

**Minutes of the BOXFORD CONSERVATION COMMISSION
REMOTE PARTICIPATION ONLY
May 6, 2021 7:00 PM**

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

Absent: Frank Di Luna

Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, DPW Superintendent/Town Engineer Chris Olbrot, Bill Holt, Robert Ames, Stan Frizzell, Mark & Sue Malatesta, Mary Rimmer, Robert Ames, Andrew Gori, Ann Marton, Bill Manuell, David Cowell, Don Borenstein, John Morin, Greg Kokorda, Dave Wheeler, Benjamin Burnham, Brian Madden, George Zambouras, Scott Cameron, Shawn Nuckolls, Brian Madden, Lance Cluster/BCATv, and others

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

7:00 PM HEARINGS AND DISCUSSIONS

DNI 2021-9: 78A Lawrence Road, 27-2-17.6, Moreno

The Director advised this is a request to take down 7 large pine trees on Lawrence Road. The applicant was not present, and the Chair advised they would come back to this when the applicant is present.

RDA 2021-5: 20 Franklin Road, 13-2-71, Malatesta

Supporting Docs

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicants Mark & Susan Malatesta for the property located at: 20 Franklin Road, Boxford: Map 13, Block 2, Lot 71, to provide construction access over front lawn area within 100-feet of a Bordering Vegetated Wetland and Pond.*
- **WPA Form 1 – Request for Determination of Applicability**
- **Proposed Addition Plan – 20 Franklin Road:** *Prepared by Donohoe Survey for Mark J. and Susan H. Malatesta, stamped by Paul J. Donohoe, dated 4/21/21*

The Director read aloud the Notice of Public Hearing, to provide construction access over front lawn area within 100 feet of a bordering vegetated wetland and pond. Sue Malatesta advised they have changed the scope of the project and will not be pouring a foundation but will be using piers instead. There was a lumber storage area noted on the plan and Mrs. Malatesta advised the lumber delivery would be brought in on a skid with tracks. They are requesting to not be required to install the temporary plywood, which would have been used for the concrete truck. 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 **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for RDA 2021-5, Malatesta.

Roll Call (Called by Chair Delaney):

David Smallman: Yes
Mark Mitsch: Yes
Kerri Lummus: Yes

Natasha Grigg: Yes
Alan Fowler: Yes
Peter Delaney: Yes

After the vote, the Conservation Commissioners determined that the plywood may be required. The Conservation Agent suggested the following be added to the Determination “may require the use of protective plywood in the event it is deemed necessary.” After 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 Negative Determination, checking box 3, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

RDA 2021-6: 10 Olde Farms Road, 24-3-12, Johanson
Supporting Docs

- **Notice of Public Hearing:** Request for Determination of Applicability for applicant Robert Johanson for the property located at: 10 Olde Farms Road: Map 24, Block 3, Lot 12 to construct a new 21x14 deck and replace a 6x8 deck within 100-feet of Bordering Vegetated Wetland associated with Cedar Pond.
- **WPA Form 1 – Request for Determination of Applicability**
- **Proposed Site Plan 10 Olde Farms Road:** Prepared by Rimmer Environmental LLC, April 2021

The Conservation Agent read aloud the Notice of Public Hearing, to construct a new 21'x14' deck and replace an existing 6'x8' deck. Mary Rimmer, Rimmer Environmental Consulting, representing the applicant, met with the Conservation Commission with plans to construct a new 21'x14' deck, replacing an existing deck which will not encroach any further into the buffer zone. The sono tubes will be excavated by hand. After a brief discussion, Rimmer requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Smallman**, to close the hearing for RDA 2021-6: 10 Olde Farms Road, 24-3-12, Johanson, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

Sometime during the roll call vote, the Conservation Agent dropped off the call and the Chair moved on to the next agenda item.

RDA 2021-7: 19 Willow Road, 10-2-24, Ames

Supporting Docs

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant: Robert Ames, for the property located at: 19 Willow Road, Boxford: Map 10, Block 2, Lot 24; to remove seven large pine trees within 100-feet of Bordering Vegetated Wetland and Bordering Land Subject to Flooding.*
- **WPA Form 1 – Request for Determination of Applicability**
- **Abutters List**
- **Photo of trees marked for removal**

Commissioner Mark Mitsch read aloud the Notice of Public Hearing, to remove 7 large pines trees, within 100 feet of a bordering vegetated wetland and bordering land subject to flooding. Robert Ames, applicant, met with the Conservation Commission with a Request for Determination of Applicability to remove seven trees. Ames advised that Dan Canonica will be doing the tree work. They will leave the stumps in place and grind them down. After a brief discussion, the applicants 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 RDA 2021-7: 19 Willow Road, 10-2-24, Ames, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

The Conservation Agent provided the Commissioners with a copy of the Determination for their review, and they took the following action:

On a **MOTION** made by **Mitsch**, second by **Grigg**, execute and issue the Negative Determination, checking box 3, for RDA 2021-7: 19 Willow Road, 10-2-24, Ames, under the Act and the Bylaw.

Continued from earlier: RDA 2021-6: 10 Olde Farms Road, 24-3-12, Johanson: With the Conservation Agent returning to the meeting, he provided a copy of the Determination for their review and 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 issue a Negative Determination, checking box 3, for RDA 2021-6: 10 Olde Farms Road, 24-3-12, Johanson, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

David Smallman:	Yes
Mark Mitsch:	Yes

Kerri Lummus	Yes
Natasha Grigg:	Yes
Alan Fowler:	Yes
Peter Delaney:	Yes

RDA 2021-8: 18 Pond, 25-6-3, Tarshi

Supporting Docs

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant: Lauran Tarshi, for the property located at: 18 Pond Street, Boxford: Map 25, Block 6, Lot 3; to repair the coping and tile of an existing swimming pool within 100-feet of Bordering Vegetated Wetland and Lowe Pond.*
- **WPA Form 1 – Request for Determination of Applicability**
- **Plan of Land in Boxford, Mass.:** *Proposed Pool Repairs, 18 Pond Street, prepared by The Morin-Cameron Group for Lauran Tarshi, stamped by John M. Morin, dated 4/19/21*

The Conservation Agent read aloud the Notice of Public Hearing for a Request for Determination of Applicability to repair coping and tile to an existing swimming pool within 100 feet of a bordering vegetated wetland and Lowe Pond.

Don Borenstein, representing the applicant, met with the Conservation Commission with plans for the repair tile on the swimming pool. After a very brief discussion, the applicant 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 **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for RDA 2021-8: 18 Pond, 25-6-3, Tarshi, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

The Conservation Agent had the Determination ready for the Commissioners to view. After a brief discussion, the following conditions will be added to the Determination:

- All staging and storage of materials must take place outside the buffer zone.
- All work must be done by hand.
- No heavy equipment must enter the buffer zone.

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to issue a Negative Determination checking box 3, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

David Smallman:	Yes
Mark Mitsch:	Yes
Kerri Lummus	Yes

Natasha Grigg: Yes
Alan Fowler: Yes
Peter Delaney: Yes

NOI 114 - : 20 Highland Road, 14-1-17, Bowen
Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant Robert Bowen, for the property located at: 20 Highland Road, Assessor's Map 14, Block 1, Lot 17; to install a replacement septic system for the existing single-family home which is partially located within 100-feet of Bordering Vegetated Wetland.*
- **Notice of Intent Package:**
 - WPA Form 3
 - Project Narrative
 - Attachments:
 - a. Locus Map ~ USGS Quad
 - b. FEMA Flood Map
 - c. MA GIS ASSESSOR and NHESP Map
 - d. List of Parties of Interest (adjoining property owners)
 - e. Parcel Deed ~ NMRD Book 6007 Page 460
 - f. Notice to Abutters
- **Exhibits:**
 - 1. Project Site Plans (2 Sheet)

The Conservation Agent read aloud the Notice of Public Hearing to open the hearing. Bill Holt, WGH Land Survey and Design, representing the applicant, met with the Conservation Commission with a brief presentation on a proposed new sanitary disposal system upgrade plan. Holt provided a description of the work proposed as well as extensive information on the wetland, which was delineated by Seekamp Environmental. After a brief discussion, the Conservation Agent recommended that the Commissioners schedule a site walk and, as there is an issue with a neighbor across the street stockpiling firewood there and he would like the Commissioners to view that as well. After a brief discussion, the Commission scheduled a site walk for 6PM on Thursday, May 13th. Holt advised that DEP has not yet assigned a file number and requested to continue to May 20th.

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 Notice of Intent hearing for 20 Highland Road, 14-1-17, Bowen, to May 20th, with a site walk scheduled for May 13th, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

The Conservation Agent will notify the neighbor that they will be making a site visit on their property at the same time.

AOOC 114-1282: 76 Surrey Lane, 34-1-57 & 30A; 38-2-24, Wheeler:

Supporting Docs

- **Notice of Public Hearing:** *Amendment to the Order of Conditions for DEP File # 114-1282 by applicant David Wheeler, for the property located at: 76 Surrey Lane; Assessor's Map 34-1-57 & 30A; 38-2-24; to amend the approved plan to include the subgrade repair and surface re-paving of portions of an existing driveway within 100-feet of Bordering Vegetated Wetland.*
- **Letter to the Conservation Commission:** *From The Morin-Cameron Group, Re: Amended Order of Conditions, DEP File 114-1282, 76 Surrey Lane, 4/22/21*
- **Driveway Improvement Plan:** *Prepared by The Morin-Cameron Group for David Wheeler, stamped by John M. Morin, dated 4/19/21*

The Conservation Agent read aloud the Notice of Intent to consider the amendment to the Order of Conditions for DEP file 114-1282, to amend the approved plan to include the subgrade repair and surface re-paving of portions of an existing driveway within 100-feet of Bordering Vegetated Wetland. John Morin, of The Morin-Cameron Group, representing the applicant, met with the Conservation Commission with a proposal to repave a section of the existing driveway, approximately 125 sq. feet. Morin advised that back in September 2019, the Commission issued an Order of Conditions for the relocation of an existing gravel drive and/or the regrading of a lawn area and mitigation of a wetland restoration area. Because of the many cracks in the pavement, the paving company is proposing to fully remove the pavement, fix the sub-base where needed, and pave over. They will repave exactly where the pavement was before. Morin noted that nearly everything else on the Order of Conditions has been completed and they expect to file for a Certificate of Compliance in the fall. After a brief discussion, Morin requested to close the hearing and the Conservation 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 close the hearing for amended Order of Conditions #114-1282: 76 Surrey Lane, 34-1-57 & 30A; 38-2-24, Wheeler, 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 execute and issue the Amended Order of Conditions for DEP file #114-1282: 76 Surrey Lane, 34-1-57 & 30A; 38-2-24, Wheeler, under the Act and the Bylaw.

Roll Call for both votes above (Called by Chair Delaney):

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

Continued 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**
- **Wetlands & Land Management, Inc. Work Sequence Plan**

Bill Manuell, Wetlands and Land Management, representing the homeowner, met with the Conservation Commission with updates on their application since the last hearing. Manuell advised that the fill comes to about 1,271 cubic feet of soil, which triggers the Board of Health requirements. They filed with the Board of Health today. They still don't know where the fill is coming from or who will be transporting it. Once they do, they'll apply for that permit as well. The construction sequence has been added to the plans, as requested. Commissioner Grigg expressed the concerns she had with this application. After a brief discussion, Manuell 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** 5-1 by roll call vote to close the hearing for NOI 114-1317: 50 Moonpenny, 40-1-4, Nadworney, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

8:11 PM Continued NOI 114-1322: 181 Topsfield Road, 38-1-25, Lombardo

Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant Richard Lombardo for the property located at: 181 Topsfield Road, Map 38, Block 1, Lot 25 to construct a two-story addition to an existing single-family residence within 100-feet of Bordering Vegetated Wetland.*

The applicant was not present and the Chair passed over this agenda item.

Continued from earlier: DNI 2021-9: 78A Lawrence Road, 27-2-17.6, Moreno

This discussion was continued from earlier in the meeting. Mr. Moreno was now in attendance to answer the Commissioners' questions on his proposal to remove seven large pine trees posing a danger to his property. The trees will be removed by crane at the edge of the driveway. The stumps will remain. 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 Negative Determination, checking box 3,

for the removal of 7 trees for DEP file #2021-9: 78A Lawrence Road, 27-2-17.6, Moreno, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

Continued NOI 114-1315: 8 Whittier Terrace, 10-2-33, Burnham:

Supporting Docs

- **Plan to Accompany Notice of Intent:** Prepared for David Burnham by Hancock Associates, stamped by Joseph D. Peznola, dated 1/6/2020, rev 4/14/21

David Cowell, of Hancock Associates, representing the applicant, met with the Conservation Commission with updates since the last meeting. Cowell noted there have been many revisions to the plan, as requested at the last meeting. He provided a revised plan for the Commissioners to view as he described the revisions, adding that they prepared a riverfront area restoration plan. After his presentation, Cowell requested to close the hearing.

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 NOI 114-1315: 8 Whittier Terrace, 10-2-33, Burnham, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

The Conservation Agent advised he had an Order of Conditions ready, but needs to add the plantings monitoring requirement, which he did and after a brief review of the document, the Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Order of Conditions for DEP file 114-1315: 8 Whittier Terrace, 10-2-33, Burnham, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

Continued NOI 114-1314:21 Valley Road, 19-1-36.1, Casey:

Supporting Docs

- **Proposed Site Plan of Land:** *Prepared by Hancock Associates for Rebecca Casey, stamped by Scott R. Jalbert, dated 12/24/2020*

David Cowell, of Hancock Associates, representing the applicant, met with the Conservation Commission with updates since the last meeting. Cowell noted that the Commission was okay with site plan but requested that construction sequencing be added to the plans, which they did. Cowell provided a copy of the revised plans for the Commissioners to view. After a brief discussion, Cowell 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 114-1314: 21 Valley Road, 19-1-36.1, Casey, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

The Conservation Agent provided a copy of the Order of Conditions which he drafted. After a brief discussion, 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 execute and issue the Order of Conditions for DEP file 114-1314: 21 Valley Road, 19-1-36.1, Casey, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

David Smallman:	Yes
Mark Mitsch:	Yes
Kerri Lummus	Yes
Natasha Grigg:	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>

Ann Marton, Brian Madden, Scott Cameron, and Shawn Nuckolls met with the Conservation Commission to discuss the revisions to the plans since the Commission's recent site visit. While discussing the revisions, discussion also included the next agenda item.

Continued Discussion of Conservation Restriction: Willow Road, 6-2-2.2, Toll Bros., Inc.:

After a brief review of the Conservation Restriction, Commissioner Grigg noted some minor edits, as well as requesting to include that no herbicides or pesticides be used on the property to manage invasive species. A lengthy discussion ensued on who would be responsible for ensuring that the conservation land is properly maintained and where the funding would come from for that maintenance. Shawn Nuckolls of Toll Brothers advised that the homeowners would have a fee in their condo agreement to pay for maintenance, noting that he has built other similar properties

where the land is maintained by the condo owners. Abutter Greg Kokorda began another discussion on the location of the parking area for the conservation land, noting that it was approved for Willow Road, rather than Pine Plain. The Chair pointed out that Natural Heritage preferred that area. Kokorda added that he is on Willow Road and it will be a hardship for the residents in that area. Another lengthy discussion ensued on the zoning change that occurred at Town Meeting a few years ago which allowed this housing proposal to move forward.

After discussion, Ann Marton and Scott Cameron continued with the changes they have made to the plans for the entire property, based on comments from DEP, Natural Heritage, and the Conservation Commission. After the presentation on changes, the Chair advised they are still waiting for the CMP application before they can render a decision. Brian Madden advised when they file with the state, they will send a copy to the Conservation Commission as well. A brief discussion ensued on who would be responsible for the conservation land signage and kiosk. After discussion, the applicant requested to continue the hearing to May 20th:

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 continue the hearing for NOI 114-1313: Willow Road, 6-2-2.2, Toll Bros., Inc., and the discussion on the Conservation Restriction to May 20th, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

Continued 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, Assessor's 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*

Attorney Don Borenstein, representing the applicant, met with the Conservation Commission with revisions made to the plans since the last meeting. George Zambouras, Atlantic Engineering, provided revised plans for the Commissioners to view as he made his presentation. The Chair asked for a motion to accept the revised plans:

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to accept the plans submitted outside the 7-day submission requirement.

Roll Call (Called by Chair Delaney):

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

Mr. Zambouras continued with his presentation on the revisions to the plans. After the presentation, the Chair reminded Attorney Borenstein that the Commission is still waiting for proof of an agreement between the neighbors before they can close the hearing. Borenstein felt that was outside the application before the Commission and requested that the Commission close the hearing and leave the agreement to the neighbors to work out, noting that his understanding is that they are close to an agreement. The Chair noted that the plan encompasses both properties. A lengthy discussion ensued on whether the Commission could or should issue a permit when the plans encompass two properties. Jennifer Barrowclough, an abutter, advised the Commission that she has never had an issue with the Cogley's or their project and is looking forward to having the project completed. Commissioner Fowler expressed his concern about the Commission possibly issuing a permit before the neighbor issue is resolved. Attorney Borenstein again requested that the Commission close the hearing, explaining that what they are proposing is a benefit to the neighborhood and the town. Roger Barrowclough, an abutter, urged the Commission to close this hearing and issue the permit, as the way it looks currently is devaluing their property. After discussion, the Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** 5-1 by roll call vote to close the hearing for SWMP 2021-3: 6 Gunnison Road, 34-1-43, Cogley under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

David Smallman:	Yes
Mark Mitsch:	Yes
Kerri Lummus	Yes
Natasha Grigg:	Yes
Alan Fowler:	Yes
Peter Delaney:	No

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

The Conservation Agent advised he has a written request to continue this hearing and the next to the May 20th meeting.

At the request of the applicant and on a **MOTION** made by **Grigg**, second by **Mitsch**, 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, to May 20th, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

David Smallman: Yes
Mark Mitsch: Yes
Kerri Lummus: Yes
Natasha Grigg: 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

At the request of the applicant and on a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1319: Spofford Pond School at 31 Spofford Road, to May 20th, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

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

10:23 PM PENDING ACTION ITEMS:

COC 114-1279: 372 Ipswich Road, 18-2-4, Camp Rotary, Dining Hall: Tom Hueber, representing Camp Rotary, met with the Conservation Commission to request a Certificate of Compliance. The Conservation Agent confirmed that the work has been completed according to the Order of Conditions and recommended that the Commission issue the Certificate of Compliance.

Upon the recommendation of the Conservation Agent and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to execute and issue the Certificate of Compliance for DEP file #114-1279: 372 Ipswich Road, 18-2-4, Camp Rotary, Dining Hall, under the Act and the Bylaw.

Roll Call (Called by Chair Delaney):

David Smallman: Yes
Mark Mitsch: Yes
Kerri Lummus: Yes
Natasha Grigg: Yes

Alan Fowler: Yes
Peter Delaney: Yes

COC 114-1197: 10 Maple Ave., 17-2-19, Repucci: The Conservation Agent advised that the work was completed mostly according to the Order of Conditions. There were some minor diversions from the Order of Conditions, which he pointed out to the Commissioners, but recommended the issuance of the Certificate of Compliance. After a brief discussion, the Conservation Commission decided they will revisit this at the May 20th meeting.

Tree Permits: 4 Hillside; 14 King John: The Commission delayed the ratification of these permits until the next meeting.

Minutes Review/Approval: After a brief discussion on the minutes of April 15, 2021, 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 April 15, 2021 as submitted.

Roll Call (Called by Chair Delaney):

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

10:29 PM ADJOURN

With no further business, on a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to adjourn at 10:29 PM.

Roll Call (Called by Chair Delaney):

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

Respectfully submitted,



Judith A. Stickney
Minutes Secretary