

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

Present: Peter Delaney, Natasha Grigg, Kerri Lummus, Mark Mitsch

Absent: Frank Di Luna, Alan Fowler, David Smallman

Others Present: Planning/Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Greg Hochmuth, Mary Van Dusen, Tom LaPointe, Gerry McDonald, Kaitlyn Shaw, Frank Dalissandro, and others

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

7:30 PM SCHEDULED HEARINGS AND DISCUSSIONS:

DNI 2019-10: Repair of Trail Footbridge at Mary A. Herrick Forest on Herrick Road, Tom LaPointe: Tom LaPointe met with the Conservation Commission with a request for a Determination of Negligible Impact to repair a wooden footbridge at the Mary A. Herrick Forest on Herrick Road. The Director provided photos for the Commissioners to view as LaPointe described the work he is proposing. The Director added that he has made a site visit and the repair is needed there. He also requested that the Commission waive the application fee for the Mary A. Herrick Forest Foundation. After a brief discussion, the Commissioners took the following actions:

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for the bridge repair work as proposed on the Mary A. Herrick Forest, under the bylaw.

On a **MOTION** made by **Grigg**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to waive the application fee for the Mary A. Herrick Forest Foundation.

Continued DNI 2019-9: 21 Whitney Road, 29-3-23.13, Dalissandro

Frank Dalissandro met with the Conservation Commission to provide details on the modifications he's made to the plans submitted as well as the results of his meeting with the Health Director who advised that he did not need a permit from the Health Department. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for file 2019-9, 21 Whitney Road, under the bylaw.

RDA 2019-9: 31 Chapman Road, 25-3-22, Souza

Supporting Docs:

- **Notice of Public Hearing:** *Request for Determination of Applicability by applicant, Heber Souza for the property located at: 31 Chapman Road: Map 25, Block 3, Lot 22, to authorize, after the fact, tree clearing within 100-feet of a Bordering Vegetated Wetland and the removal of five additional trees.*
- **Request for Determination of Applicability Package:** *Prepared by Williams & Sparages LLC, dated October 8, 2019:*
 - **WPA Form 1 – Request for Determination of Applicability**
 - **Locus Map: 31 Chapman Road**
 - **Narrative**
 - **Affidavit of Service**
 - **Abutter List**
- **Plan to Accompany Request for Determination of Applicability:** *Prepared by Williams & Sparages LLC, stamped by Richard L. Williams, dated 10/7/19*

Greg Hochmuth, Williams & Sparages, representing the Souza's, met with the Conservation Commission with a Request for Determination of Applicability. Hochmuth advised that the Souza's had hired a tree company to take down some trees. The tree company noted that the work area was close to a wetland and let the homeowner know that. The RDA was filed and Hochmuth visited the property, noting that the wetland markers were not accurate and that some of trees that were taken down were in the buffer zone. No work was done in the Riverfront Area. The plan is do more grading, loam, and seed the area, but all work has stopped at this point, until the Conservation Commission makes their determination. After a brief discussion, the Conservation Commissioners decided to schedule a site walk on Saturday, November 9th, at 9AM. Hochmuth requested to continue the hearing to November 21st, and the Conservation Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to continue the hearing for RDA 2019-9: 31 Chapman Road, to November 21st.

NOI 114-1289: 77 Main Street, 28-1-2, Van Dusen

Supporting Docs:

- **Notice of Public Meeting:** *Notice of Intent by applicant Mary L. Van Dusen, Trustee, for the property located at: 77 Main Street, Assessor's Map 28, Block 1, Lot 2. Owner is proposing to install a septic system repair including tank within 100 feet of a bordering vegetated wetland and an absorption system within 200-foot Riverfront, a well within 100-feet of Wetland Resource Area, and associated improvements.*
- **Subsurface Sewage Disposal System Repair Plan:** *Prepared by Graham Associates, Inc., dated August 23, 2019, Rev. 10/22/19, 10/30/19*

The Director read aloud the Notice of Public Hearing and collected proof of abutter notifications. Gerry McDonald, Project Engineer with H.L. Graham Associates, representing Mary Van Dusen, met with the Conservation Commission with a Notice of

Intent to install a septic system repair. MacDonald provided photos, plans, and drawings for the Commissioners to view as he made his brief presentation. McDonald noted that the Board of Health would not approve the initial plan, so they had to revise the plan and the current plan is closer to the Riverfront Area, but too close to the existing well. It is the only place they can put it and, as a result, they will have to drill a new well. Van Dusen noted that they are hoping to close the sale of the property on December 4th, so they are asking for an Order of Conditions tonight, if possible. She added that Rollins is ready to go and waiting for the Order of Conditions to get started. The Chair requested that they provide a construction sequence on the plan. The Director suggested he be provided with a construction sequence at the preconstruction site visit. The Director revised the Order of Conditions to include the construction sequence requirement. A brief discussion ensued, and upon conclusion, McDonald requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1289: 77 Main Street, 28-1-2, Van Dusen, under the Act and the Bylaw.

On a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for NOI 114-1289: 77 Main Street, 28-1-2, Van Dusen, under the Act and the Bylaw.

Amended 114-1277: 34 Brookview Road, 31-1-21, McComas

Supporting Docs:

- **Notice of Public Hearing:** *Amendment to the Order of Conditions for DEP File # 114-1277 by Applicant Parker McComas, for the property located at: 34 Brookview Road, Assessor's Map 31, Block 1, Lot 21, to amend the approved plan to locate the proposed barn/workshop closer to the existing house and further away from the nearest wetland resource area.*
- **Plan to Accompany Notice of Intent:** *34 Brookview Road, Boxford. Prepared by Williams & Sparages, stamped by Richard L. Williams, dated 5/2/19, Rev. 6/11/19, 10/1/19*

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 with an amended plan for NOI 114-1277. Hochmuth provided the Commissioners with the amended plan to view as he made his brief presentation. After a brief discussion, Hochmuth requested to close the hearing, and the Conservation Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to close the hearing for Amended Order of Conditions 114-1277: 34 Brookview Road, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to execute and issue the Amended Order of Conditions for file #114-1277, 34 Brookview Road, under the Act and the Bylaw.

Ipswich River Watershed Association: Municipal Vulnerability Program Action Grant Proposal: Kaitlyn Shaw, Science and Restoration Program Manager, Ipswich River Watershed Association, met with the Conservation Commission to request they issue a letter of support to the Ipswich River Watershed to further their grant application for the regional control of flooding impacts. After a brief discussion, the Conservation Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to issue a letter of support to the Ipswich River Watershed Association to further their grant application.

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 & Sparages, met with the Conservation Commission to discuss the invasive species eradication plan, requested at the last meeting. After a brief discussion, Hochmuth requested to close the hearing, and the Conservation Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1285: 85 Pinehurst Drive, under the Act and the Bylaw.

On a **MOTION** made by **Grigg**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for NOI 114-1285: 85 Pinehurst Drive, under the Act and the Bylaw.

8:15 PM PENDING ACTION ITEMS

- **COC 114-1239: 610 Main Street, 9-2-25, Lydon:** The Director provided photos for the Commissioners to view showing the septic system upgrade area has been stabilized and he recommends issuance of the Certificate of Compliance. The Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to execute and issue the Certificate of Compliance for 114-1239: 610 Main Street, under the Act and the Bylaw.

- **Administrative Tree Permits:**

- **53 Herrick Road:** The Director advised he issued an Administrative tree removal permit for a fallen tree that is hanging over driveway. Noble Tree is doing the work and they will leave the fallen tree in the wetland. He requested that the Commission ratify the tree permit.

On a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to ratify the Administrative Tree Permit for the removal of one 18" white pine at 53 Herrick Road, under the regulations.

- **The Lane to the Palmer Woods:** The Director advised there is one tree to be removed by the DPW, at a cost of \$500-\$1000. He asked the Conservation Commission to approve the expenditure of up to \$1000 for the tree removal. A discussion ensued and the Conservation Commission would be willing to share the cost of the removal of the tree, up to \$500. The Commission took the following action:

On a **MOTION** made by **Lummus**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to ratify the Administrative Tree Permit for the removal of the tree at the Lane to Palmer Woods, under the regulations.

On a **MOTION** made by **Grigg**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to approve the expenditure of up to \$500 for the removal of the tree at the Lane to Palmer Woods.

- **Travel Expenses:** The Chair advised there is a request for travel expense reimbursement from the Director, in the amount of \$132.24:

On a **MOTION** made by **Grigg**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to authorize the payment of \$132.24 for the Director's travel expenses.

8:33 PM ADJOURN

With no further business, on a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to adjourn at 8:33 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Judith A. Stickney', written in a cursive style.

Judith A. Stickney
Minutes Secretary