**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**October 5, 2017 7:30PM**

*Present: Lana Spillman, Mark Mitsch, David Smallman, Alan Fowler*

*Absent: Peter Delaney, Frank Di Luna, Natasha Grigg*

*Others Present: Conservation Director Ross Povenmire, Minutes Sec’y Judi Stickney*

**Meeting Called to Order:**

With a quorum present, Acting Chair Lana Spillman called the meeting to order at 7:40PM.

**7:40PM PUBLIC HEARINGS AND DISCUSSIONS**

* **Discussion: Planting Plan per Enforcement Order for 4 Pond Street, 26-6-7, Sheehan**

Mike Sheehan, representing the applicant, appeared before the Conservation Commission to review the planting plan, as provided in the Enforcement Order. Sheehan provided photos for the Commissioners to view as he described the work that was done and additional proposed plantings. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Smallman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to accept the planting plan, as submitted, with the stipulation that the Director make a site visit to ensure the plants are growing.

* **DNI 2017-19: 61A Highland Road, 14-2-44, Johnson, remove trees**

**Documents Submitted:**

* + **4 Photos**

Joel Johnson appeared before the Conservation Commission with a proposal to remove several dead and/or dying trees from his property. Johnson provided photos for the Commissioners to view as he made his brief presentation. The trees to be removed are 2 unhealthy pine trees and 4 dead pine trees.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for 2017-19, 61A Highland Road, for removal of 4-8 live trees and dead saplings, under the Bylaw.

* **Discussion: Permit format question for 42 Topsfield Road**

Ben Nutter, representing the applicant, appeared before the Conservation Commission with a question regarding the existing Order of Conditions and whether the proposed additional construction would require an amendment to the existing OOC. After a discussion on the work being proposed, the Commissioners determined that an amended Order of Conditions would be in order.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to authorize the applicant to modify the existing OOC and apply for an Amended Order of Conditions, under the Act and the Bylaw.

* **DNI 2017-20: 45 Dana Road, 37-1-3.8, Vaz, remove trees**

**Documents Submitted:**

* + **E-Mail Packet with Plan**

Al Vaz appeared before the Conservation Commission with a proposal to remove two pine trees, presenting a physical hazard on the property. Vaz provided photos for the Commissioners to view as he made his brief presentation.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for 2017-20, 45 Dana Road, to remove two pine trees adjacent to the pool, under the Bylaw.

* **DNI 2017-21: 9 Crooked Pond Drive, 40-2-8, Forrest, remove trees**

**Documents Submitted:**

* + **Plan/Sketch**

Rick Forrest appeared before the Conservation Commission with a proposal to remove 6 hemlock trees from his property, at the recommendation of Mayer Tree Service. Forrest provided photos for the Commissioners to view as he made his brief presentation

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for 2017-21, 9 Crooked Pond Drive, to remove trees, under the Bylaw.

* **DNI 2017-22: 94 Georgetown Road, 24-4-6, remove trees**

**Documents Submitted:**

* + **Locus Map**
  + **4 Photos**

Greg Egavian, the property owner, appeared before the Conservation Commission with a proposal from Cicoria Tree to remove several trees from his property in buffer zone, within 50 feet of a vernal pool. Egavian provided photos for the Commissioners to view as he made his brief presentation.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for 2017-22, 94 Georgetown Road, for tree removal, under the Bylaw.

* **RDA 2017-12: 20 Roberts Road, 26-2-9, Shaw Requested to continue to October 19**

**Documents Submitted:**

* + **Public Notice:** *To improve the vigor of an existing lawn area with the application of loam, incidental grading and seeding. An existing apple tree is to be removed.*
  + **WPA Form 1: Request for Determination of Applicability**
  + **4 Photos**

The Director advised that the applicant had requested that this hearing be continued to October 19.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to continue the hearing for RDA 2017-12, 20 Roberts Road, to October 19, under the Act and the Bylaw.

* **RDA 2017-13: 27 Bare Hill Road, 29-3-33, Andrews**

**Documents Submitted:**

* + **Public Notice:** *To add a rock path at base of driveway for erosion control and to re-establish lawn by applying loam and re-seeding. All work to be done within 100 feet of a Bordering Vegetated Wetland.*
  + **WPA Form 1:****Request for Determination of Applicability**
  + **Plan of Septic System**
  + **7 Photos**

The Director read aloud the public notice and collected proof of abutter notifications. Matthew Andrews appeared before the Conservation Commission with a proposal to add a rock path at the base of the driveway and to reestablish the lawn. Andrews provided photos and plans for the Commissioners to view as he made his presentation. A brief discussion ensued on erosion controls. Spillman suggested that establishing vegetation on the whole site would slow the stormwater flow, decrease erosion, and add ecological value. At the conclusion of the discussion, the applicant requested to close the hearing.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2017-13, 27 Barehill Road, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking box 3, for file 2017-13, 27 Barehill Road, under the Act and the Bylaw.

* **RDA 2017-14: 51 Lockwood Lane, 37-1-4, Church**

**Documents Submitted:**

* + **Public Notice:** *To construct a raised granite patio within 100 feet of a Bordering Vegetated Wetland.*
  + **WPA Form 1:****Request for Determination of Applicability**
  + **Plans/Drawings Submitted:**
    - **Plan to Accompany Certificate of Compliance**
    - **Plan 1: View A**
    - **Plan 2: View B**
    - **Drawing: Existing Dwelling**
  + **9 Photos**

The Director read aloud the public notice and collected proof of abutter notifications. Gary Church appeared before the Conservation Commission with a proposal to construct a small raised granite patio off the back of his house. Church provided photos and drawings for the Commissioners to view as he described the work being proposed. After discussion, the applicant requested to close the hearing.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2017-14, 51 Lockwood Lane, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking box 3, for file 2017-14, 51 Lockwood Lane, under the Act and the Bylaw.

* **NOI 114-1247: 30 Sunrise Road, 25-6-16, Tallaksen**

**Documents Submitted:**

* + **Public Notice:** *to construct an addition to the existing house and associated site improvements within 100 feet of Lowes Pond and a Bordering Vegetated Wetland.*
  + **Notice of Intent Application Package**
  + **Plan to Accompany Notice of Intent**

The Director read aloud the legal notice and collected proof of abutter notifications. The engineer representing the applicant appeared before the Conservation Commission with a Notice of Intent to construct an addition to the existing house and associated site improvements within 100 feet of a Bordering Vegetated Wetland. The Commissioners had photos and plans to view as the work proposed was being described. At the conclusion of the discussion, the applicant requested to close the hearing.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1247, 30 Sunrise Road, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue an Order of Conditions for file 114-1247, 30 Sunrise Road, under the Act and the Bylaw.

* **Amendment and Extension NOI 114-1197: 10 Maple Avenue, 17-2-19, Sweet**

The Director advised that the applicant had requested to continue this hearing to October 19.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to continue the hearing for the amendment and Extension to NOI 114-1197, 10 Maple Ave., to October 19, under the Act and the Bylaw.

* **Continuation NOI 114-1246: 3 Rock Brook Way, 10-2-21.1, Alberta**

**Documents Submitted:**

* + **Public Notice*:*** *for the construction of a garage, driveway extension, walkway, patio, plantings retaining wall and site grading.*
  + **WPA Form 3 –****Notice of Intent:** *Joseph Alberta, 3 Rock Brook Way*
  + **Proposed Plan:** *3 Rock Brook Way, property of Joseph Alberta & Kimberly Jackson Alberta, prepared by Donohoe Survey, Wetlands Flagging: Rimmer Environmental Consulting LLC, dated June 16, 2017*
  + **8 Photos**
  + **Public Notice:** for the construction of a garage, driveway extension, walkway, patio, plantings retaining wall and site grading.
  + **Plan:** *Dated August 20, 2017*
  + **Revised Plan:** *Dated September 27, 2017*
  + **WPA Form 3 –** **Notice of Intent**
  + **8 Photos**

Mary Rimmer, Rimmer Environmental, representing the applicant, appeared before the Conservation Commission to discuss the revisions to the plan after the last meeting and site visit. Mr. Alberta contributed to the discussion. Spillman commented that the modifications significantly improved the proposal plan. After discussion, the applicant requested to close the hearing.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1246, 3 Rock Brook Way, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue an Order of Conditions for file 114-1246, 3 Rock Brook Way, under the Act and the Bylaw.

**9:01PM** **PENDING ISSUES**

* **COC 114-986: 57 Stonecleave Road, 31-1-13, Hoxha:** Mr. Hoxha appeared before the Conservation Commission to request a Certificate of Compliance for file 114-986. He noted that the Director had made a site visit to view the existing vegetation. The Director confirmed that the area has vegetated itself, even though none of the planting plan was executed under the Order of Conditions. However, because the area is sufficiently vegetated, he recommends the issuance of the Certificate of Compliance. A discussion ensued on the fact that the Order of Conditions was issued to authorize the wetland restoration with plantings, but the plantings did not commence. The area has revegetated naturally and, therefore, the restoration requirement has been fulfilled.

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for file #114-986. 57 Stonecleave Road, under the Act and the Bylaw, checking box indicating “Invalid Conditions”.

* **COC 114-1191: 104 High Ridge Road, 24-4-9.28, Jimenez**

Anne McMenimy, Hancock Associates, appeared before the Conservation Commission to advise that the fence was never installed, as provided in the Order of Conditions, but that everything else was completed. The fence was installed around the edge of the pool. McMenimy provided photos for the Commissioners to view as she described the fence. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to issue the Certificate of Compliance for file #114-1191, 104 High Ridge Road, under the Act and the Bylaw, with the standard conditions.

**9:24 PM** **OTHER BUSINESS**

* **Pay Bills**
  + **Peer Review: $742.50**

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to approve the payment of $742.50 to Williams and Sparages for the peer review of the ANRAD application, 599 Main Street.

* + **Mileage: $105.93**

On a **MOTION** made by **Mitsch,** second by **Smallman,** the Conservation Commission **VOTED** unanimously to approve the payment of $105.93 for mileage for the Director.

* **Fall Conference of MACC Academy:** Spillman notified the Commissioners of the upcoming MACC Fall Conference.

**9:26 PM ADJOURN**

On a **MOTION** made by **Mitsch**, second by **Smallman,** the Conservation Commission **VOTED** unanimously to adjourn at 9:26 PM.

Respectfully Submitted,

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*Judith A. Stickney*

*Minutes Secretary*