

**Minutes of the BOXFORD CONSERVATION COMMISSION
REMOTE PARTICIPATION ONLY
April 1, 2021 7:00 PM**

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

Absent: Frank Di Luna, Mark Mitsch

Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Ken Diamond, Laura Dike, DPW Superintendent/Town Engineer Chris Olbrot, Carolyn Bellefeuille, Margaret Chow-Menzer, Andrew Gori, Benjamin Nutter, Charlie Kacamburas, Christina Eckert, Dale Gienapp, David Conway, George Zambouras, Sue and Mark Malatesta, John Morin, Joanna Daniel, Justin Hirsch, Meredith Harris, Roy Skinner, Rich Shaw, Dr. Rich Cowdell, Tim and Cindy Moore, Liz Murphy, Tom Hughes, William Hansen, Lance Cluster/BCATv, and others

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

7:04 PM SCHEDULED HEARINGS AND DISCUSSIONS:

Earth Day Announcement: Laura Dike of the Boxford Village Garden Club and Recycling Committee met with the Conservation Commission to announce that there will be a virtual Earth Day held on Saturday, May 1st from 11am-3pm, with clean up days on Pond Street and Route 97, and the other is on Topsfield Road, for litter cleanup and invasive plant destruction on April 17th and April 24th. Any questions, contact her at ledike@comcast.net.

Emergency Certification: Lily Pond Road Erosion Control, Boxford DPW: Chris Olbrot, DPW Superintendent/Town Engineer, met with the Conservation Commission with a brief presentation on his request for an emergency certification. He got a call from a resident about the high-water level and the water splashing up over the road and eroding the embankment there. The Director provided photos for the Commissioners to view as Olbrot made his brief presentation. Olbrot noted that the edges of the pavement are breaking up. He'd like to install clean double-washed large stones that won't move or migrate, possibly using old curbing to reinforce the embankment and for erosion control. The Director advised that the weather recently has increased the wave action and damage in that area. 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 authorize the Emergency Certification on Lily Pond Road for erosion control.

Roll Call (Called by Chair Delaney):

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

DNI 2021-5: 303 Ipswich Road, 19-1-3, Kacamburas, Tree Removal: Charlie Kacamburas met with the Conservation Commission with a request for a Determination of Negligible Impact to remove three trees out in front and one on the side of his property that are posing a hazard to the

house. The trees would be removed with a crane, so as not to disturb the wetlands. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to issue a Determination of Negligible Impact for DNI 2021-5: 303 Ipswich Road to remove four trees which are endangering the house, to include a letter from the arborist that the big pine needs to be removed on the grounds of safety.

Roll Call (Called by Chair Delaney):

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

DNI 2021-6: 20 Franklin Road, 13-2-71, Malatesta, Construction Access: Sue Malatesta, homeowner, along with her architect and builder (Ben Nutter and Ken Diamond), met with the Conservation Commission to discuss her request for a Determination of Negligible Impact to provide construction access to her home while they are building an addition. After a brief presentation, the Chair requested that a revised plan be submitted that shows the washout area, the sock location, where the stockpile of framing materials and spoils would be stored, where the trucks would be driving, etc. The Director suggested that the Malatesta withdraw the DNI and, instead file an RDA with all the information shown on the plan. The Malatestas agreed to withdraw the DNI and file an RDA.

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 authorize the withdrawal of the DNI application, without prejudice, and apply for an RDA for the first meeting in May.

Roll Call (Called by Chair Delaney):

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

RDA 2021-3: 32 Olde Farms Road, 23-2-2, Hirsch, Replace Deck

Supporting Docs

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant Justin Hirsch, for the property located at 32 Olde Farms Road, Boxford: Map 23, Block 2, Lot 2; to replace an existing deck with an expanded deck within 100-feet of Bordering Vegetated Wetland and Cedar Pond.*
- **Certified Mail Receipts**
- **WPA Form 1 --- Request for Determination of Applicability**

The Director read aloud the Notice of Public Hearing. Justin Hirsch met with the Conservation Commission with a Request for Determination of Applicability to replace an existing deck with an expanded deck over an established lawn area. The Commission had questions on how vehicles would access the area and whether the brick patio would be removed. Hirsch advised that he would be removing the stone wall by hand. After a brief discussion, the Chair advised they needed more information on a plan that could be reviewed by the Director. He asked Hirsch to continue this hearing to get more information for the Commission.

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for RDA 2021-3: 32 Olde Farms Road, 23-2-2, Hirsch, to April 15th, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

**RDA 2021-4: 100 Georgetown Road, 24-4-21, Skinner, Tree Removal
Supporting Docs**

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant Roy Skinner, for the property located at: 100 Georgetown Road, Assessor's Map 24, Block 4, Lot 21; to remove 15 trees within 100-feet of Bordering Vegetated Wetland.*
- **Property Drawing**

The Director read aloud the Notice of Public Hearing. Roy Skinner, homeowner, met with the Conservation Commission with a Request for a Determination of Applicability to remove 16 trees that were either dead or dying and causing a hazard to the house. The Director provided several photos for the Commissioners to view as they discussed the trees in question. After a brief discussion, 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 close the hearing for RDA 2021-4: 100 Georgetown Road, 24-4-21, Skinner.

Roll Call (Called by Chair Delaney):

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

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue a Negative Determination, checking Box 3, for the tree removal for 2021-4: 100 Georgetown Road, 24-4-21, Skinner.

Roll Call (Called by Chair Delaney):

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

**Continued RDA 2021-1: 112 Ipswich Road, 25-1-11, Moore, generator pad and trench
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*
- **Attachment 2:** *Detailed Plan for Proposed Trench/Generator Pad*

The Commissioners had made a site visit earlier in the day and were satisfied with the generator pad installation. After a very brief discussion, 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 to close the hearing for RDA 2021-1: 112 Ipswich Road, 25-1-11, Moore.

Roll Call (Called by Chair Delaney):

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

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking Box 3, for RDA 2021-1: 112 Ipswich Road, 25-1-11, Moore.

Roll Call (Called by Chair Delaney):

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

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

Eric Gemme met with the Conservation Commission with a Request for a Determination of Applicability to dig a trench and install electrical conduit within 100 feet of a bordering vegetated wetland. The Commissioners had made a site visit earlier in the day to view the property and proposed location of the trench. The Director provided photos and plans for the Commissioners to view as they discussed the project. After a brief discussion, the applicant 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 to close the hearing for RDA 2021-2: 55 Herrick Road, 24-4-11, Gemme.

Roll Call (Called by Chair Delaney):

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

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to execute and issue a Negative Determination, checking Box 3, for the trench for RDA 2021-2: 55 Herrick Road, 24-4-11, Gemme.

Roll Call (Called by Chair Delaney):

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

**NOI 114-1321 : Lot 17, 0 Appleton Lane, 19-2-31, Kocia, Lot Development
Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by applicants Andrzej & Aleksandra Kocia for the property located at: Lot 17, 0 Appleton Lane, Map 19, Block 2, Lot 31 to install a water supply well and service within a 200-foot Riverfront Area and within 100-feet of Bordering Vegetated Wetland.*

The Director read aloud the Notice of Public Hearing. John Morin of the Morin-Cameron Group, representing the applicant, met with the Conservation Commission with a Notice of Intent to install a water supply well and service within 200 feet of a Riverfront Area (Pye Brook). Morin provided plans and drawings for the Commissioners to view as he made his brief presentation. Morin noted there were no comments from DEP. After a brief discussion, the Commission scheduled a site walk for the April 8th at 5:30PM, and Morin requested to continue the hearing to the 15th.

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1321 : Lot 17, 0 Appleton Lane, 19-2-31, Kocia, to April 15th, with a site walk scheduled for the 8th of April.

Roll Call (Called by Chair Delaney):

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

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

Don Borenstein, representing the homeowners, met with the Conservation Commission to discuss the recent site walk. There was a brief discussion on the loam pile (465 yards stored on the property) and that the property owners need to get a determination from the Board of Health on that before the Conservation Commission can proceed. Borenstein requested to continue this hearing to give them time to get what the Conservation Commission is needed.

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for SWMP 2021-3: 6 Gunnison Road, 34-1-43, Cogley to April 15th, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

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

Dave Conway provided the Commission with information on their meetings with the peer reviewers, Roux Associates. Melinda Harris of Roux Associates advised that they have had some very productive meetings with Dave Conway to resolve the issues outlined in the peer review. Dave Conway provided details on the issues resolved and advised they will have all their material to Roux Associates by early next week. The DPW Superintendent/Town Engineer was also in attendance and advised there were a few issues he had that still needed to be resolved. Conway will work with the DPW Superintendent to get those issues resolved. Conway reviewed his list of punch list items that still need to be addressed and requested to continue the hearing to the 15th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to continue the hearing for SWMP 2021-1: 10 Elm Street, 29-2-1, Boxford COA/Community Center to April 15th.

Roll Call (Called by Chair Delaney):

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

COC 114-1279: 372 Ipswich Road, 18-2-4, Camp Rotary, Dining Hall: Tom Hughes of Hughes Environmental met with the Conservation Commission with revised plans showing the mitigations they incorporated into their plans, based on the Conservation Commissions requirements, noting that they hope to have all the vegetation identified in time for the May 6th meeting. The chair requested that the Conservation Commission schedule a site walk for April 27th at 5:30PM, in anticipation of closing and issuing on May 6th. The Commissioners and Tom Hughes agreed. Hughes requested to continue the hearing to May 6th.

9:19 PM Tree Permits:

- **47 Spofford Road, Erkson:** The Director advised he had issued an Administrative Permit for the removal of a 14" red maple tree which has decomposed and partially fallen into the forest underbrush. There is a limb that is rotted and overhanging electrical wires and, at the same time, will remove the other with extensive rot. He issued an Administrative Permit for them to remove the tree. The Commission took the following action:

On a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the administrative tree permit for a 14" red maple at 47 Spofford Road, under the bylaw.

Roll Call (Called by Chair Delaney):

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

- **134 Georgetown Road, Evans:** The Director advised that the property has frontage on Stevens Pond. They want to grind a stump in the lawn area, so they can mow the area more easily. They also want to remove a birch tree and grind the stump out so it's not a hazard when they mow the area. The birch tree close to the house, at the end of its life span. He issued an Administrative Permit to grind the existing stump of a pine tree and take down the birch tree.

On a **MOTION** made by **Lummus**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the Administrative Tree Permit for a 14" red maple at 47 Spofford Road, under the bylaw.

Roll Call (Called by Chair Delaney):

David Smallman: Yes
Natasha Grigg: Yes

Kerry Lummus: Yes
Alan Fowler: Yes
Peter Delaney: Yes

9:24 PM OTHER BUSINESS

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

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

Roll Call (Called by Chair Delaney):

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

9:31 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 9:31 PM.

Roll Call (Called by Chair Delaney):

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

Respectfully submitted,



Judith A. Stickney
Minutes Secretary