

**Minutes of the BOXFORD CONSERVATION COMMISSION
TOWN HALL MEETING ROOM #1
January 16, 2020 7:30 PM**

Present: Peter Delaney, Natasha Grigg, Kerri Lummus, David Smallman

Absent: Frank Di Luna, Alan Fowler, Mark Mitsch

Others Present: Planning/Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Scott Smyers, Jessica Grigg, Richard Tomczyk, Nancy Merrill, Jennie Bridge, Karen Gladstone, Paul Forker, Bill Sullivan, and others

7:32 PM With a quorum present, Chair Peter Delaney called the meeting to order.

7:32 PM SCHEDULED HEARINGS AND DISCUSSIONS:

Discussion: Conservation Restriction Proposed for the Haynes Subdivision, Main Street

Supporting Docs

- **Concept Plan:** *Conservation Plan in Boxford, Massachusetts; prepared by The Morin-Cameron Group, prepared for Elmlea Partnership Trust, drafted by WAS, dated 1/7/2020*

Scott Smyers, Oxbow Associates, met with the Conservation Commission to advise them that they are getting very close to an agreement that should allow the subdivision plans to move along. Smyers provided a drawing for the Commissioners to view as he described the lot that is proposed to be under a conservation restriction, adding that they would be contacting BTA/BOLT to see if they would hold the Conservation Restriction. Chair Delaney advised Mr. Smyers that he is unable to provide anything certain, as there were three members absent tonight, and he would prefer that the entire Commission be in attendance before making a decision. Jessica Grigg of BTA/BOLT, who was in attendance, advised Smyers that her group would need more detailed information before they could determine whether they would be interested in holding the Conservation Restriction. A lengthy discussion ensued between Grigg and Smyers regarding the proposal. Smyers advised that they are close to an agreement with Natural Heritage, but Natural Heritage wanted to hear that they have partners interested in holding a Conservation Restriction before commenting. Smyers added that the filing with Natural Heritage will take place approximately the same time frame as the wetlands permit and a check list had been filed with Natural Heritage. Rich Tomczyk, of BTA/BOLT, advised that he checked with Natural Heritage today and no check list had been filed yet. The Conservation Director noted that the Environmental Notice form was submitted a year ago. An environmental impact statement was not required, and Natural Heritage has not yet received a formal notation of taking or no taking. Also discussed was the increasing the fee parcel proposed to be donated to the Town all the way to Main Street, along Gerry's Run, a proposal to mark/delineate the CR portion of the house lots, using permeable material on driveway along Gerry's Run to protect the stream from chemical

driveway treatments, moving of existing trails and creating new ones, a Homeowners Association to have funds available to assist in CR issues. Because more information was needed before the Conservation Commission could make a decision, and because there was no file number from DEP for the project, this discussion will continue at the next meeting on February 6th.

Discussion: Capital Improvement Plan and the need to increase funding of the Conservation Fund to enable continued protection and conservation of open space in Boxford: The Director explained that the Conservation Fund is generally used to enter into an option to purchase conservation land when it becomes available, among other things, adding that his concern is that there will be less money available for the Conservation Fund. A discussion ensued and there appeared to be agreement that the Conservation Fund should increase by approximately \$50K each year. The Director and Chair will meet with the Finance Committee to begin discussions on increasing annual contributions to the Conservation Fund.

Discussion: Amendment to the Stormwater Management Bylaw and Regulations to delete an exemption from the requirement to obtain a stormwater permit: The Director explained that there is a blanket stormwater permit that covers all roadside drainage projects in Boxford. A bylaw was adopted as part of compliance with the permit. That permit has been renewed at the State level and there are new requirements that negate our exemption. The Director asked that the Conservation Commission sponsor an Article for the Annual Town Meeting warrant to revise the local regulation to comply with the State regulation. After a brief discussion, the Chair requested that the Director schedule a public hearing for the second meeting in February. The Director will work with the consultant to be at the February 20th meeting.

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** to authorize the Director to schedule a public hearing on February 20th, regarding the Stormwater Management Bylaw and Regulations changes.

Discussion: Amendment to the Boxford Wetlands Protection Bylaw to incorporate updated rainfall estimates provided by NOAA Atlas 14: The Director advised that the rainfall amounts are higher than when the data was last compiled and need to be updated with an amendment to the Boxford Wetlands Protection Bylaw. After a brief discussion, the Chair requested that the Director schedule a public hearing for the second meeting in February for this item as well.

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** to authorize the Director to schedule a public hearing on February 20th, regarding the updated rainfall estimates.

Discussion OOC 114-1202: 15 Lantern Lane, 28-2-6, Sullivan: Holly and Brian Baldassare met with the Conservation Commission with a request to extend the Order of Conditions for the septic system upgrade for the property they recently purchased at 15 Lantern Lane. They have met with the Board of Health and the Building Inspector, as well

as the Conservation Director, who advised them that they would need to meet with the Conservation Commission for the extension on the Order of Conditions. Jim Scanlan, Scanlan Engineering, advised the Commissioners that he was before the Conservation Commission for an NOI for this septic system in January 2015. The Order of Conditions was issued in April 2015, but the work was never completed. The Director provided a plan for the Commissioners to view as Scanlan made his brief presentation on the request to extend the Order of Conditions, which expired in 2018. After a lengthy discussion, the Chair requested that they file a Request for Determination of Applicability (RDA) for the next meeting, to start the inside renovations, and that a Notice of Intent for the septic system be filed by April 1st. The homeowners will return February 6th with the RDA.

**NOI 114- : Wildcat Conservation Area, 18-2-11, Alan Benson/Town of Boxford
Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by Applicant Alan Benson, Town of Boxford, for the property located at Wildcat Conservation Area, Assessor's Map 18, Block 2, Lot 11; to construct a 100-foot long elevated boardwalk to carry an existing trail over a Bordering Vegetated Wetland and Intermittent Stream.*
- **WPA Form 3 – Notice of Intent**
- **Plan: Existing Conditions and Proposed Replacement Boardwalk:** *Prepared by Donohoe Survey, Inc., stamped by Paul J. Donohoe, dated 12/3/2019*

The Director read aloud the Notice of Public Hearing and advised that his department sent out the abutter notifications. Rich Tomczyk met with the Conservation Commission with photos and plans for the Commissioners to view as he described his group's proposal to build a 100-foot long elevated boardwalk to carry an existing trail over a Bordering Vegetated Wetland and Intermittent Stream. He added that the work will be done by hand with volunteers. Tomczyk advised that he has submitted the proposal to Natural Heritage. The Chair advised that the wetlands cannot be delineated until April 1st and requested that the hearing be continued to the April 2nd meeting. Karen Gladstone, 106 Stiles Pond Road, asked how the materials would be brought to the site. Tomczyk advised they have not yet determined that, but they may have to use vehicles to get the material there. Vic Muto, Stiles Pond Road, asked if the existing rebar and planking should be removed to improve flow to Stiles Pond. After a lengthy discussion, it was determined that breaching a beaver dam would probably not be allowed. Paul Forker, 482 Main Street, asked if the footbridge could be smaller, as he's concerned that the beavers will build a bigger dam there. A lengthy discussion ensued and, after discussion, the Commission took the following action:

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** to continue the hearing to February 6th, under the Act and the Bylaw.

**ORAD Extension 114-1235: Willow Road & Pine Plain Road, 6-6-2.2, Price
Supporting Docs**

- **Letter and accompanying material from LEC Environmental Consultants, Inc., to Conservation Commission, Re: DEP File #114-1235 [LEC File #TBI\18-044.02] Request to Extend Order of Resource Area Delineation: Willow Road and Pine Plain Road, Boxford, Massachusetts, 1/7/2020**

Ann Marton and Scott Miccile of LEC Environmental met with the Conservation Commission to advise that the ORAD will expire in February and they are requesting a one-year extension. The Chair advised that the Commissioners would schedule a site walk on January 25th at 9AM to take a general look at the property and requested that they return to the next meeting on February 6th for the extension. The Director provided photos for the Commissioners to view on the well installation on the property, adding that they are ready for the pump tests to take place.

OOC Extension 114-1240: 81A Stiles Pond Road, 18-1-4, Sullivan: Bill Sullivan, property owner, met with the Conservation Commission to request an extension on the Order of Conditions, advising that they completed the addition and the replacement of the failing retaining wall. Sullivan added that they had to deviate from the original plans to accommodate National Grid's addition of a telephone pole. They recently had the driveway paved last fall and they would like to finish the outside work. The Chair advised that the extension would be valid for one year. The Director advised that the current OOC expires on February 6th, and the Commission took the following action:

On a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to extend the Order of Conditions for 114-1240: 81A Stiles Pond Road, for one year, under the Act and the Bylaw.

9:11 PM ROUTINES:

- **Minutes Review/Approval:** After a brief review of the minutes of January 2, 2020, the Commissioners took the following action:
On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to accept the minutes of January 2, 2020, as printed.

9:12 PM ADJOURN

With no further business, on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to adjourn at 9:12 PM.

Respectfully submitted,



Judith A. Stickney
Minutes Secretary

