**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #2**

**May 4, 2017 7:30PM**

*Present: Lana Spillman, Mark Mitsch, Frank Di Luna, Peter Delaney*

*Absent: Alan Fowler, Natasha Grigg*

*Others Present: Conservation Director Ross Povenmire, Minutes Sec’y Judi Stickney, John Morin, Bill Salie, Bill Salie, Jr., Anthony Andon, Ann McMenemy, and others*

**Meeting Called to Order:**

With a quorum present, Chairman Peter Delaney called the meeting to order at 7:33PM.

**7:33PM PUBLIC HEARINGS**

* **Continued NOI 114-1243: 45 Batchelder Road, 24-4-37, Sterner**

**Documents Submitted:**

* + **Public Notice:** *Owner is proposing to construct an addition, walkway, patio and associated site improvements within 200’ Riverfront Area and within 100’ Buffer Zone to Bordering Vegetated Wetland and 100’ Buffer Zone to Vernal Pool.*
  + **Notice of Intent Packet:**
    - Letter from The Morin-Cameron Group
    - Application Check List
    - Zoning Board of Appeals Public Hearing Application
    - Town of Boxford Abutter List
    - Quitclaim Deed: 45 Batchelder Road
    - WPA Form 3: Notice of Intent
  + **Site Plan of Land in Boxford, MA – 45 Batchelder Road:** *Prepared for Robert & Patricia Sterner, prepared by The Morin-Cameron Group, stamped by John M. Morin, dated 3/23/17, revised 3/31/17*

John Morin, The Morin-Cameron Group, representing the applicant, met with the Conservation Commission to request to continue the hearing to May 18. He added that they need to draw up new plans, including with proposed plantings, due to the site walk, and the change in location of the third garage bay. Morin also advised that they have not yet heard back from Natural Heritage.

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Spillman,** the Conservation Commission **VOTED** to continue the hearing for NOI 114-1243, 45 Batchelder Road, to May 18, under the Act and the Bylaw.

* **Continued RDA 2017-2: 599 Main LLC, 10-1-28, 599 Main Street and Silvermine Road**

**Documents Submitted:**

* + **Legal Notice:** *Temporary access for soil testing*
  + **Package:** *Request for Determination of Applicability, prepared by Hancock & Associates, including:*
    - **WPA Form 1: Request for Determination of Applicability**
    - **Filing Information**
    - **Abutter Information**
    - **Summary of Wetland Delineation**
    - **Maps: Locus Map, FEMA Map, GIS Map of Site**
  + **Plan of Land in Boxford MA to Accompany a Request for Determination of Applicability:** *Stamped by Joseph Small, dated 3/2/17*
  + **7 Photos**
  + **Attachment to Determination Of Applicability:** *Town Of Boxford Conservation Commission, BCC FILE #:2017-2, Date Of Approved Plan: 3-2-2017, last revised 3-15-2017, Applicant: 599 Mail LLC, c/o Thomas Frangos*

Ann McMenemy, Hancock Associates, met with the Conservation Commission to discuss the results of the site walk held on Tuesday, May 2nd, discussing at length the wetlands flagging, including the placement of three new or modified flags. After her presentation, McMenemy requested that, based on the site walk and resulting changes, the Commissioners issue a Negative Determination. The Commissioners discussed conditions at length, with input from abutters and the Director, to protect Resource Areas, in particular the wetland and Intermittent Stream near Silvermine Road.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to make a Negative Determination, checking boxes 2 and 3, with the Conditions as discussed, under the Act and the Bylaw.

* **Continued ANRAD 114-1242: 599 Main Street and Silvermine Road, 10-1-28, 599 Main LLC**

**Documents Submitted:**

* + **Legal Notice:** The Applicant seeks to determine the nature and extent of Wetland Resource Areas under both the Massachusetts Wetlands Protection Act and the Town of Boxford’s Wetlands Protection Bylaw.
  + **Plans:** *Plan of Land in Boxford MA to Accompany an Abbreviated Notice of Resource Area Delineation, Land on Silvermine Road and Main Street, prepared for 599 Main LLC c/o Thomas A. Frangos, prepared by Hancock Associates, stamped by Joseph M. Small, dated 3/15/17*

Ann McMenemy, Hancock Associates, met with the Conservation Commission to discuss the ANRAD 114-1242 for 599 Main LLC, to determine the extent of the Wetland Resource Areas. After a brief review of the plan, McMenemy requested that the Commissioners determine a date for a site walk. While discussing the site walk, Spillman suggested that the Commissioners also consider a peer review. After discussion, the Commissioners will review the lines on the site walk and, if there are any discrepancies, they will request a peer review. There will be two Commissioners available for the site walk on Saturday, May 6, at 8AM. McMenemy will join them and requested to continue to May 18.

At the request of the applicant and on a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing for ANRAD 114-1242 to May 18, under the Act and the Bylaw.

* **COC 1145-1095: 30 Partridge Lane, 24-2-6, Silk**

John Morin, The Morin-Cameron Group, met with the Conservation Commission to discuss the changes made to the property after the last meeting, noting that a new plan was submitted to the Commission this afternoon, as well as the DNI application and accompanying check. With all work completed, he requested that the Commissioners issue the Certificate of Compliance at this time.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to accept the plan submitted tonight outside the 7-day requirement.

The Director advised he had made a site visit and recommends the issuance of the Certificate of Compliance.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to issue a Certificate of Compliance for 30 Partridge Lane, at the recommendation of the Director, under the Act and the Bylaw.

* **DOA 2017-1: 154 Topsfield Road, 38-2-1.1, Gibraltar Pools**

**Documents Submitted:**

* + **WPA Form 1 – Request for Determination of Applicability:** *Gibraltar Pools, proposed above ground pool*
  + **Plan of Land in Boxford, MA – 154 Topsfield Road:** *stamped by Philip A.Yetman, dated 11/9/15*

The Director advised he had an updated plan for the Commissioners to view and that the Determination was ready to be issued.

On a **MOTION** made by **Di Luna,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking Box 3, for file 2017-1, for 154 Topsfield Road, under the Act and the Bylaw.

**8:38PM ROUTINES**

* **Minutes Review/Approval:**

On a **MOTION** made by **Spillman,** second by **Di Luna,** the Conservation Commission **VOTED** unanimously to approve the minutes of February 16, 2017, April 6, 2017, April 27, 2017, as amended.

**8:39PM OTHER BUSINESS**

* **Lakes, Ponds, Streams Committee Book:** The Chair advised the Lakes, Ponds, and Streams Committee has published a book and he wanted to know if the Commission would be interested in purchasing some copies to sell for them at $30 each. The Director advised there is a surplus in the Conservation Commission budget to purchase the books, if they desired to do so. There ensued a discussion on why the Conservation Commission should sell the books. The Chair would like to get feedback from missing Conservation members before moving forward.
* **Massachusetts Wildlife Magazine Article:** Commissioner Spillman provided information to the Commissioners on the State Wildlife Action Plan to protect habitat areas that the State owns, one of which is in Boxford, at Bald Hill. She added that there is information online at the State Department of Fisheries and Wildlife website.

**8:57PM ADJOURN**

On a **MOTION** made by **Mitsch**, second by **Spillman,** the Conservation Commission **VOTED** unanimously to adjourn at 8:57PM.

Respectfully Submitted,

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*Judith A. Stickney*

*Minutes Secretary*