

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

Present: Peter Delaney, Kerri Lummus, Natasha Grigg, David Smallman, Alan Fowler, Mark Mitsch, Frank Di Luna (8:45 PM)

Absent: None

Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Rick Shaw, Andrew Gori, Attorney Don Borenstein, George Zambouras, Deb and Kevin Connerty, Colleen Kennedy, Barbara Jessel, Margaret Chow-Menzer, Steve Clifford, Scott Richardson, Lance Cluster BCATv, Sue Clifford, Katie Lemaire, John Morin, Joanna Daniel, Jamie Fair, David Conway, Chris Olbrot, Bob Hazelwood, Christina Eckert, Liz Murphy, and others

7:01 PM With a quorum present, Chair Peter Delaney called the meeting to order.

7:02 PM SCHEDULED HEARINGS AND DISCUSSIONS:

SWMP 2021-3: 6 Gunnison Road, 34-1-43, Cogley

Supporting Docs:

- **Notice of Public Hearing:** *Stormwater Management Bylaw Application by applicant, Michael Cogley, for the property located at: 6 Gunnison Road, Map 34, Block 1, Lot 43, to authorize grading and landscaping, partially after-the-fact, in accordance with the requirements of the Boxford Stormwater Management Bylaw.*
- **Letter and Related Material from Atlantic Engineering** *to Conservation Commission, Re: Stormwater Management Application - Enforcement Order – 2020-1SWMP, Michael Cogley, 6 Gunnison Road, Assessors Parcel 34-1-43, dated 2/10/21*
 - *Stormwater and Hydrologic Report*
 - *Permit Plan*
 - *Abutters List*
 - *Permit Fee*
 - *Legal Notice Billing Authorization*
- **Permit Plan at 6 Gunnison Road:** *Prepared for Michael Cogley, prepared by Atlantic Engineering & Survey Consultants, stamped by George J. Zambouras, dated 2/5/21*
- **Stormwater & Hydrologic Report for Site Regrading:** *Located at 6 Gunnison Road Boxford, Massachusetts 01921, Prepared For Michael Cogley & Alissa Stuckey; prepared by Atlantic Engineering & Survey Consultants, dated 2/8/21*

The Director read aloud the Notice of Public Hearing to open the hearing. Attorney Don Borenstein, representing the applicant, met with the Conservation Commission with a Stormwater Management Permit. Borenstein provided a brief history of the issues on the property and introduced George Zambouras of Atlantic Engineering. Zambouras provided the Commission with detailed information on the stormwater and hydrologic report. Zambouras had provided the Commission with plans and information to view as he made his presentation. Abutters in attendance who provided comments and questions included Deb & Kevin Connerty, and Andy Gori. After discussion, the Chair requested that the Commission schedule a site walk on the

property. The Commission scheduled the site walk for March 16th at 5:30 PM. Kevin Connerty requested that the site walk be rescheduled to March 23rd, so that he could attend. After much discussion, the Commission changed the date of the site walk to March 23rd at 5:30 PM. Attorney Borenstein requested to continue this hearing to April 1st and the Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing to April 1st, with a site walk scheduled for March 23rd.

Roll Call (Called by Chair Delaney):

| | |
|-----------------|-----|
| Kerry Lummus: | Yes |
| David Smallman: | Yes |
| Natasha Grigg: | Yes |
| Mark Mitsch: | Yes |
| Alan Fowler: | Yes |
| Peter Delaney: | Yes |

**NOI 114- : 23 Sagamore Lane, 42-1-17.6, Kahan
Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by applicant Jason Kahan for the property located at 23 Sagamore Lane, Map 42, Block 1, Lot 17.6, for the removal of a fence, boulder wall and fill located in the 100-foot No-Disturb buffer to a Vernal Pool, and restoration of the Vernal Pool buffer. Also for after-the-fact authorization for the installation of a fence, slope stabilization, and boulder wall within the 100-foot buffer to Bordering Vegetated Wetland.*
- **WPA Form 3 – Notice of Intent**
- **Plan of Land in Boxford, Mass.:** *Prepared by The Morin-Cameron Group for Jason Kahan, dated 2/16/21*

The Director read aloud the Notice of Public Hearing to open the hearing. John Morin, The Morin-Cameron Group, representing the applicant, met with the Conservation Commission with a Notice of Intent to remove a fence, boulder wall and fill, and restoration of the vernal pool buffer; also for the after-the-fact authorization for the installation of a fence, slope stabilization, and boulder wall. Morin provided the Commission with drawings and plans to view as he made his presentation. Morin advised that they do not yet have a file number from DEP and requested to continue the hearing to March 18th. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for 23 Sagamore Lane to March 18th, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

| | |
|-----------------|-----|
| Kerry Lummus: | Yes |
| David Smallman: | Yes |
| Natasha Grigg: | Yes |
| Mark Mitsch: | Yes |
| Alan Fowler: | Yes |
| Peter Delaney: | Yes |

Continued NOI 114-1319 : Spofford Pond School at 31 Spofford Road, 15-1-4, Stephen Clifford for the Town of Boxford

Supporting Docs:

- <https://www.town.boxford.ma.us/conservation-commission/pages/spofford-pond-school-project>

James Pearson, project manager with Weston & Sampson, representing the applicant, met with the Conservation Commission to find out if the peer review had been selected yet. The Director advised there was one price quote received. He was hoping to have two peer review quotes for tonight's meeting. After a brief discussion, the Commission decided they would like to have at least two price quotes before selecting the peer review. Pearson requested to continue the hearing to March 18th to allow them time to revise the plans for the peer review when one is selected.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1319: Spofford Pond School at 31 Spofford Road, 15-1-4, Stephen Clifford for the Town of Boxford to March 18th, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

| | |
|------------------------|-----|
| <i>Kerry Lummus:</i> | Yes |
| <i>David Smallman:</i> | Yes |
| <i>Natasha Grigg:</i> | Yes |
| <i>Mark Mitsch:</i> | Yes |
| <i>Alan Fowler:</i> | Yes |
| <i>Peter Delaney:</i> | Yes |

Continued SWMP 2021-2: Harry Lee Cole School at 28 Middleton Road, 32-1-21, Stephen Clifford for the Town of Boxford.

Supporting Docs:

- <https://www.town.boxford.ma.us/conservation-commission/pages/harry-lee-cole-school-project>

James Pearson, representing the applicant, requested to continue this hearing, as well, to allow them to revise the plans for the peer review when one is selected.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for SWMP 2021-2: Harry Lee Cole School at 28 Middleton Road, 32-1-21, Stephen Clifford for the Town of Boxford to March 18th, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

| | |
|------------------------|-----|
| <i>Kerry Lummus:</i> | Yes |
| <i>David Smallman:</i> | Yes |
| <i>Natasha Grigg:</i> | Yes |
| <i>Mark Mitsch:</i> | Yes |
| <i>Alan Fowler:</i> | Yes |
| <i>Peter Delaney:</i> | Yes |

Continued SWMP 2021-1: 10 Elm Street, 29-2-1, Boxford COA/Community Center.

Supporting Docs:

- <https://www.town.boxford.ma.us/conservation-commission/pages/center-10-elm>

The Director advised that they have received a quote from Roux Associates for the peer review at a cost of \$9,000 and asked the Commission to approve the proposal. David Conway, representing the applicant, requested to continue the hearing to March 18th.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to accept the proposal from Roux Associates for the peer review for the 10 Elm Street project.

Roll Call (Called by Chair Delaney):

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

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for SWMP 2021-1: 10 Elm Street, 29-2-1, Boxford COA/Community Center to March 18th.

Roll Call (Called by Chair Delaney):

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

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

Supporting Docs:

- <https://www.town.boxford.ma.us/conservation-commission/pages/willows-boxford>

The Director advised that the applicant has requested to continue this hearing to March 18th.

On a **MOTION** made by **Mitsch**, second by **Grigg**, 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 18th under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

Continued Discussion on the Conservation Restriction Proposed for Price Property:

Commissioner Natasha Grigg advised there are contradictions in the proposed Conservation Restriction. She is working with the Director to clear up the contradictions. When the draft is ready they will present it to the Conservation Commission for discussion and approval. After a brief discussion, the Commissioners scheduled a subcommittee meeting for next Thursday, March 11th, at 5:30 PM.

8:22 PM OTHER BUSINESS

- **Minutes Review/Approval:** After a brief review of the Minutes of February 18th, the Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to approve the minutes of February 18th, 2021, as submitted.

Roll Call (Called by Chair Delaney):

Kerry Lummus: Yes
David Smallman: Yes
Mark Mitsch: Yes
Alan Fowler: Yes
Peter Delaney: Yes

- **Bills Payable: Peer Review: \$4,920**

On a **MOTION** made by **Smallman**, second by **Lummus** the Conservation Commission **VOTED** unanimously by roll call vote to approve the payment of \$4,920 for the TEC Peer Review of the Toll Brothers project.

Roll Call (Called by Chair Delaney):

Kerry Lummus: Yes
David Smallman: Yes
Mark Mitsch: Yes
Alan Fowler: Yes
Peter Delaney: Yes

8:25 PM ADJOURN

With no further business, on **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to adjourn at 8:25 PM.

Roll Call (Called by Chair Delaney):

Kerry Lummus: Yes
David Smallman: Yes
Mark Mitsch: Yes
Alan Fowler: Yes
Peter Delaney: Yes

Respectfully submitted,

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

Judith A. Stickney
Minutes Secretary