

**Minutes of the BOXFORD CONSERVATION COMMISSION
REMOTE PARTICIPATION ONLY
June 17, 2021 7:00 PM**

Present: David Smallman, Natasha Grigg, Frank Di Luna, Kerri Lummus

Absent: Peter Delaney, Mark Mitsch, Alan Fowler

Others Present: Conservation Agent Ross Povenmire, Minutes Secretary Judi Stickney, Jenn Hughes, Mitchell Wanhg, Joe Jenkinson, John Giusto, John Morin, Rick Vivieros, Scott Henderson, Lance Cluster/BCATv, and others

7:05 PM With a quorum present, Acting Chair David Smallman called the meeting to order.

7:06 PM HEARINGS AND DISCUSSIONS

Continued 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*

The Conservation Agent advised the Commissioners that this was a continued discussion from the last meeting. Jennifer Hughes, Merrimack Valley Planning Commission shared documents on the Stormwater Management Regulations as she explained the changes needed for Boxford to comply with the stormwater management requirements. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to accept the amendments and changes to the Stormwater Management Regulations for the State and Town, as presented.

Roll Call (Called by Conservation Agent Ross Povenmire):

<i>Kerri Lummus</i>	<i>Yes</i>
<i>Natasha Grigg:</i>	<i>Yes</i>
<i>Frank Di Luna:</i>	<i>Yes</i>
<i>David Smallman:</i>	<i>Yes</i>

DNI 2021-10: 22B Chandler Road, Jenkinson:

The Conservation Agent explained that this was for the removal of a leaning red maple very close to the banks (about 12 feet) of Stiles Pond. The Conservation Agent provided photos of the tree for the Commissioners to view as Joe Jenkinson explained why they want to remove the tree. It leans further over their dock every year and his wife, who has vision issues, has walked into it. The tree is healthy, but a nuisance. After a brief discussion, the Commission took the following action:

MOTION made by **Di Luna**, second by **Lummus** to approve the DNI for 22 Chandler Road.

Roll Call (Called by Minutes Secretary Judi Stickney):

Kerri Lummus	No
Natasha Grigg:	No
Frank Di Luna:	No
David Smallman:	Yes

The motion **FAILED** on a 1-3 roll call vote.

DNI 2021-11: 6 Lawrence Road, Wangh:

Mitchell Wangh met with the Conservation Commission seeking permission to take down one hemlock and to trim an ash tree with a number of dead branches. They'd like to treat that tree and try to preserve it. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Di Luna**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to issue a DNI for 6 Lawrence Road 2021-11, with the condition that the wood is destroyed.

Roll Call (Called by Minutes Secretary):

Kerri Lummus	Yes
Natasha Grigg:	Yes
Frank Di Luna:	Yes
David Smallman:	Yes

**Continued 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*

The Conservation Agent reported to the Commission that he had a written request to continue this hearing to July 1st, and the Commission took the following action:

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 114-1324: 32 Partridge Lane, 28-1-16.2, Penna, to July 1st, under the Act and the Bylaw.

Roll Call (Called by Minutes Secretary):

Kerri Lummus	Yes
Natasha Grigg:	Yes
Frank Di Luna:	Yes
David Smallman:	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 Conservation Agent advised that at the last meeting the Chair asked that the site be staked. The Conservation Agent made a site visit and said the site is well staked. Scott Henderson, representing the applicant requested to close the hearing. After a brief discussion, the Commission took the following actions:

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 close the hearing for NOI 114-1323: 10 Barnside, 37-1-60, Viveiros, under the Act and the Bylaw.

Roll Call (Called by Minutes Secretary):

Kerri Lummus Yes
Natasha Grigg: Yes
Frank Di Luna: Yes
David Smallman: Yes

On a **MOTION** made by **Lummus**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Order of Conditions for DEP file #114-1323: 10 Barnside, 37-1-60, Viveiros under the Act and the Bylaw.

Roll Call (Called by Minutes Secretary):

Kerri Lummus Yes
Natasha Grigg: Yes
Frank Di Luna: Yes
David Smallman: Yes

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

- **3 Photos**

The Conservation Agent reported to the Commission that he had a written request to continue this hearing to July 1st, and the Commission took the following action:

On a **MOTION** made by **Di Luna**, second by **Lummus**, 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 July 1st, under the Act and the Bylaw.

Roll Call (Called by Minutes Secretary):

Kerri Lummus Yes
Natasha Grigg: Yes
Frank Di Luna: Yes
David Smallman: 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 July 1st.

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 114-1313: Willow Road, 6-2-2.2, Toll Bros., Inc., to July 1st.

Roll Call (Called by Minutes Secretary Judi Stickney):

Kerri Lummus Yes
Natasha Grigg: Yes
Frank Di Luna: Recused
David Smallman: 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 discussion to July 1st.

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 discussion for the Conservation Restriction for Willow Road, 6-2-2.2, Toll Bros., Inc., to July 1st.

Roll Call (Called by Minutes Secretary Judi Stickney):

<i>Kerri Lummus</i>	<i>Yes</i>
<i>Natasha Grigg:</i>	<i>Yes</i>
<i>Frank Di Luna:</i>	<i>Recused</i>
<i>David Smallman:</i>	<i>Yes</i>

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 the Commission that he received a written request to continue this hearing to July 1st.

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

Roll Call (Called by Minutes Secretary Judi Stickney)

<i>Kerri Lummus</i>	<i>Yes</i>
<i>Natasha Grigg:</i>	<i>Yes</i>
<i>Frank Di Luna:</i>	<i>Yes</i>
<i>David Smallman:</i>	<i>Yes</i>

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

The Conservation Agent advised the Commission that he received a written request to continue this hearing to July 1st.

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Lummus**, 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 July 1st.

Roll Call (Called by Minutes Secretary Judi Stickney):

<i>Kerri Lummus</i>	<i>Yes</i>
<i>Natasha Grigg:</i>	<i>Yes</i>
<i>Frank Di Luna:</i>	<i>Yes</i>
<i>David Smallman:</i>	<i>Yes</i>

7:47 PM PENDING ACTION ITEMS:

COC 114-1308: 223B Main Street, 23-1-5.2, Vigneault: The Conservation Agent advised the Commissioners that this was for a sanitary disposal system upgrade. He made a recent site visit and the grass is established. He provided a photo for the Commissioners to view and recommended the Certificate of Compliance be issued for this project.

On a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Certificate of Compliance for DEP file #114-1308: 223B Main Street, 23-1-5.2, Vigneault, under the Act and the Bylaw.

Roll Call (Called by Minutes Secretary Judi Stickney):

<i>Kerri Lummus</i>	Yes
<i>Natasha Grigg:</i>	Yes
<i>Frank Di Luna:</i>	Yes
<i>David Smallman:</i>	Yes

COC 114-1281: 201 Georgetown Road, 20-10-8, Famolare: John Morin, The Morin-Cameron Group, representing the applicant, met with the Conservation Commission to request a Certificate of Compliance, noting that the project was completed in the fall of 2020, but they found some minor discrepancies and filed an amended Order of Conditions. They have been waiting for the grass to come in. It is growing well and they are requesting the Certificate of Compliance.

On a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Certificate of Compliance for DEP file #114-1281: 201 Georgetown Road, 20-10-8, Famolare, under the Act and the Bylaw.

Roll Call (Called by Minutes Secretary Judi Stickney):

<i>Kerri Lummus</i>	Yes
<i>Natasha Grigg:</i>	Yes
<i>Frank Di Luna:</i>	Yes
<i>David Smallman:</i>	Yes

COC 114-1275: 317 Middleton Road, 42-1-13 & 14, Collamore: The Conservation Agent advised the Commissioners that this was for an addition. It has turned out well and they have stuck to the 22-foot distance as measured on the as-built plan and shown on the photo he provided for the commissioners to view. He recommended the issuance of the Certificate of Compliance.

On a **MOTION** made by **Di Luna**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Certificate of Compliance for DEP file #114-1275: 317 Middleton Road, 42-1-13 & 14, Collamore, under the Act and the Bylaw.

Roll Call (Called by Minutes Secretary Judi Stickney):

<i>Kerri Lummus</i>	Yes
<i>Natasha Grigg:</i>	Yes
<i>Frank Di Luna:</i>	Yes
<i>David Smallman:</i>	Yes

Administrative Tree Permits for Ratification:

- **30 King George, Corbin:** The Conservation Agent advised the Commissioners that he issued an administrative permit to take down 2 trees at 30 King George Drive. He provided a photo for the Commissioners to view as he described the trees which included a red maple that was broken at the top with epicormic branching, and a dying hemlock tree. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the Administrative Permit for Corbin, 30 King George Drive, for the removal of a red maple and a hemlock tree, under the Bylaw.

Roll Call (Called by Minutes Secretary Judi Stickney):

<i>Kerri Lummus</i>	Yes
<i>Natasha Grigg:</i>	Yes
<i>Frank Di Luna:</i>	Yes
<i>David Smallman:</i>	Yes

- **46 Baldpate Road, Guerrero:** The Conservation Agent advised he received a call that there was tree work going on at 46 Baldpate Road without a permit. He reminded the Commissioners that they issued a permit for a project that included the removal of 2 pine trees. He provided photos of the trees for the Commissioners to view as he described the two pine trees and an ash tree for which he issued an administrative permit to remove.

On a **MOTION** made by **Lummus**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the Administrative Permit for Guerrero, 46 Baldpate Road, for the removal of the 2 pine trees and the one ash tree, under the Bylaw.

Roll Call (Called by Minutes Secretary Judi Stickney):

<i>Kerri Lummus</i>	Yes
<i>Natasha Grigg:</i>	Yes
<i>Frank Di Luna:</i>	Yes
<i>David Smallman:</i>	Yes

8:03 PM OTHER BUSINESS

Pay Bills: The Conservation Agent presented a bill for \$155.93 for Notice of Public Hearing published in the Eagle Tribune for the proposed changes to the Stormwater Bylaw and the Commissioners took the following action:

On a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to approve the payment of \$155.93 for publication of the hearing regarding the Stormwater Management Bylaw.

Roll Call (Called by Minutes Secretary Judi Stickney):

<i>Kerri Lummus</i>	Yes
<i>Natasha Grigg:</i>	Yes
<i>Frank Di Luna:</i>	Yes
<i>David Smallman:</i>	Yes

8:04 PM ADJOURN

With no further business, on a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to adjourn at 8:04 PM.

Roll Call (Called by Minutes Secretary Judi Stickney):

<i>Kerri Lummus</i>	Yes
<i>Natasha Grigg:</i>	Yes
<i>Frank Di Luna:</i>	Yes
<i>David Smallman:</i>	Yes

Respectfully submitted,



Judith A. Stickney
Minutes Secretary