

**Minutes of the BOXFORD CONSERVATION COMMISSION
REMOTE PARTICIPATION ONLY
November 5, 2020 7:00 PM**

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

Absent: Alan Fowler

Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Jacqueline Rapisardi, Town Counsel Alex Weisheit, Andrew Gori, Alan Therrien, Judy Sukaloski, Greg Hochmuth, Jim Smith, Kevin Connerty, Barbara O'Neill, Tim Smith, Deborah Connerty, Robert Niccoli, Sal DiBella, Skip Jones, Eric Olson, Evin Guvendiren, Holly Baldassare, Joe Reynolds, Lukasz Swiech, Mary Rimmer, Michael DeRosa, Richard Zeroka, Shawn Perkins, Gordon Rogerson, Carolyn Cleggs, Chris Olbrot, BCATv99, and others

7:00 PM With a quorum present, Chair Peter Delaney called the meeting to order.

Electronic Signatures Authorization Form: The Director provided the Commissioners with a motion to approve electronic signatures on Conservation Commission documents. The Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote that the Boxford Conservation Commission recognize and accept the provisions of M.G.L. Chapter 110 G (Uniform Electronic Transaction Act) regarding electronic signatures and that, we the members of the Boxford Conservation Commission, will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.

7:02 PM SCHEDULED HEARINGS AND DISCUSSIONS:
Continued Enforcement Order: 23 Sagamore Lane, Kahan
Supporting Docs

- **WPA Form 9 – 10th Amended Enforcement Order:** *Jason Kahan, 23 Sagamore Lane: Placement of fence within the 100-foot Buffer Zone to wetland resource area. The location of other site improvements to be determined by As-Built survey plan.*
- **Plot Plan of Land in Boxford, Mass.:** *Prepared by PFS Land Surveying, stamped by Brian G. Parmenter, dated 8/20/20*
- **Mello Site Plan:** *26 Sagamore Lane*

John Morin, The Morin-Cameron Group, representing John Sanidas, advised the Commission that he is working with Sanidas to provide assistance in getting the site issues resolved. They are currently working on a mitigation plan to get the site back in compliance. A discussion ensued on the wetland delineation. Morin advised the Commission that he expects to have an As-Built plan ready for the next meeting. After discussion, the Conservation Commission took the following action:

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the 10th Amended Enforcement Order for 23 Sagamore Lane.

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to Mitsch/Lummus issue a new Enforcement Order for Kahan and Sanidas to appear at the next

After the votes, Attorney Alex Weisheit advised the Commission that an Executive Session was not necessary at this time.

**Enforcement Order: 6 Gunnison Road, Cogley
Supporting Docs**

- **Photos**
- **Boxford Stormwater Management Bylaw Enforcement Order 2020-1-SWMP:**
Issued to Michael Cogley, 6 Gunnison Road for grading and associated land disturbance, 10/15/2020

Attorney Don Bornstein, representing the homeowner, advised the Commission that erosion control has been placed; loamed areas have been hydroseeded; survey work has begun. Excavation has revealed the well head and they'd like to take some of the existing stockpile of loam to cover the well head. Attorney Bornstein advised the Commission that Atlantic Engineering expects to have a plan ready in 6-8 weeks and requested to continue this hearing to December 3rd. The Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to allow the homeowner to put down loam, in a 20-foot circumference, centered around the well head, for protection, with a straw wattle on the outside of the loam.

The **MOTION** was later **AMENDED** to change 20-foot circumference to 20-foot diameter.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the Enforcement Order for 6 Gunnison Road.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to issue an Enforcement Order for 6 Gunnison Road, Cogley, to appear with their attorney on December 3rd, with the condition allowing the 20-foot diameter loam around the well head, with the straw wattle outside the loam.

Continued Enforcement Order: 50 Moonpenny Drive, Nadworney

Supporting Docs

- **WPA Form 9 – 4th Amended Enforcement Order:** *Matthew Nadworney, 50 Moonpenny Drive: Placement of fill and wood chips within the 100-foot Buffer Zone*

The Director advised that no one was in attendance to address this issue. He added that he did get an email from Mr. Sparages, the engineer representing the property owner. He will give them a heads up that the wetlands should be flagged by the 19th to allow time for the Commissioners to make a site visit. The Chair requested that a new Enforcement Order be issued so they will appear at the next meeting.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the Enforcement Order for 50 Moonpenny Drive, Nadworney.

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to issue an amended Enforcement Order, ordering the homeowner to appear at the next meeting on November 19th.

DNI 2020-12: 108 Washington Street, Smith

Supporting Docs

- **Shed Removal Sketch**
- **Photo**

John Morin, The Morin-Cameron Group, representing the applicant, Susan Smith, with a Determination of Negligible Impact for the removal of an existing shed at 108 Washington Street. Morin provided photos for the Commissioners to view as he made his brief presentation. After discussion, the Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to issue the Determination of Negligible Impact for file 2020-12, 108 Washington Street.

NOI 114-1308: 223B Main Street, 23-1-5.2, Vigneault

Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by Applicant Michael Vigneault for the property located at: 223B Main Street, Assessor's Map 23, Block 1, Lot 5.2 to install a septic system upgrade partially within 100-feet of a Bordering Vegetated Wetland.*
- **Notice of Intent Package:** *Prepared by Scanlan Engineering LLC for Michael Vigneault, 223 Main Street, dated 10/13/2020:*
 - **Project Narrative**
 - **WPA Form 3: Notice of Intent**
 - **NOI Wetland Fee Transmittal Form**
 - **Hydrographic Features Locus Map**
 - **Quitclaim Deed**
 - **Locus Plan**
 - **USGS Topographic Plan**
- **Plans Submitted:**

- **Subsurface Sewage Disposal System Upgrade: Plan & Flow Profile:** Prepared by Scanlan Engineering, dated 10/1/2020
- **Subsurface Sewage Disposal System Upgrade: Details and Notes:** Prepared by Scanlan Engineering, dated 10/1/2020

The Director read aloud the Notice of Public Hearing and Jim Scanlan, Scanlan Engineering, provided copies of the abutter notifications, which he will drop off on Monday. Scanlan provided photos and plans for the Commissioners to view as he made his brief presentation. After a brief discussion, Scanlan requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for NOI 114-1308: 223B Main Street, 23-1-5.2, Vigneault, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Order of Conditions for 114-1308: 223B Main Street, 23-1-5.2, Vigneault, under the Act and the Bylaw.

NOI 114-1310: 4 Chapman Way, 25-1-4, Jones

Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant John E. Jones for the property located at: 4 Chapman Way, Map 25, Block 1, Lot 4 to install a breezeway and a garage, and make alterations to the existing driveway, within 100-feet of Bordering Vegetated Wetland and Lowe Pond.*
- **Notice of Intent Package:** *Prepared by Scanlan Engineering LLC for John E. Jones, dated 10/16/2020:*
 - **Project Narrative**
 - **WPA Form 3: Notice of Intent**
 - **NOI Wetland Fee Transmittal Form**
 - **Locus Plan**
 - **USGS Topographic Plan**
 - **Abutter List**
- **Plans Submitted:** *Permit Site Plan to Accompany a Notice of Intent: Plan & Flow Profile: Prepared by Scanlan Engineering, dated 10/14/2020*

The Director read aloud the Notice of Public Hearing and Jim Scanlan, Scanlan Engineering, provided copies of the abutter notifications, which he will drop off on Monday. Scanlan provided photos and plans for the Commissioners to view as he described the project to install a breezeway and a garage. After a brief discussion, the Commissioners decided to schedule a site walk on Sunday, November 8th, at 9AM. Scanlan requested to continue the hearing to November 19th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1310: 4 Chapman Way, 25-1-4, Jones to November 19th.

NOI 114-1309: 65 Boren Lane, 29-1-26, Reynolds

Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant(s) Joseph & Caroline Reynolds for the property located at: 65 Boren Lane, Map 29, Block 1, Lot 26; to install a pool and associated improvements, landscaping, tree removal, relocation of a shed and mitigation planting within 100-feet of Bordering Vegetated Wetland.*
- **Notice of Intent Package:** *Prepared by DeRosa Environmental Consulting, Inc. for Joseph & Caroline Reynolds, 65 Boren Lane, dated 10/22/2020*
 - **Project Narrative**
 - **Notice of Intent (NOI) WPA Form 3**
 - **Wetland Fee Transmittal Form**
 - **Boxford Conservation Commission Fee Schedule**
 - **Copies of Filing Fee Checks**
 - **Figure 1: USGS Locus Map**
 - **Figure 2a: Proposed Plan, Donohoe Survey, Inc.**
 - **Figure 2b: Project Elements Plan, DeRosa Environmental Consulting, Inc.**
 - **Figure 2c: Landscape Plan L2, Ulrich Landscape Collaborative**
 - **Figure 2d: Mitigation Planting Plan, DeRosa Environmental Consulting, Inc.**
 - **Figure 3: MassGIS Aerial Map**
 - **Figure 4: MassGIS Wetlands Map**
 - **Figure 5: MassGIS NHESP Map**
 - **Figure 6: FEMA Firmette Flood Map**

The Director read aloud the Notice of Public Hearing and Mike DeRosa, DeRosa Environmental Consulting, representing the property owners, provided copies of the abutter notifications to the Director. DeRosa provided photos and plans for the Commissioners to view as he made his presentation for the pool installation project. The Director provided commentary on the erosion control, suggesting that the project be completed in two phases for better erosion control. DeRosa agreed to the two phases. 9:30AM on Sunday, November 9th. DeRosa requested to continue the hearing to 11/19.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1309: 65 Boren Lane, 29-1-26, Reynolds, to November 19th, under the Act and the Bylaw.

NOI 114-1311: 5 Barker Road, 2-1-9, Flynn

Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant Bob Flynn for the property located at: 5 Barker Road, Map 2, Block 1, Lot 9; to replace a golf cart bridge within 100-feet of Bordering Vegetated Wetland.*
- **WPA Form 3 – Notice of Intent**
- **Plans Submitted:**

- **Notice of Intent Bridge Replacement:** *Erosion Control Details, Submitted by ASB design group LLC, for Robert Flynn Far Corner Golf Course, stamped by Thad D. Berry, dated 10/18/2020*
- **Notice of Intent Bridge Replacement:** *Site Plan (Aerial Image), Submitted by ASB design group LLC, for Robert Flynn Far Corner Golf Course, stamped by Thad D. Berry, dated 10/18/2020*

The Director read aloud the Notice of Public Hearing and Mary Rimmer, representing the applicant, provided copies of the abutter notifications to the Director. Rimmer provided photos and plans for the Commissioners to view as she made her brief presentation. After a brief discussion, Rimmer requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for NOI 114-1311: 5 Barker Road, 2-1-9, Flynn, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue an Order of Conditions for 114-1311: 5 Barker Road, 2-1-9, Flynn, under the Act and the Bylaw.

Continued NOI 114- : 28 Pinehurst Drive, Marks Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant Dennis Marks, for the property located at: 28 Pinehurst Drive, Map 33, Block 1, Lot 5, to repair and improve an existing driveway within 100-feet of Bordering Vegetated Wetland, including replacing an existing drainage culvert.*
- **Notice of Intent Package:** *Prepared by Scanlan Engineering for Dennis Marks, dated 9/17/20:*
 - **Letter from Scanlan Engineering** to Conservation Commission, Re: Notice of Intent Application, Marks Residence, 28 Pinehurst Drive
 - **Narrative**
 - **WPA Form 3 – Notice of Intent**
 - **NOI Wetland Fee Transmittal Form**
 - **Letter from Wetlands & Land Management, Inc. to Dennis Marks, Re: Wetland Evaluation at 28 Pinehurst Drive, Boxford, 8/7/20**
 - **StreamStats Report**
 - **USGS Topographic Locus Plan**
 - **28 Pinehurst Drive Appraisal**
 - **Abutter List**
 - **Quitclaim Deed**
- **Permit Site Plan to Accompany Notice of Intent:** *Prepared by Scanlan Engineering, Inc., for Dennis & Amy Marks, dated 9/11/20, REV 10/9/20*

Jim Scanlan, Scanlan Engineering, representing the applicant, advised he didn't have much to report, as he has not had any response from DEP yet and a number has not yet been issued. The Director advised he has made a site visit to view the trees that

they are proposing to remove, and he provided photos for the Commissioners to view. It was determined that one of the trees they were proposing to remove may fall under the scenic roads act. The Town Engineer, Chris Olbrot, was in attendance and advised he will take a look at the tree before the next meeting. Scanlan requested to continue the hearing to November 19th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for 28 Pinehurst Drive, Marks, to November 19th, to allow time for the DPW Superintendent/Town Engineer and the Conservation Director to view and assess the tree, under the Act and the Bylaw.

Continued NOI 114-1305: 4 Wildmeadow, 40-1-71, Schimanski
Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by Applicant Danielle & Albert Schimanski for the property located at: 4 Wildmeadow Road, Map 40, Block 1, Lot 71 to install a pool, patio area and fence within 100-feet of Bordering Vegetated Wetland and Holmes Pond.*
- **Notice of Intent Package:** *Prepared by Williams & Sparages for Danielle & Albert Schimanski, dated 9/15/20:*
 - *WPA Form 3 – Notice of Intent*
 - *NOI Wetland Fee Transmittal Form*
 - *Locus Map*
 - *Project Narrative*
 - *National Flood Hazard Layer FIRMette*
 - *Affidavit of Service*
 - *Abutter List*
 - *Boxford Conservation Commission Application Check List Notice of Intent*
 - **Plan to Accompany Notice of Intent:** *Prepared by Williams & Sparages, stamped by Richard L. Williams, dated 9/15/20, REV 10/13/20, REV 10/20/20*
- **Invasive Species Management Plan:** *Prepared by Williams & Sparages, for Danielle Schimanski, dated 10/13/20*

Greg Hochmuth, Williams and Sparages, representing the applicant, met with the Conservation Commission with dewatering plans for the Commission. He provided a dewatering detail for the Commissioners to view as he made his brief presentation. After a brief discussion, Hochmuth requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for NOI 114-1305: 4 Wildmeadow, 40-1-71, Schimanski, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Order of Conditions for 114-1305, 4 Wildmeadow Road, under the Act and the Bylaw.

Continued NOI 114-1306: Lot 8A Andersen Drive, 17-1-16, Lot 8A Andersen Drive Realty Trust
Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by Applicant Lot 8A Andersen Drive Realty Trust, Donald and Carol Gianquitto, Trustees for the property located at: Lot 8A Anderson Drive, Map 17 Block 1, Lot 16; to construct a driveway with utilities, associated stormwater management and wetland replication.*
 - **Notice of Intent Package:** *Submitted by Hayes Engineering, August 2020:*
 - WPA Form 3 – Notice of Intent
 - Erosion and Sedimentation Control
 - Plan to Accompany Notice of Intent
- **Plan to Accompany Notice of Intent:** *Prepared by Hayes Engineering, stamped by Peter J. O'Brien, dated August 10, 2020, REV 10/13/2020*

Gordon Rogerson, Hayes Engineering, representing the applicant, met with the Conservation Commission to provide information on the proposal to construct an existing driveway at Lot 8A Andersen Drive. Rogerson provided photos and plans for the Commissioners to view as he made his presentation. Town Engineer Chris Olbrot was in attendance and provided guidance on the driveway installation and any applicable driveway permits that may be needed. After a brief discussion, Rogerson requested to continue the hearing to November 19th.

At the request of the applicant and on a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1306: Lot 8A Andersen Drive, 17-1-16, Lot 8A Andersen Drive Realty Trust to November 19th under the Act and the Bylaw.

Continued NOI 114-1301: Willow Road Culvert, 11-1-8 & 6-2-2.2, Olbrot
Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by Applicant Chris Olbrot for the Town of Boxford DPW for the property located at: Willow Road, Boxford, near #89 Willow Road and the Price Property, Assessor's Map 11, Block 1, Lot 8 and Map 6, Block 2, Lot 2.2 to install a replacement culvert under Willow Road in the vicinity of #89 Willow Road and an undeveloped lot known as the Price Property.*
- **Notice of Intent Package:** *Submitted by TEC, Inc. for the Town of Boxford, dated 8/6/20:*
 - WPA Form 3 – Notice of Intent
 - NOI Wetland Fee Transmittal Form
 - Narrative
 - Wetland Delineation Report
 - DEP Bordering Vegetated Wetland Delineation Field Data Form
 - Supporting Maps and Data
 - Photo Log
 - Local Forms and Check Lists
 - Abutter Information
 - Stormwater Report

- **Letter from TEC, Inc. to Boxford Conservation Commission, Re: Notice of Intent – Stormwater Report Willow Road Culvert Replacement – Boxford, MA, August 6, 2020**
- **Check List for Stormwater Report**
- **Plans Submitted: Prepared by TEC, Inc. for the Town of Boxford, Willow Road Culvert Project**
 - **Key Plan and Profile: Sheet 1 of 10**
 - **Boring Logs: Sheet 2 of 10**
 - **Grading Plan: Sheet 3 of 10**
 - **Plan and Elevations: Sheet 4 of 10**
 - **Construction Details: Sheet 5 of 10**
 - **Construction Details: Sheet 6 of 10**
 - **Construction Details: Sheet 7 of 10**
 - **Control of Water Plan: Sheet 8 of 10**
 - **Temporary Traffic Control Plan (1 of 2): Sheet 9 of 10**
 - **Temporary Traffic Control Plan (2 of 2): Sheet 10 of 10**
- **Letter from Massachusetts Division of Fisheries and Wildlife to DPW Superintendent and Conservation Director, Re: WPA and MESA Determinations, 8/17/20**

Chris Olbrot, Town Engineer, met with the Conservation Commission to request that the hearing be closed. Bob Niccoli, engineer on the project, advised they have worked with the DEP to satisfy their concerns. Olbrot advised that the project is scheduled to be completed during the next low-flow season. After a brief discussion, Olbrot requested to close the hearing.

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for NOI 114-1301: Willow Road Culvert, 11-1-8 & 6-2-2.2, Olbrot, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to Mitsch/Grigg to execute and issue the Order of Conditions for DEP file #114-1301: Willow Road Culvert, 11-1-8 & 6-2-2.2, Olbrot, under the Act and the Bylaw.

Amended OOC 114-1271: 24 Pond Street, 25-05-14, Massachusetts Electric Company d.b.a. National Grid

The Director read aloud the Notice of Public Hearing and advised that he had proof of abutter notifications. Eric Olson, with VHB, representing the applicant, met with the Conservation Commission, to advise they've had a couple of changes to the original plans. Olson provided the revised plan and photos for the Commissioners to view as he made his brief presentation. An abutter had a question on whether they would be installing the shrubbery, as they told him they would, to hide the equipment. Olson advised if they had that in the plans, it will be done, and he would check into that. The abutter will follow up with National Grid. After a brief discussion, Olson requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for Amended OOC 114-1271: 24 Pond Street, 25-05-14, Massachusetts Electric Company d.b.a. National Grid, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Amended Order of Conditions for 114-1271: 24 Pond Street, 25-05-14, Massachusetts Electric Company d.b.a. National Grid, under the Act and the Bylaw.

9:29PM PENDING ACTION ITEMS

Partial COC 114-1048: Relating to 30 Bennett Road in Boxford and 70 Ogunquit Road in North Andover: The Director provided the Commission with a brief history on the project and advised that he had the Certificate of Compliance ready for the Commissioners' approval. He provided a copy of the COC for the Commissioners to view. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to issue a partial COC for DEP file #114-1048: relating to 30 Bennett Road in Boxford and 70 Ogunquit Road in North Andover, under the Act and the Bylaw.

COC 114-1298: 26 Arrowhead Farm Road, 37-1-30, Franklin: The Director provided a brief history on the property and recommended that the Commission issue a COC.

On a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Certificate of Compliance for DEP file #114-1298: 26 Arrowhead Farm Road, 37-1-30, Franklin, under the Act and the Bylaw.

COC 114-1289: 77 Main Street, 28-1-2, Van Dusen: The Director provided a brief history on the property and recommended that the Commission issue the COC.

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Certificate of Compliance for DEP file 114-1289: 77 Main Street, 28-1-2, Van Dusen, under the Act and the Bylaw.

COC 114-1295: 15 Lantern Lane, 28-2-6, Baldassare: The Director provided a brief history on the property and recommended that the Commission issue the COC.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Certificate of Compliance for DEP file# 114-1295: 15 Lantern Lane, 28-2-6, Baldassare, under the Act and the Bylaw.

Communication from Attorney Clewell re 67C Topsfield Road: The Director read aloud a letter to the Commission from Attorney Robert H. Clewell, representing an abutter to 67C Topsfield Road, who opposed any encroachment on the pasture.

**Approve Conservation Restriction for Bergstrom Property
Supporting Docs**

- **Letter from Executive Office of Energy and Environmental Affairs:** to Vanessa Johnson-Hall, Greenbelt, Re: Draft Conservation Restriction Approved, 10/29/20
- **Conservation Restriction:** Bergstrom property

The Director provided the Commissioners with a copy of the Conservation Restriction for the Bergstrom property for their approval. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** 5-1 (**Di Luna: NAY**) by roll call vote to approve the Conservation Restriction for the Bergstrom property.

9:47 PM ROUTINES

- **Minutes Review/Approval:** The Commissioner briefly reviewed the available minutes and took the following action:

On a **MOTION** made by **Di Luna**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to approve the open session minutes of October 1st and October 15th, 2020, as drafted and circulated.

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to approve the Executive Session minutes of October 15, 2020, as circulated.

- **Ratify Tree Permits**

- **Phelan, 43 Silverbrook Road:** 1 honey locust tree cracked, with cables holding the sides together. The Director recommends ratification of the tree permit.

On a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify tree permit for the removal of 1 honey locust tree at 43 Silverbrook Road, the under the bylaw.

- **Francoer, 77 Main Street:** Old dead sugar maple, which has decomposed in place, at the Van Dusen residence. The Director recommends ratification of the tree permit.

On a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify tree permit for the removal of 1 40" sugar maple at 77 Main Street, the under the bylaw.

- **Merrill, 34 Topsfield Road:** Five trees: 1- 12" spruce, 1- 10" white pine, 2- 30" white pines, and a 12" linden that are damaged or dead. The Director recommends ratification of the tree permit.

On a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify tree permit for the removal of 1 12" spruce, 10" white pine, 2 30" white pines, and a 12" linden, the under the bylaw.

10:10 PM ADJOURN

With no further business, on **MOTION** made by **Smallman**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously by roll call vote to adjourn at 10:10 PM.

Respectfully submitted,



Judith A. Stickney
Minutes Secretary