**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**February 15, 2018 7:30 PM**

*Present: Peter Delaney, Lana Spillman, Natasha Grigg, Frank Di Luna, Mark Mitsch, David Smallman*

*Absent: Alan Fowler*

*Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Jessica Grigg, Carole Davis, Steve Davis, Randy Johnson, Lou Athanas Laura Grabski, Kara Merrill, Louise Kress, Andy Gori, Fire Chief Brian Geiger, Alison Chase, Mike Smolak, Vaclav Talacko, Beverly Ingalls, Idilia Garside, Fred Glore, Connie Glore, Judy Gore, Ken Rohr, Fran Rohr, Jon Schwartz, Michael Lachmayr, Elaine DeCoulas, and many others*

**Meeting Called to Order:**

With a quorum present, Chairman Peter Delaney called the meeting to order at 7:30PM.

**7:30 PM PUBLIC HEARINGS AND SCHEDULED DISCUSSION ITEMS**

* **Forest Management Plan (FMP) for Wildcat Conservation Area:** Chairman Peter Delaney provided a brief recap of the recent site walk on the Wildcat Conservation land and introduced the Chair of the Agricultural Commission, Randy Johnson, who provided the background evolution of their plan and the Agricultural Commission’s reasons for requesting support for the FMP, citing fuel overload, invasives, among other forestry issues. After Johnson’s brief presentation, the Commissioners provided their comments. Commissioner Di Luna provided comments in favor of the FMP. Those speaking against the FMP, except for marking of boundaries and removal of invasives, were Grigg and Spillman. Delaney, Smallman, and Mitch had no comments. Those in attendance who spoke were:
  + **Ken Rohr, Stiles Pond:** Rohr provided his comments against the proposed FMP.
  + **Fire Chief Brian Geiger:** Chief Geiger spoke in favor of the FMP, citing Fire Department rescue access issues there currently.
  + **Louise Kress, Stiles Pond:** Kress advised that there are rescue crews who specialize in rescuing people in remote locations and that trees do not need to be cut down for access.
  + **Beverly Ingalls:** Ingalls advised she did have the need to be rescued while hiking in a town forest some years ago and she survived, summarizing that we all take risks. She added that she appreciates having natural woodlands,
  + **Connie Glore:** Glore provided her comments against the FMP, noting that wildlife need a “messy” forest.
  + **Laura Grabski:** As a member of the Agricultural Commission, Grabski provided more information on the forester, Mike Leonard, as well as exactly what would be cut down and/or removed.
  + **Fran Rohr, Stiles Pond:** Rohr commented that the FMP does not address the widening of the trails at all and stated there was no threat of fire in that area.
  + **Fred Glore:** Glore wanted to know who would manage the plan. Grabski advised that a registered forester would manage the plan.
  + **Idilia Garside, Stiles Pond:** Garside read aloud a letter she sent to the Conservation Commission in opposition of the FMP.
  + **Alison Chase, High Ridge Road:** Chase advised we already have managed forests in town for silviculture.
  + **Dennis Pyburn, Washington Street:** Pyburn spoke in opposition to the FMP, noting that there are other methods that can be used to rescue people, other than getting rescue vehicles in there.
  + **Elaine DeCoulas, Moonpenny Drive:** Spoke about the deer population and her concern that if new trees were planted, they wouldn’t grow, as the deer would eat them.

At the conclusion of the comment period, Chair Delaney stated that the letters submitted would become part of the Commission’s record, then explained that the Conservation Commission would keep the FMP on record; the FMP would not be endorsed by the Commission and would not be implemented. Delaney asked for a motion to keep the FMP on file.

**MOTION:** By **Smallman,** seconded by **Di Luna,** to put the Forest Management Plan on record.

**DISCUSSION:** Spillman wanted to modify the motion to state that it’s not being endorsed or approved by the Conservation Commission, but, rather, being accepted as a plan on record. The motion was so amended.

**CARRIED:** The amended motion carried with five members assenting. **Grigg abstained.**

There ensued a brief discussion, initiated by Ag Commissioner Laura Grabski, regarding the Conservation Commission’s refusal to accept the plan, so the Ag Com can move forward, stating this was a waste of everybody’s time and effort.

* **NOI 114- : 427C Ipswich Road, 14-1-21, Smith:** Vaclav Talacko, of Hancock Associates, representing the applicant, met with the Conservation Commission with a Notice of Intent to relocate a common driveway. The Director read aloud the legal notice and collected proof of abutter notifications. Talacko provided plans and drawings for the Commissioners to view as he made his presentation. Talacko advised DEP’s website is down and he does not have comments or a file number. The Commission noted that, in accordance with the Wetlands Protection Act, the plan should have been filed with the Planning Board at the same time. After a brief discussion, Talacko requested to continue the hearing to March 1.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to continue the hearing for 427C Ipswich Road, to March 1, under the Act and the Bylaw.

* **COC 114-437: 25 Hickory Lane, 28-1-14.17, Lachmayr:** Vaclav Talacko, of Hancock Associates, representing the applicant, met with the Conservation Commission to request a Certificate of Compliance for 25 Hickory Lane. Talacko provided the background information on the property, noting that the Certificate of Compliance was issued for the entire subdivision by the former owner of the subdivision. There was a question on whether an As-Built Plan was ever submitted. The Director found the As-Built Plan, noting that the Certificate of Compliance was originally denied due to an existing wetland replication issue. The Director added that the issues have all been resolved and provided photos for the Commissioners to view. Mr. Lachmayr advised that his address has since been changed to 25 Ashland Road.

On a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for DEP file 114-437, 25 Ashland Road, under the Act and the Bylaw.

After the motion was made, there ensued a lengthy discussion, initiated by abutters, as to whether the Certificate of Compliance for this lot would close out all the other partial Certificates of Compliance for the other lots in the subdivision. All partial CoCs would need to be referenced in the CoC. The abutters were directed to contact the Director with their individual issues.

* **COC 114-1188: Sagamore Lane, Lot 1, 42-1-17.1, Grasso:** The Director advised the grading on the approved plan appears to be wrong, adding that Mr. Grasso changed the grading and location of the well to something more in line with what should have been on the approved plan. The Director recommended issuing the Certificate of Compliance, noting that the As-Built Plan shows the grading and well as they were constructed. After a brief discussion on amendments to the Certificate of Compliance, the Commission took the following action:

On a **MOTION** made by **Di Luna,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to execute and issue the Certificate of Compliance for DEP file 114-1188, under the Act and the Bylaw, as drafted and amended.

* **COC 114-243: 4 Mortimer Road, 27-1-14, Graham:**

On a **MOTION** made by **Spillman,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to continue to March 1, at the request of the applicant, under the Act and the Bylaw.

* **DNI 2018-4: 22 Olde Farms Road, 23-2-4, Wellman:** The Director advised this was related to removing three trees on the property and provided photos for the Commissioners to view. Mr. Wellman described the trees in the photos, noting that many of the branches are dead and one of the branches came down through his garage. Wellman advised the trees would be taken down by climbers, piece by piece. Stumps will be left in place. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for the removal of 3 trees at the property of 22 Olde Farms Road, under the Bylaw.

* **Discussion: Town of Groveland: Johnson Pond Weed Removal Project:** Povenmire advised he will be attending a meeting on March 14 in Groveland, where they will be discussing the weed removal project, being managed by Norse Environmental, who wrote the report on the weeds in the pond. He will report back to the Commission.
* **Discussion:** **Mosquito Control:** Povenmire advised he received a phone call from the district office, noting that since it’s not private property, the Town’s Conservation Properties can’t b be exempted. He suggested that the Commissioners discuss with our legislators if they want to further the issue. The Commissioners suggested Povenmire contact the Attorney General’s office and the State Agricultural Commission, Secretary of Energy and Environmental Affairs. Povenmire will draft a letter for the Commission’s approval.
* **Discussion:** **Lockwood Lane Culvert Handrail:** Povenmire got a call from Bob Gore regarding the handrail there which is knee-level, suggesting that there should be a hand-height handrail. The Commissioners requested that Povenmire ask those from Trout Unlimited who were involved with the culvert installation.
* **Discussion:** **Middleton Road Culvert:** Povenmire advised the culvert will be redesigned to bring the headwall out of the Phillips Wildlife Preserve and out of Lockwood Forest, Article 97 land He hopes to have the plans back in time for discussion at the March 1 meeting, where the Commission can choose to issue an amended Order.

**9:28 PM PAY BILLS:** After a brief review of the bills payable, the Commission took the following action:

* **Advertising: $61.38, GateHouse Media**

On a **MOTION** made by **Spillman,** second by **Mitch,** the Conservation Commission **VOTED** unanimously to approve the payment of $61.38 for the GateHouse Media account payment.

**9:29 PM ADJOURN**

With no further business, on a **MOTION** made by **Mitsch**, second by **Smallman,** the Conservation Commission **VOTED** unanimously to adjourn at 9:29 PM.

Respectfully Submitted,

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*Judith A. Stickney*

*Minutes Secretary*