**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #2**

**June 1, 2017 7:30PM**

*Present: Lana Spillman, Mark Mitsch, Frank Di Luna, Peter Delaney, Alan Fowler, Natasha Grigg*

*Absent: None*

*Others Present: Conservation Director Ross Povenmire, Minutes Sec’y Judi Stickney, Kate Connolly, Michael Smolak, Sean Quinlan, Steve King, Lek Noli, John Dold, Ann McMenemy, , and others*

Povenmire confirmed receipt of Spillman’s signed Certification of Meeting Review for the May 18 meeting.

**Meeting Called to Order:**

With a quorum present, Chairman Peter Delaney called the meeting to order at 7:35PM.

**7:36PM PUBLIC HEARINGS AND DISCUSSIONS**

* **Discussion: Farm Plan for 494 Ipswich Road, Smolak**

Kate Connolly, representing Michael Smolak, met with the Conservation Commission to discuss the farm plan submitted for the Small Ox Farm, 494 Ipswich Road.

In response to a question from Spillman about the proposed attachment of a “30’ by 50’ Greenhouse” to the current “cinderblock barn” as related to the “no increase in footprint” restriction in the Conservation Restriction, DiLuna responded that, since it would not have a foundation, the proposed plastic Greenhouse attachment is considered equipment, not a structure. Connolly added that NRCS has requested that the Conservation Commission concur in writing with the Farm Plan. She provided a copy of the letter for the Commissioners to view.

On a **MOTION** made by **Di Luna,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to accept the NRCS communications to Michael Smolak waiving the 7-day submission requirement.

Commissioner Grigg advised that she does not concur with the forestry plan, as submitted. There needed to be some clarity on the proposed plan from Dan Lenthall, of the NRCS. They requested a clarification on the Conservation Restriction and their intentions. Connolly and Smolak will get the answers and get back to the Conservation Commission.

* **DNI 2017-7: 6 Bare Hill Road, 25-5-15, Quinlan, Chicken Coop and Shed**

**Documents Submitted:**

* + **4 Photos**

Sean Quinlan met with the Conservation Commission with a request for a Determination of Negligible Impact to construct a chicken coop and shed, in the outer riparian zone of Pye Brook. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Spillman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for DNI 2017-7, 6 Bare Hill Road, 25-5-15, Quinlan, for a chicken coop and shed in the outer riparian area, under the Bylaw.

* **DNI 2017-5: 47C Pond Street, 25-5-22, Noli, Removal of Five Trees**

**Documents Submitted:**

* + **6 Photos**

Lek Noli met with the Conservation Commission with a request for Determination of Negligible Impact to remove five trees. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for DNI 2017-5, 47C Pond Street, for the removal of five trees, under the Bylaw.

* **DNI 2017-8: Batchelder Road Fire Hydrant Repair, Tree Removal at Stiles Pond Beach**

**Documents Submitted:**

* + **4 Photos**

John Dold, DPW Superintendent/Town Engineer, met with the Conservation Commission with a request for a Determination of Negligible Impact to repair the fire hydrant at Batchelder Road, and remove a tree at Stiles Pond. Dold provided photos for the Commissioners to view as he made his brief presentation. After a brief discussion, including that there is no environmental reason to remove the tree after it is cut, the Commission took the following action:

On a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for DNI 2017-8, for the fire hydrant repair on Batchelder Road and the removal of the beaver-damaged tree, leaving it in place, at Stiles Pond Beach, under the Bylaw.

* **RDA 2017-5: 16 Mill Road, 32-1-5, King**

**Documents Submitted:**

* + **Public Notice:** *To remove 14 trees within striking distance of an existing residence and within 100 feet of a Bordering Vegetated Wetland.*
	+ **Plan of Land:** *16 Mill Road*
	+ **4 Photos**

The Director read aloud the public notice and collected proof of abutter notifications. Steve King met with the Conservation Commission with a Request for Determination of Applicability to remove 14 trees from his property within striking distance of an existing residence and within 100 feet of a bordering vegetated wetland. King provided several photos for the Commissioners to view as he made his brief presentation, noting that some of the trees are not on his property, but provided a letter from his abutter permitting him to remove the trees.

At the request of the applicant and on a **MOTION** made by **Spillman,** second by **Fowler**, the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2017-5, under the Act and the Bylaw.

On a **MOTION** made by **Di Luna**, second by **Mitsch,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking Box 3, for RDA 2017-5, 16 Mill Road, 32-1-5, King, 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 review the site walk that took place recently on the property, to view the flagging. The Director advised that Greg Hochmuth has been selected for the peer review and the applicant will need to provide a check to the Town of Boxford for the peer review of the flags. McMenemy requested to continue the hearing to June 15.

On a **MOTION** made by **Spillman,** second by **Grigg,** the Conservation Commission **VOTED** to approve the peer review by Williams & Sparages, Greg Hochmuth, at a cost not to exceed $750.00.

On a **MOTION** made by **Di Luna**, second by **Spillman**, the Conservation Commission **VOTED** unanimously to continue the hearing for ANRAD 114-1242 to June 15, under the Act and the Bylaw.

* **Discussion: 154 Topsfield Road Tree Clearing:**

**Documents Submitted:**

* + **8 Photos**

The Director advised he received a request from the homeowner at 154 Topsfield Road for some tree clearing to accommodate the driveway improvements, but upon his site visit, noted that the tree clearing took place in a jurisdictional area. He noted that no further tree clearing has taken place. The homeowner will hire a wetlands scientist to take a look at the area and suggest how to make the driveway improvements. The homeowner will contact the Conservation Commission after his meeting with the wetlands scientist.

* **DNI: 185 Ipswich Road, McCarthy: Removal of Five Trees:**

**Documents Submitted:**

* + **5 Photos**

The Director advised this was a late-arriving issue and provided photos for the Commissioners to view as he described the trees to be removed. After a brief discussion:

On a **MOTION** made by **Mitsch,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for the property at 185 Ipswich Road, to remove 5 large pine trees, under the Bylaw, and with our standard conditions.

**8:38PM PENDING ACTION ITEMS:**

* **OOC 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
	+ **Plan of Land:** *Prepared for Robert and Patricia Sterner, prepared by The Morin-Cameron Group, 45 Batchelder Road, stamped by John M. Morin, dated 3/23/17, revised 3/31/17*

On the recommendation of the Conservation Commission agent, and on a **MOTION** made by **Di Luna,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue an Order of Conditions for file #114-1243, 45 Batchelder Road, 24-4-37, under the Act and the Bylaw.

**8:41PM OTHER BUSINESS**

* **Pollinator Garden:** Commissioner Grigg provided a brief report on her efforts to provide a pollinator garden, with a local Girl Scout, on the Davis Hayfield on Main Street, using native flowering perennials. She added there needs to be an educational component and she is going to put something on BTA-BOLT’s website and requested that the Director put something up on the Conservation Commission’s website.
* **Boxford Common Plantings:** Commissioner Grigg advised that all the shrubs and wetland plantings in the swales are dead. She noted that the trees are doing great but there are plastic bands on the trees with stakes. She requested that the plastic bands be taken off the trees now. The Director advised that action is being taken and the bands may have already been removed. He will follow-up and report back to the Commission. Spillman suggested it would be helpful to have a monitoring site inspection and report (by Hochmuth) soon. Povenmire agreed to follow-up on this.
* **Wildcat Crossing:** The Director advised Priscilla Welch will be in on June 15th to discuss the status of unauthorized activities at Wildcat Conservation Area, including the unauthorized crossing.
* **Wildcat Signs:** The Director provided a sign for the Commissioners to view, requesting approval to have more made to post in Wildcat. The Chair asked that 20 be made so they can have a few on hand in the office, when needed.

**8:52PM ADJOURN**

On a **MOTION** made by **Grigg**, second by **Spillman,** the Conservation Commission **VOTED** unanimously to adjourn at 8:52PM.

Respectfully Submitted,

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*Judith A. Stickney*

*Minutes Secretary*