Commission requested that Hochmuth submit an invasive species mitigation plan. In addition, the Conservation Commission will reference the Order of Conditions and note encroachment in the No Build Zone, and the Invasive Species Management Plan will become part of the Findings in the Order of Conditions. After discussion, Hochmuth requested to continue the hearing to the October 17th meeting, and the Commission took the following action:

On a **MOTION** made by **Di Luna**, 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 17th, under the Act and the Bylaw.

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*

Pete DeAmbrose met with the Conservation Commission to address the Conservation Commission's observations on their recent site visit, noting that the trees he had requested to come down are now shown on the revised plan. A brief discussion ensued, and Commissioner Frank Di Luna suggested that there be a reference to the plan and chalk on the Order of Conditions. After discussion, the applicant requested to close the hearing and the Commission took the following action:

On a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1287: 4 Wildmeadow Road, 40-1-71, DeAmbrose, 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, and Bree Sullivan from Bayside Engineering, met with the Conservation Commission with a revised set of plans to address the concerns of the Historic Districts Commission at their last meeting. Sullivan asked the Commission to accept the plans outside the 7-day submission requirement, and the Commission took the following action:

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to accept the revised plans for DEP file 114-HDC) letter.

Olbrot advised that they have no problem adhering to the HDC requests and those outlined in the letter from Nadia Lasky of the State Historic Commission, dated September 30th. He added that most of the changes on the plans are due to the HDC meeting. Bree Sullivan provided details on the dewatering process. After a brief discussion, Sullivan requested to close the hearing.

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

On a **MOTION** made by **Di Luna**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for DEP file 114-1283: Lockwood Lane Bridge, under the Act and the Bylaw.

Reopened NOI 114-1275: 317 Middleton Road, 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, 9/17/19*

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. Anne McMenemy, Hancock Associates, and homeowner Krystal Collamore met with the Conservation Commission with a revised plan to correct a misplaced wetland flag. McMenemy explained that flag 14 was incorrectly placed on the previous plan and she revised the plan on September 17th to show the change on the plan. After a brief discussion, McMenemy 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 DEP file 114-1275: 317 Middleton Road, Collamore, under the Act and the Bylaw.

On a **MOTION** made by **Di Luna**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for DEP file 114-1275: 317 Middleton Road, Collamore, as drafted.

DOA 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*

Cheryl and Tony Suozzo met with the Conservation Commission with a Request for a Determination of Applicability to fill in a pool and install a paver patio at grade level. Before issuing the Determination, the Suozzos asked the Commission if they could use the pavers as fill, but the Commission determined that they could not be used as fill and they'd have to use clean fill to fill the pool. The Director advised the Commission that the erosion controls had been placed, as directed at the last meeting. After a brief discussion, the Suozzos requested to close the hearing, and the Commission took the following actions:

On a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2019-3: 48 King Richard Drive, 20-6-1, Suozzo, 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 a Negative Determination, checking box 3, for DEP file # 2019-3: 48 King Richard Drive, 20-6-1, Suozzo, under the Act and the Bylaw.

8:59 PM PENDING ACTION ITEMS

- **COC 114-990: 545 Main Street, 13-2-22, Bleiler:** Genevieve Bleiler, 545 Main Street, met with the Conservation Commission to pick up a Certificate of Compliance. The Director advised the Commission that he had made a site visit and recommends issuance of the Certificate of Compliance. 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 the Certificate of Compliance for DEP file #114-990: 545 Main Street, 13-2-22, Bleiler, under the Act and the Bylaw, as drafted.

- **Minutes Approval:** After a brief review of the minutes of September 19, 2019, the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to approve the minutes of September 19th, as submitted.

9:02 PM OTHER BUSINESS

- **Request to Release Consulting Funds:** The Director advised the Commissioners that he had a request from the Town Treasurer for the Commission to release consulting funds for the following:
 - **DEP File #114-1037:** The Director advised this was for consulting funds for Wildmeadow. The consultant paid the town \$4,800 for a peer review. However, no work was done, and no Certificate of Compliance was ever issued. \$165.31 remains in that account.
 - **DEP File #114-750:** The Director advised this was a Wetland Bond from Martin Hill, for the Ashland/Hickory subdivision. The amount is \$1,062.05.

A brief discussion ensued on whether the funds should be released if there is no Certificate of Compliance. However, the Director advised the Commission that no work was done, so no COC could be issued.

Smallman made a **MOTION**, second by **Grigg**, to release the funds to the applicants. However, the **MOTION** was **withdrawn** after a brief discussion, where Commissioner Di Luna suggested that rather than refunding the \$165.31 for the Wildmeadow project, the Director contact the applicant and request that they apply for a Certificate of Compliance.

On a **MOTION** made by **Smallman**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously to authorize the refund the money for Martin Hill, \$1,062.05, for file #114-750, with accrued interest.

- **Stormwater Management Compliance:** Director Ross Povenmire advised the Commission that they need to make a change to the Stormwater Management bylaw and the stormwater management regulations. He added that one change was made at Town Meeting with regards to the illicit discharge detection elimination system. What still needs to be changed is decoupling the stormwater management permit from the wetland permit. The Director has drafted language for it and has submitted it to the Merrimack Valley Planning Commission for their tweaks. When it is ready, he will present it to the Conservation Commission.

9:10 PM ADJOURN

With no further business, on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to adjourn at 9:10 PM.

Respectfully submitted,



Judith A. Stickney
Minutes Secretary