

**Minutes of the BOXFORD CONSERVATION COMMISSION
REMOTE PARTICIPATION ONLY
February 4, 2021 7:00 PM**

Present: Peter Delaney, Natasha Grigg, David Smallman, Mark Mitsch, Frank Di Luna, Alan Fowler

Absent: Kerri Lummus

Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Alan Therrien, Andrew Gori, Atty Don Borenstein, Eric Gemme, G. Zambouras, Gunnison, Joanna Daniel, George Comisky, Tim Moore, Larissa Nadworny, Michael Bell, Peter Ellison, Scott Cameron, Stan Frizzell, BCATv, Ann Marton, Bill Manuell, Chris Olbrot, Michael Laham, Scott Miccile, and others

7:05 PM With a quorum present, Chair Peter Delaney called the meeting to order.

7:07 PM SCHEDULED HEARINGS AND DISCUSSIONS:

Violation: 23 Sagamore Lane, Kahan/Sanidas

Supporting Docs

- **WPA Form 9 – 13th 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, of The Morin-Cameron Group, representing the applicant, met with the Conservation Commission to advise that they will have the Notice of Intent and Restoration Plan ready by February 18th and will apply to be on the agenda for March 4th.

Violation: 6 Gunnison, Cogley

Supporting Docs

- **Photos**
- **Boxford Stormwater Management Bylaw 3rd Amended 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, 1/21/21

Attorney Don Bornstein, representing the homeowner, met with the Conservation Commission to advise that they got a draft plan together today and will have it ready to file by Wednesday or Thursday of next week for the March 4th meeting. Andrew Gori, an abutter, asked the Commission what the consequence is if a homeowner fails to file the required filings. The Chair advised that the Commission would file an Enforcement Order.

RDA 2021-1: 112 Ipswich Road, 25-1-11, Moore

Supporting Docs

- **Notice of Public Hearing:** Request for Determination of Applicability for applicant Tim Moore for the property located at: 112 Ipswich Road, Boxford: Map 25, Block 1, Lot 11; to install concrete pad for generator and trenching for an electrical connection to an existing residence.
- **WPA Form 1 – Request for Determination of Applicability**

- **Aerial View Photo**
- **Project Plan**
- **Flood Plain Map**
- **Wetland Map**
- **Vision Government Solutions Property Information:** *Timothy J. Moore TE, 112 Ipswich Road, Boxford, MA*

The Director read aloud the public notice to open the hearing. Tim Moore, homeowner, provided a brief presentation on his proposal to install a concrete pad and trenching for a generator. The Chair advised him that the Commission is unable to verify the wetland boundaries during the blackout period of December 1st to April 1st, adding that they will need to continue this to the first meeting in April. The homeowner requested to continue the hearing to the April 1st meeting and 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 continue the hearing for RDA 2021-1: 112 Ipswich Road, 25-1-11, Moore to April 1st, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney)

Di Luna: Yes

Smallman: Yes

Mitsch: Yes

Grigg: Yes

Fowler: Yes

Delaney: Yes

RDA 2021-2: 55 Herrick Road, 24-4-11, Gemme

Supporting Docs

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant Eric Gemme for the property located at: 55 Herrick Road, Map 24, Block 4, Lot 11; to dig trench and install electrical conduit within 100-feet of Bordering Vegetated Wetland.*
- **WPA Form 1 – Request for Determination of Applicability**
- **Property Parcel Map**
- **Aerial View**
- **55 Herrick Road NHESP**
- **55 Herrick Road FEMA Zones**
- **3 Photos**

The Director read aloud the public notice. Eric Gemme, homeowner, provided a brief presentation on his proposal to dig a trench and install an electrical conduit within 100 feet of a Bordering Vegetated Wetland. Gemme provided photos, maps and drawings for the Commissioners to view as he made his brief presentation. The Chair advised that they are unable to verify a wetland line from December 1st to April 1st, so they will need to continue this to the first meeting in April. After a brief discussion, the Commission requested that erosion controls be included on the plan. Gemme requested to continue the hearing to April 1st and the Commission took the following action:

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 RDA 2021-2: 55 Herrick Road, 24-4-11, Gemme to April 1st, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney)

Di Luna: Yes

Smallman: Yes

Mitsch: Yes

Grigg: Yes

Fowler: Yes

Delaney: Yes

NOI 114-1317: 50 Moonpenny, 40-1-4, Nadworney

Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by Applicant Matthew Nadworney for the property located at: 50 Moonpenny Drive, Map 40, Block 1, Lot 4, for clearing and grading to install a fence.*
- **Notice of Intent Package:** *Prepared by Wetlands and Land Management, Inc. for 50 Moonpenny Drive, dated January 2021*
 - **Project Narrative**
 - **Locus Map**
 - **WPA Form 3 – Notice of Intent**
 - **Notice of Intent Wetland Fee Transmittal Form**
 - **Abutter List**
- **Topographic Plan of Land in Boxford, MA, 50 Moonpenny Drive**

Bill Manuell, Wetlands and Land Management, representing the applicant, met with the Conservation Commission with a Notice of Intent for clearing and grading to install a fence. Manuell provided plans and photos for the Commissioners to view as he made his brief presentation. Manuell advised that the wetlands were confirmed by the Conservation Commission prior to Thanksgiving. After Manuell's presentation, Commissioner Grigg had many questions and requested that the Commissioners schedule another site walk. Other Commissioners agreed and, after a brief discussion, the Commissioners scheduled a site walk for Tuesday March 9th, at 5:30PM. The applicant requested to continue the hearing to March 18th.

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 continue the hearing for NOI 114-1317: 50 Moonpenny, 40-1-4, Nadworney, to March 18th, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney)

Di Luna: Yes

Smallman: Yes

Mitsch: Yes

Grigg: Yes

Fowler: Yes

Delaney: Yes

NOI 114-1316: Main Street Road R.O.W. near 545 Main Street, Boxford DPW
Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant Chris Olbrot, Boxford Department of Public Works, for the property located at Main Street Road Right of Way near 545 Main Street; to repair and replace an existing drainage structure including a catch basin, conduit and headwall.*
- **Notice of Intent Package:** *Prepared by TEC, Inc. for Town of Boxford DPW, dated January 15, 2021*
 - WPA FORM 3
 - 1 NARRATIVE
 - INTRODUCTION AND PURPOSE
 - EXISTING CONDITIONS
 - PROPOSED IMPROVEMENTS
 - RESOURCE AREAS
 - CONSTRUCTION SEQUENCE
 - MITIGATION
 - CONCLUSION
 - 2 WETLAND DELINEATION REPORT
 - 3 STORMWATER MEMO
 - 4 SUPPORTING MAPS AND DATA
 - 5 PHOTO LOG
 - 6 LOCAL FORMS AND CHECKLISTS
 - 7 ABUTTERS INFORMATION
 - 8 MESA CHECKLIST
 - 9 NHESP PROOF OF MAILING
- **Plans Submitted:**
 - *Proposed Drainage Improvements Construction Plan*
 - *Proposed Drainage Improvements Construction Details*

The Director read aloud the public notice. DPW Director/Town Engineer Chris Olbrot met with the Conservation Commission with a Notice of Intent to repair and replace an existing drainage structure including a catch basin, conduit and headwall. Olbrot noted that due to erosion issues, the pipe collapsed and the catch basin is compromised. Peter Ellison of TEC, Inc. provided a brief presentation on the work proposed. After a brief discussion, the Chair advised that they are unable to verify the wetland boundaries until April 1st and requested that the Commissioners schedule a site walk for April 6th, at 6:30PM. Olbrot requested to continue the hearing to April 15th and the Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1316: Main Street Road R.O.W. near 545 Main Street, Boxford DPW, to April 15th, with a site walk scheduled for April 6th, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney)

Di Luna: Yes

Smallman: Yes

Mitsch: Yes

Grigg: Yes

Fowler: Yes

Delaney: Yes

Continued NOI 114-1313: Willow Road, 6-2-2.2, Toll Bros., Inc.

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 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

- **Peer Review Quotes:**
 1. VHB: \$14,700
 2. Weston & Sampson: \$4,400
 3. TEC: \$8,000
- **Peer Review:** Prepared by Peter Ellison, TEC, Inc., dated February 1, 2021

Commissioner Frank Di Luna recused himself from this hearing.

Scott Cameron of The Morin-Cameron Group, along with Ann Marton, representing the applicant, met with the Conservation Commission with their project consisting of a pool installation, landscaping, habitat management, and associated improvements, portions of which would be located within Riverfront Area, Bordering Vegetated Wetland Bank, and Buffer Zone. Peter Ellison, of TEC, Inc., provided his peer review to the Commission on the project. During discussion, Commissioner Grigg requested that there be no pesticides, herbicides, or other non-organic pest controls be used in this sensitive conservation area. She also expressed concern about wildlife that may live in the area and if anyone has information on that. The Director provided the Commissioners with comments from the Planning Board meeting the night before, including the road that will be going in. He requested that Peter Ellison also provide a quote for a peer review of the road for the Planning Board. A brief discussion ensued on possible other things to include in the peer review. George Comiskey, Parker River Clean Water Association (PRCWA), provided his concerns and recommendations of the PRCWA on the Conservation Restriction, as well as any MEPA reviews, public water supply issues, and turtle habitats. After discussion, the applicant requested to continue the hearing to March 4th.

At the request of the applicant and on a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1313: Willow Road, 6-2-2.2, Toll Bros., Inc., to March 4th, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney)

Smallman: Yes

Mitsch: Yes

Grigg: Yes

Fowler: Yes

Delaney: Yes

8:42 PM OTHER BUSINESS

Tree Permit

- **18 Sheffield Road, Darling:** 1 dead hemlock tree, 1 dead white pine. The Director issued a permit for their removal and requested ratification by the Conservation Commission. The Commission took the following action:

On the recommendation of the Director and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the removal of two trees at 18 Sheffield Road.

Roll Call (Called by Chair Delaney)

Di Luna: Yes

Smallman: Yes

*Mitsch: Yes
Grigg: Yes
Fowler: Yes
Delaney: Yes*

Minutes Review/Approval: After a brief review of the Minutes of January 7th and January 21st, the Commission 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 January 7th, 2021, and January 21st, 2021, as submitted.

Roll Call (Called by Chair Delaney)

*Di Luna: Yes
Smallman: Yes
Mitsch: Yes
Grigg: Yes
Fowler: Yes
Delaney: Yes*

Discussion on Stormwater Management Permits: The Director notified the Commissioners that at the next meeting on February 18th, the Commission will have two new stormwater management plan permits: 1 for Cole School, and 1 for the Center at 10 Elm Street. The Director advised the Commissioners that the stormwater calculations use data from the Cornell Study and this Commission changed the rainfall data to reflect newer updated rainfall information, adding that it wasn't done for the Stormwater Management Permit at the time. When the Commission reviews these permits, they will be using the Cornell data. The Director suggested that the Commission may want to move quickly to make the calculations the same for both permits. The Chair asked that the Director get that posted and advertised for the next meeting.

8:52 PM ADJOURN

With no further business, on **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to adjourn at 8:52 PM.

Roll Call (Called by Chair Delaney)

*Di Luna: Yes
Smallman: Yes
Mitsch: Yes
Grigg: Yes
Fowler: Yes
Delaney: Yes*

Respectfully submitted,



Judith A. Stickney
Minutes Secretary