Minutes of the BOXFORD CONSERVATION COMMISSION REMOTE PARTICIPATION ONLY December 3, 2020 7:00 PM

Present: Peter Delaney, Natasha Grigg, David Smallman, Mark Mitsch, Kerri Lummus, Alan Fowler, Frank Di Luna (7:40 PM)

Absent: None

Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Denise Aldridge, Susan Tabacco, Chris Caron, Deborah Connery, Diane Stoler, Jacqueline Rapisardi, Greg Kokorda, Ann Marton, Michael Laham, Jeremy Degler, Lauren Gray, Michael Kolosky, Attorney Alex Weisheit, David & Gabrielle Burnham, Peter Perkins, Randolph Johnson, Robert Clewell, Aidan Linehan, Scott Reed, Skip Jones, Shawn Perkins, Joe Reynolds, Andrew Gori, Stan Frizzell, Attorney Robert Clewell, Chris Caron, Attorney Don Borenstein, Jeffrey Hixon, Claudia Worth, Kim Cordiero, Mathew Nadworney, Joe Alberta, John Morin, Alan Therrien, Evin Guvendiren, Scott Cameron, Scott Miccile, Jessica Grigg, Cynthia Woodbury, Joe Reynolds, Jim Scanlan, BCATv99, and others

7:03 PM With a quorum present, Chair Peter Delaney called the meeting to order.

7:03 PM SCHEDULED HEARINGS AND DISCUSSIONS: Continued Enforcement Order: 23 Sagamore Lane, Kahan Supporting Docs

- WPA Form 9 12th 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 Sagamore Realty Trust (John Sanidas), advised the Commission that they re-established the wetland flags have been reset. Mike DeRosa also viewed the wetland flags and thought they were conservative. Morin noted that a well was permitted but no other work was permitted in the setback. He advised that at the site walk the fence and pool were discussed, to possibly remove them from the setback. They will be filing a Notice of Intent for next spring. At this point, they are preparing a mitigation plan, as part of the restoration project. After a brief discussion, the Commissioners determined that a Notice of Intent was the appropriate filing.

EXECUTIVE SESSION to discuss strategy with respect to litigation relating to 23 Sagamore Lane whereas an open meeting discussion may have a detrimental effect on the Town's litigating position.

It was determined that an Executive Session was not needed at this time.

Discussion: 283 Main Street, Borylo Supporting Docs

- Copy of letter from Attorney Clewell to Zoning Board of Appeals, Case #1012, 11/17/20
- Copy of letter from Attorney Clewell to Board of Health, Re: 283 Main Street, Boxford, MA, 11/16/20
- Copy of letter from Attorney Clewell to Board of Health, Re: 283 Main Street, Boxford, MA, 11/18/20
- E-Mail from Shawn Perkins to Conservation Director, Re: Follow-Up to Conservation Meeting, 12/7/20
- 6 Photos
- Zoning Board of Appeals Hearing Application: Shawn Perkins & Jessica Maloney, Appeal of Building Inspector, 9/22/20

Attorney Robert Clewell, representing the property owner, advised that he had sent the Commission a lengthy letter regarding this, noting that they are an agricultural property, and that there was no removal of soil as has been reported to the Conservation Commission. After a brief discussion, Attorney Clewell added that the Building Inspector had made a site visit and determined that nothing was going on that was unpermitted or in violation of zoning. After a lengthy discussion on the allegations, they Chair determined that they had no evidence of any wetland violations at this time. Commissioner Smallman suggested that they ask the property owner for permission to make a site visit to determine if there are any issues there. Attorney Clewell requested that they make their request through him. The Director will make arrangements for a site visit and put together a package of former filings on the property.

Continued Enforcement Order: 50 Moonpenny Drive, Nadworney Supporting Docs

- WPA Form 9 6th Amended Enforcement Order: Matthew Nadworney, 50 Moonpenny Drive: Placement of fill and wood chips within the 100-foot Buffer Zone
- Topographic Plan Draft: Prepared by Williams & Sparages, stamped by Christ P. Sparages, dated 9/29/20

Mathew Nadworney advised that they did a site walk with the Conservation Commission Director and his engineer, Bill Manuell. Manuell will be filing a Notice of Intent at the beginning of January. Nadworney advised he is ready to go as soon as they get clearance.

Continued 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, REV 11/5/20

Attorney Don Borenstein, representing the property owner, advised that they are filing for a Notice of Intent, which they expect to have completed in two weeks. They will be ready for the Conservation Commission's first meeting on January 7th. After a brief discussion, Attorney Borenstein requested they push the date to the January 21st meeting.

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the existing Enforcement Order and issue a new Enforcement Order, referencing the date of January 7th, for 6 Gunnison Road, under the Act and the Bylaw.

The **MOTION** was later amended by **Mitsch**, second by **Grigg**, to have the applicant submit materials by January 7th, and be heard at the January 21st meeting.

Roll Call for above motions (called by Chair Delaney):

Natasha Grigg: Yes Kerri Lummus: Yes Frank Di Luna: Yes Mark Mitsch: Yes Alan Fowler: Yes David Smallman: Yes Peter Delaney: Yes

RDA 2020-17: 179C Lake Shore Road, 4-1-4, Martin Supporting Docs

- Notice of Public Hearing: Request for Determination of Applicability by applicant Gary & Karen Martin, for the property located at 179C Lake Shore Road, Boxford: Map 4, Block 1, Lot 4, to implement and invasive species management plan within 100-feet of wetland resource area.
- Letter from Land Stewardship Inc., to Gary Martin, Re: Invasive Plant Management, 7/22/20
- **WPA Form 1** Request for Determination of Applicability
- **Wetland Delineation Report,** prepared by Environmental Consulting and Restoration, LLC, dated 9/24/20

The Director read aloud the public meeting notice. Gary Martin, property owner, met with the Conservation Commission with a Request for Determination of Applicability to implement an invasive species management plan within 100 feet of a wetland resource area. Martin provided photos, plans, and information for the Commissioners to view as

he described the work they are proposing. After a brief discussion, the applicant requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for RDA 2020-17, 179C Lake Shore Road, 4-1-4, Martin, under the Act and the Bylaw.

On a **MOTION** made by **Di Luna**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to issue a Negative Determination, checking box 1, for RDA 2020-17, 179C Lake Shore Road, under the Act and the Bylaw.

Roll Call for above motions (called by Chair Delaney):

Natasha Grigg: Yes Kerri Lummus: Yes Frank Di Luna: Yes Mark Mitsch: Yes Alan Fowler: Yes David Smallman: Yes Peter Delaney: Yes

RDA 2020-18: 27 Pye Brook Lane, 30-2-3, Boston Gas Company Supporting Docs

- Notice of Public Hearing: Request for Determination of Applicability for applicant: Boston Gas Company, for the property located at: 27 Pye Brook Lane, Boxford: Map 30 Block 2, Lot 3, to install new gas service line to existing residence.
- RDA Application Package: Prepared by Tighe & Bond, for Boston Gas Company, for Residential Gas Service Installation Project, 27 Pye Brook Lane, Boxford, Massachusetts, November 2020:
 - Letter from Tighe & Bond to Conservation Director, Re: Request for Determination of Applicability, Residential Gas Service Installation Project: Boston Gas Company, 27 Pye Brook Lane, Boxford, Massachusetts, 11/18/20
 - Attachment A WPA Form 1
 - Attachment B Figures
 - Attachment C Site Photographs
 - Attachment D Abutter Information
 - Attachment E National Grid Best Management Practice Details

The Director read aloud the Notice of Public Hearing to install new gas service line to existing residence. Jeremy Degler, representing Boston Gas Company, met with the Conservation Commission with a Request for Determination of Applicability. Degler provided photos and plans for the Commissioners to view as he made his brief presentation. A brief discussion ensued on the erosion controls mentioned in the proposal, but not shown on the plan. Degler will get that put on the plan and requested

to continue the hearing to the December 17th meeting and the Commission took the following action:

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 continue the hearing for RDA 2020-18: 27 Pye Brook Lane, 30-2-3, Boston Gas Company to December 17th, under the Act and the Bylaw.

Roll Call (called by Chair Delaney):

Natasha Grigg: Yes Kerri Lummus: Yes Frank Di Luna: Yes Mark Mitsch: Yes Alan Fowler: Yes David Smallman: Yes Peter Delaney: Yes

NOI 114-: Willow Road, 6-2-2.2, Toll Bros., Inc. For plans and reports go to: https://www.town.boxford.ma/conservation-commission/pages/willows-box...

Supporting Docs

- Notice of Public Hearing: Notice of Intent by applicant Scott Miccile for Toll Bros., Inc., for the property located at Willow Road, Map 6, Block 6 Lot 2.2, for the construction of an active adult residential community containing 66 units, a clubhouse, pool, landscaping, habitat management, and associated improvements, portions of which would be located within Riverfront Area, Bordering Vegetated Wetland Bank, and Buffer Zone.
- Notice of Intent Package: prepared by LEC Environmental Consultants for Price Family LLC, dated 11/19/20
 - Letter from LEC to Conservation Director, Re: Notice of Intent Application [LEC File #: TBI\18-044.02]: The Willows at Boxford—An Active Adult Community, Willow Road (Assessor's Map 6, Block 2, Lot 2.2), Boxford, Massachusetts, 11/19/20
 - WPA Form 3-Notice of Intent
 - Wetland Fee Transmittal Form
 - Boxford NOI Fee Form
 - Affidavit of Service
 - Abutter Letter
 - Abutter Notice
 - Abutter List
- Plans Submitted: Prepared by The Morin-Cameron Group, for Toll Brothers, dated 11/19/20:
 - 1. Cover Sheet
 - 2. Sheet Index
 - 3. General Notes, Legends, and Abbreviations

- 4. Overall Existing Conditions
- 5. Existing Conditions Plan I
- 6. Existing Conditions Plan II
- 7. Existing Conditions Plan III
- 8. Existing Conditions Plan IV
- 9. Overall Site Layout Plan
- 10. Site Layout Plan I
- 11. Site Layout Plan II
- 12. Site Layout Plan III
- 13. Site Layout Plan IV
- 14. Grading and Drainage Plan I
- 15. Grading and Drainage Plan II
- 16. Grading and Drainage Plan III
- 17. Grading and Drainage Plan IV
- 18. Roadway Plan and Profile I
- 19. Roadway Plan and Profile II
- 20. Roadway Plan and Profile III
- 21. Roadway Plan and Profile IV
- 22. Soil Log I
- 23. Soil Log II
- 24. Construction Details
- 25. Construction Details
- 26. Construction Details
- 27. Proposed Wetland Crossing Plan

Commissioner Frank Di Luna recused himself from this hearing.

The Director read aloud the Notice of Public Hearing. Scott Miccile, representing the applicant, met with the Conservation Commission with a proposal for an active adult community project on the Price property on Willow Road. Miccile advised they have filings with other agencies for the public water supply, Natural Heritage, and housing. Ann Marton and Scott Cameron provided photos, plans, and drawings for the Commissioners to view as they made their presentation. After the presentation, the Commissioners determined that a peer review would be needed, and they would need a site visit. Before the site visit, they would like to have the areas they talked about staked out. They are most interested in the wetland crossing. After a brief discussion, they scheduled a site walk for December 19th, at 9AM. Several abutters were in attendance who expressed concern about the water supply and how it might affect abutters' water supplies. Many expressed interest in attending the site visit. Scott Cameron explained that abutters were not invited to the site visit for liability reasons. The Chair explained that they are gathering information at this time, hearing abutters' concerns, that there were several other hearings and meetings this applicant will need to go through before anything is approved. He encouraged the abutters to stay up to date with the hearings that will be scheduled. The applicant requested to continue the hearing to January 7th, and the Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** by roll call vote to continue the hearing for NOI 114- Willow Road, 6-2-2.2, Toll Bros., Inc. to January 7, 2021, under the Act and the Bylaw.

Roll Call:

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

AOOC 114-1281: 201 Georgetown Road, 20-10-8, Famolare Supporting Docs

- Notice of Public Hearing: Amendment to the Order of Conditions for DEP File # 114-1281 by applicant Joseph and Cynthia Famolare for the property located at: 201 Georgetown Road; Map 20, Block 10, Lot 8, to amend the approved plan to include deviations from the approved plan evident from the as-built conditions.
- Letter and related attachments from The Morin-Cameron Group to Conservation Commission, Re: 201 Georgetown Road DEP File #114-1281, Owner/Applicant: Joseph & Cynthia Famolare, 11/10/20
- **As-Built Plan:** Prepared by The Morin-Cameron Group, for Joseph & Cynthia Famolare, stamped by John M. Morin, dated 10/5/20

The Director read aloud the Notice of Public Hearing. John Morin, the Morin-Cameron Group, representing the applicant, met with the Conservation Commission with an Amended Order of Conditions for Famolare, 201 Georgetown Road. Morin advised that the Order of Conditions was issued in August for the construction of an addition, driveway, and grading. Morin added that when they out to review the project, they found some minor deviations from the Order of Conditions, with the driveway turnout being 66 feet from the wetland, instead of the 75 feet shown on the approved plan. After a brief discussion, the applicant 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 by roll call vote to close the hearing for AOOC 114-1281: 201 Georgetown Road, 20-10-8, Famolare, 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 DEP File #114-1281, 201 Georgetown Road, 20-10-8, Famolare, under the Act and the Bylaw.

Roll Call for above motions (called by Chair Delaney):

Natasha Grigg: Yes Kerri Lummus: Yes Frank Di Luna: Yes Mark Mitsch: Yes Alan Fowler: Yes David Smallman: Yes Peter Delaney: Yes

Continued 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.
- Permit Site Plan to Accompany a Notice of Intent: Prepared by Scanlan Engineering LLC, for John E. Jones, dated 10/14/20, REV 11/17/20, 11/23/20

 Jim Scanlan, Scanlan Engineering, met with the Conservation Commission to advise they heard from Natural Heritage, which is no comment. There was a brief discussion on the sono tubes, which Skip Jones, the homeowner, confirmed that the sono tubes would be poured in place. After discussion, Scanlan requested to close the hearing and the Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for NOI 114-1310: 4 Chapman Way, 25-1-4, Jones, 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 DEP File #114-1310: 4 Chapman Way, 25-1-4, under the Act and the Bylaw.

Roll Call for above motions (called by Chair Delaney):

Natasha Grigg: Yes Kerri Lummus: Yes Frank Di Luna: Yes Mark Mitsch: Yes Alan Fowler: Yes David Smallman: Yes Peter Delaney: Yes

Continued 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
 - o Figure 1: USGS Locus Map
 - o Figure 2a: Proposed Plan, Donohoe Survey, Inc.
 - o Figure 2b: Project Elements Plan, DeRosa Environmental
 - o Consulting, Inc.
 - o Figure 2c: Landscape Plan L2, Ulrich Landscape Collaborative
 - o Figure 2d: Mitigation Planting Plan, DeRosa Environmental
 - o Consulting, Inc.
 - o Figure 3: MassGIS Aerial Map
 - o Figure 4: MassGIS Wetlands Map
 - o Figure 5: MassGIS NHESP Map
 - o Figure 6: FEMA Firmette Flood Map
- Letter and Supporting Documents from DeRosa Environmental Consulting, Inc. to Conservation Commission: Re: Supplemental Information | Notice of Intent, Reynolds Residence, 65 Boren Lane, Boxford, Massachusetts, MassDEP File No.: 114-1309

Evin Guvendirin, DeRosa Environmental, met with the Conservation Commission to describe the changes to the plans since the last meeting, noting that wetland markers were added, as well as notes, which were requested at the last meeting. After a brief discussion, Guvendirin 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 by roll call vote to close the hearing for NOI 114-1309: 65 Boren Lane, 29-1-26, Reynolds, under the Act and the Bylaw.

On a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Order of Conditions DEP File #114-1309: 65 Boren Lane, 29-1-26, Reynolds, under the Act and the Bylaw.

9:33 PM PENDING ACTION ITEMS

COC 114-1077: 16 Samuel Bixby Way, 28-2-28.4, Alexandrou: John Morin, The Morin-Cameron Group, representing the homeowner, provided information on the work that was completed. The Director provided the Commissioners with photos to view and recommended that the Certificate of Compliance be issued.

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Certificate of Compliance for DEP file #114-1077, 16 Samuel Bixby Way, 28-2-28.4, Alexandrou, under the Act and the Bylaw.

Roll Call for above motions (called by Chair Delaney):

Natasha Grigg: Yes Kerri Lummus: Yes Frank Di Luna: Yes Mark Mitsch: Yes Alan Fowler: Yes David Smallman: Yes Peter Delaney: Yes

COC 114-1293: 394 Transmission Line, New England Power: The Director advised this was for the soil testing for possible future footings for new concrete towers to hold the transmission lines on the right-of-way. He added that he has made a site visit and noted some evidence of ATV use, but everything is in good shape there and he recommends issuance of the Certificate of Compliance.

At the recommendation of the Director and on a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Certificate of Compliance for DEP file #114-1293: 394 Transmission Line, New England Power, under the Act and the Bylaw.

Roll Call for above motions (called by Chair Delaney):

Natasha Grigg: Yes Kerri Lummus: Yes Frank Di Luna: Yes Mark Mitsch: Yes Alan Fowler: Yes David Smallman: Yes Peter Delaney: Yes

Continued COC for SWMP 2020-1: 41 Kelsey Road, 20-2-3, McManus

Commissioner Frank Di Luna recused himself from this discussion.

The Director advised he had made a site visit and noted that the silt fence was in place, the stone pad was in place, and he recommends that the silt fence remain in place until the spring, until the grass has a chance to grow. He also provided photos for the Commissioners to view of the gravel pad and the siltation fencing. Due to exposed soils, he does not recommend that the Certificate of Compliance be issued at this time.

At the recommendation of the Director and on a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to deny the Certificate of Compliance for SWMP 2020-1: 41 Kelsey Road, 20-2-3, McManus, under the Act and the Bylaw, due to the site not being adequately stabilized and the erosion and sedimentary controls remain in place until the spring.

Roll Call:

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

Discussion: Faulty public notice for recently issued Amended OOC 114-1271: 24 Pond Street, 25-05-14, Massachusetts Electric Company d.b.a. National Grid:

The Director advised that no one was in attendance to discuss the issue. He added that there will be a request coming in to amend the Order of Conditions. For tonight's hearing, a number of abutter notifications were sent out without adequate postage and were not delivered to the abutters. The hearing process needs to be refiled and they will be doing that.

Discussion: Baldpate State Forest Boardwalk: The Director advised there is an old boardwalk which is in a state of disrepair and needs to be fixed and/or replaced. Jeff Hixon, BTA-BOLT, advised he has talked with DCR's Peter Luongo, who was completely in favor of replacing the boardwalk and advised them to discuss with the Conservation Commission. Jessica Grigg, president of BTA-BOLT, advised that they do not have the funds to replace a boardwalk in a state forest. After a brief discussion, the Director will contact DCR and advise them to file with the Conservation Commission to replace the boardwalk.

Discussion: Hunting on Conservation Lands: The Director advised that he researched the town's lands with conservation restrictions and provided his report to the Commission, noting that there is no consistency to whether hunting is allowed or not. A lengthy discussion ensued on requiring permission from the Town to hunt on Town-owned land. Select Board member Peter Perkins was in attendance and advised the Commission that he has been in contact with Director Ross Povenmire to identify town-owned properties that are available for hunting. He will continue to research this with a hunting committee and report back to the Commission with their findings at their meeting on January 21st.

10:26 PM ROUTINES

 Minutes Review/Approval: The Commissioners briefly reviewed available minutes and took the following action:

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to approve the minutes of November 19, 2020, as drafted and circulated.

Roll Call:

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

10:28 PM ADJOURN

With no further business, on **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to adjourn at 10:28 PM.

Roll Call:

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

Respectfully submitted,

Judith A. Stickney Minutes Secretary