

**Minutes of the BOXFORD CONSERVATION COMMISSION  
REMOTE PARTICIPATION ONLY  
June 3, 2021 7:00 PM**

*Present: Peter Delaney, Natasha Grigg, David Smallman, Frank Di Luna, Alan Fowler, Kerri Lummus*

*Absent: Mark Mitsch*

*Others Present: Conservation Agent Ross Povenmire, Minutes Secretary Judi Stickney, Jenn Hughes, Dave Harwood, Steve Clifford, Bill Holt, Jason Euzukonis, James Pearson, John Paulson, Michele Christian, Patrick Daly, Lance Cluster/BCATv, and others*

**7:02 PM** With a quorum present, Chair Peter Delaney called the meeting to order.

**7:00 PM HEARINGS AND DISCUSSIONS**

**Discussion: 4 Mile Village - Permitting Format for Exploratory Well Drilling:** Dave Harwood, representing 4 Mile Village, met with the Conservation Commission for guidance on digging a bedrock well. He was at a meeting earlier for a request to dig exploratory wells. The current well has failed they have to dig a bedrock well. As a public water supply, it's regulated by DEP with setback requirements, etc. The available area to dig a new well is very small. Harwood shared his screen so the Commissioners could view the site plan. After a brief discussion, it was determined that this project would need a Notice of Intent. Harwood will file the appropriate forms and return to a future meeting.

**Public Hearing on Amendments to the Stormwater Management Regulations, Town Code Ch. 295**

**Supporting Docs**

- **Notice of Public Hearing:** *Amendments to the Boxford Stormwater Management Regulations, Town Code Ch. 295, necessary to maintain conformance with state and federal stormwater management requirements.*
- **Town Code 295:** *Stormwater Management Regulations*

**\*\* Commissioner Frank Di Luna recused himself from this hearing \*\***

Minutes Secretary Judi Stickney read aloud the Notice of Public Hearing to open the hearing. Jenn Hughes, Environment Program Manager for the Merrimack Valley Planning Committee, met with the Conservation Commission to explain the amendments to the Stormwater Management Regulations that are necessary to maintain conformance with state and federal stormwater management requirements. The Conservation Agent provided information on the shared screen for the Commissioners to view as Hughes explained the modifications needed. After a brief discussion, the Chair requested that this be continued until the DPW Superintendent has had the opportunity to provide his feedback. The Commissioners agreed and took the following action:

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to continue this hearing pending feedback from the DPW Superintendent/Town Engineer.

**Roll Call (Called by Chair Delaney):**

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

**RDA 2021-10: 24 Georgetown Road, 24-2-23, Euzukonis  
Supporting Documents**

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant Lisa & Jason Euzukonis, for the property located at: 24 Georgetown Road, Map 28, Block 2, Lot 23; to repair an existing driveway partly within 100-feet of Bordering Vegetated Wetland.*
- **WPA Form 1 – Request for Determination of Applicability**

The Conservation Agent read aloud the Notice of Public Hearing to open the hearing. Jason Euzukonis met with the Conservation Commission to explain that they would like to repave their driveway, using the same footprint. After a brief discussion, the applicant requested to close the hearing, and the Commission took the following action:

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2021-10: 24 Georgetown Road, 24-2-23, Euzukonis, under the Act and the Bylaw.

**Roll Call (Called by Chair Delaney):**

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

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  
Alan Fowler: Yes  
Kerri Lummus: Yes  
Natasha Grigg: Yes  
Frank Di Luna: Yes  
Peter Delaney: Yes

**RDA 2021-9: 96 High Ridge Road, 24-4-9.30, Daly  
Supporting Docs**

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant Patrick Daly for the property located at 96 High Ridge Road, Assessor's Map 24, Block 4, Lot 9.30*

*to construct a patio and remove two trees within 100-feet of Bordering Land Subject to Flooding.*

- **WPA Form 1 – Request for Determination of Applicability**
- **List of Abutters**
- **Patio Drawing**

The Conservation Agent provided information, plans and photos for the Commissioners to view while he explained the Daly's project to construct a patio and remove two trees in the process, within 100 feet of a bordering land subject to flooding. After a brief discussion on the trees to be removed, the Chair advised they would approve the patio work, but would prefer to deal with the trees at a later date on a tree permit. After discussion, the applicant requested to close the hearing, and the Commissioners took the following action:

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for RDA 2021-9: 96 High Ridge Road, 24-4-9.30, Daly, under the Act and the Bylaw.

**Roll Call (Called by Chair Delaney):**

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

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
Alan Fowler	Yes
Kerri Lummus	Yes
Natasha Grigg:	Yes
Frank Di Luna:	Yes
Peter Delaney:	Yes

**NOI 114-1324: 32 Partridge Lane, 28-1-16.2, Penna**  
**Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by Applicants Richard & Kathy Penna, for the property located at: 32 Partridge Lane, Map 28, Block 1, Lot 16.2 to install a driveway to a barn within 100-feet of Bordering Vegetated Wetland.*
- **NOI Package:**
- **The Application with Associated Forms and Documents:**
  - *A copy of the Wetland Fee Transmittal Form.*
  - *Area Locus Map showing the site area.*
  - *Other assorted documents and maps.*
  - *A Permit Plan by Atlantic Engineering dated May 5, 2021*

- Checks as required under the Wetland Protection Act and under the Local Bylaw.
  - A certified abutter list from the Boxford Assessor's office.
- **Conservation Permit Plan:** Prepared by Atlantic Engineering and Survey Consultants, for Kathy & Richard Penna, stamped by John B. Paulson, dated 5/5/21

John Paulson, Atlantic Engineering, representing the applicant, advised that DEP has assigned a file number: 114-1324. Paulson provided photos, plans and drawings for the Commissioners to view as he explained the proposed project to install a gravel driveway to the barn. After a brief discussion, the Chair advised this would need a site walk by the Commission. They will schedule the site visit for Thursday, June 10<sup>th</sup>, at 6PM. After discussion, the applicant requested to continue the hearing for the next meeting on June 17<sup>th</sup>, and the Commissioners 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 NOI 114-1324: 32 Partridge Lane, 28-1-16.2, Penna, to June 17<sup>th</sup>, with a site walk scheduled for June 10<sup>th</sup>, under the Act and the Bylaw.

**Roll Call (Called by Chair Delaney):**

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

**Continued NOI 114-1323: 10 Barnside, 37-1-60, Viveiros  
Supporting Docs**

- **Notice of Public Hearing:** Notice of Intent by applicant Richard & Janine Viveiros for the property located at: 10 Barnside Road, Map 37, Block 1, Lot 60; to install an in-ground pool and associated landscaping within 100-feet of Bordering Vegetated Wetland.
- **Notice of Intent Package:** Prepared by Scott P. Henderson PE, for Richard and Janine Viveiros, dated 4/29/2021:
  - Notice of Intent Forms
    - WPA Form 3
  - Filing Fee Information
    - Wetlands Fee Transmittal Form
    - Copy of Checks
  - Abutter Information
    - Abutter Notification Form
    - Affidavit of Service
    - Project Abutters
  - Narrative
    - Project Introduction
    - Existing Site Condition
    - Proposed Work
    - Mitigation Measures
    - Erosion Controls
    - Regulatory Compliance

- Appendix
  - Locus Map
  - Site Plans
- **Existing Conditions Site Plan:** Prepared by Donohoe Survey, Inc. for Richard and Janine Viveiros, dated 12/1/18.
- **Pool Development Plan:** Prepared by Henderson Consulting Services for Richard and Janine Viveiros, stamped by Scott P. Henderson, dated 4/29/21.
- **Construction Details Plan:** Prepared by Henderson Consulting Services for Richard and Janine Viveiros, stamped by Scott P. Henderson, dated 4/29/21.

The Chair advised the Commission that the applicant had requested to continue this hearing to the 17<sup>th</sup> and the Commissioners took the following action:

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1323: 10 Barnside, 37-1-60, Viveiros, to June 17<sup>th</sup>, under the Act and the Bylaw.

**Roll Call (Called by Chair Delaney):**

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

**Continued NOI 114-1325: 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 advised that DEP assigned the file number and had no comments. Bill Holt, representing 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 by roll call vote to close the hearing for NOI 114-1325: 20 Highland Road, 14-1-17, Bowen, under the Act and the Bylaw.

**Roll Call (Called by Chair Delaney):**

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

On a **MOTION** made by **Grigg**, second by **Fowler**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Order of Conditions for DEP file #114-1325: 20 Highland Road, 14-1-17, Bowen, under the Act and the Bylaw.

**Roll Call (Called by Chair Delaney):**

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

**Continued NOI 114-1322: 181 Topsfield Road, 38-1-25, Lombardo:  
Supporting Docs**

- **3 Photos**

The Conservation Agent advised the Commission that he received a written request to continue this hearing to June 17<sup>th</sup>.

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Fowler**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1322: 181 Topsfield Road, 38-1-25, Lombardo, to June 17<sup>th</sup>.

**Roll Call (Called by Chair Delaney):**

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

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

**\*\* Commissioner Frank Di Luna recused himself from this discussion and vote \*\***

The Conservation Agent advised the Commission that he received a written request to continue this hearing to June 17<sup>th</sup>.

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 hearing for NOI 114-1313: Willow Road, 6-2-2.2, Toll Bros., Inc., to June 17<sup>th</sup>.

**Roll Call (Called by Chair Delaney):**

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

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

**\*\* Commissioner Frank Di Luna recused himself from this discussion and vote \*\***

The Conservation Agent advised the Commission that he received a written request to continue this hearing to June 17<sup>th</sup>.

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 Discussion of Conservation Restriction: Willow Road, 6-2-2.2, Toll Bros., Inc., to June 17<sup>th</sup>.

**Roll Call (Called by Chair Delaney):**

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

After the vote, Commissioner Di Luna returned to the meeting.

**Continued SWMP 2021-2: Harry Lee Cole School at 28 Middleton Road, 32-1-21, Stephen Clifford for the Town of Boxford:** James Pearson, Weston & Sampson, representing the applicant, provided a brief update for the Commissioners, noting that they submitted revised plans for Rioux Associates to review. Pearson explained some of the changes they made to the plans and provided updated plans for the Commissioners to view as he described the changes they submitted to Rioux Associates. After a brief discussion, Pearson requested to continue the hearing to June 17<sup>th</sup>.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Di Luna**, 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 June 17<sup>th</sup>, under the Bylaw.

**Roll Call (Called by Chair Delaney):**

David Smallman: Yes  
Alan Fowler: Yes  
Kerri Lummus: Yes  
Natasha Grigg: Yes  
Frank Di Luna: 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:** James Pearson, Weston & Sampson, representing the applicant, provided a brief update for the Commissioners, sharing his screen for the Commissioners to view as he explained the updates they made to the plans, based on requests from the ZBA and others. After a brief discussion, Pearson requested to continue the hearing to June 17<sup>th</sup>.

At the request of the applicant and on a **MOTION** made by **Di Luna**, 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, 15-1-4, Stephen Clifford for the Town of Boxford, to June 17<sup>th</sup>, under the Act and the Bylaw.

**Roll Call (Called by Chair Delaney):**

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

**8:17 PM OTHER BUSINESS**

- **Minutes Review/Approval:** After a brief review of the May 20<sup>th</sup> minutes, 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 May 20, 2021, as published.

**Roll Call (Called by Chair Delaney):**

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



- **Tree Permits:** The Conservation Agent provided the Commission with photos and information on the following Administrative Tree Permits he issued and asked the Commission to ratify the permits:

- **Lamaire, 28 Sagamore Lane, 2 oak trees:**

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 Lamaire, 28 Sagamore Lane, to remove two oak trees, under the bylaw.

**Roll Call (Called by Chair Delaney):**

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

- **Kamps, 574 Main Street, 4 spruce trees:**

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 Kamps, 574 Main Street, to remove 4 spruce trees, under the bylaw.

**Roll Call (Called by Chair Delaney):**

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

- **Tihan, 10 Carriage House Lane, 1 dead white pine:**

On a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the Administrative Tree Permit for Tihan, 10 Carriage House Lane, to remove 1 dead white pine, under the bylaw.

**Roll Call (Called by Chair Delaney):**

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

**8:27 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 8:27 PM.

**Roll Call (Called by Chair Delaney):**

<i>David Smallman:</i>	Yes
<i>Alan Fowler</i>	Yes
<i>Kerri Lummus</i>	Yes
<i>Natasha Grigg:</i>	Yes
<i>Frank Di Luna:</i>	Yes
<i>Peter Delaney:</i>	Yes

Respectfully submitted,



Judith A. Stickney  
Minutes Secretary