**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**April 5, 2018 7:30 PM**

*Present: Lana Spillman, Natasha Grigg, Frank Di Luna, Alan Fowler*

*Absent: Peter Delaney, Mark Mitsch, David Smallman*

*Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Randy Johnson, Lou Athanas, Idilia Garside, Ken Rohr, Fran Rohr, and many others*

**Meeting Called to Order:**

With a quorum present, Vice chair Lana Spillman called the meeting to order at 7:32PM.

**7:32 PM PUBLIC HEARINGS AND SCHEDULED DISCUSSION ITEMS**

* **DNI 2018-6: Crooked Pond Trail Entrance at Middleton Road: Construct Trail Kiosk:** Boy Scout Jack O’Connor met with the Conservation Commission to present his Boy Scout project to construct a trail kiosk at the Crooked Pond Trail entrance off Middleton Road. O’Connor provided photos and drawings for the Commissioners to view as he made his brief presentation. Director Povenmire added to the presentation, describing the conditions he observed on a site visit to the property, noting that the project has been approved for funding through the PCP and a letter authorizing the work has been received from the DCR. After a brief discussion, the applicant requested to close the meeting:

At the request of the applicant and on a **MOTION** made by **Di Luna,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to close the meeting for DNI 2018-6, Crooked Pond Trail Kiosk under the Bylaw.

On a **MOTION** made by **Grigg,** second by **Di Luna,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for the kiosk project on Middleton Road, under the Bylaw.

* **DNI 2018-9: 321 Ipswich Road, 19-1-2.2, Gatewood, Remove Tree Near Garage:** Mrs. Gatewood met with the Conservation Commission with a request for a Determination of Negligible Impact to remove a tree near her garage. The Director provided photos for the Commissioners to view as Mrs. Gatewood made her presentation. After a brief discussion, Mrs. Gatewood requested to close the discussion:

At a request of the applicant and on a **MOTION** made by **Di Luna**, second by **Grigg,** the Conservation Commission **VOTED** unanimously to close the discussion for DNI 2018-9: 321 Ipswich Road, 19-1-2.2, Gatewood, under the Bylaw.

On a **MOTION** made by **Grigg,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact to remove the tree at 321 Ipswich Road, under the Bylaw.

* **DNI 2018-5: 23 Valley Road, 14-1-36, Mingolla, Remove Trees:** Mr. Mingolla met with the Conservation Commission to request permission to remove 7 trees from the property. The Director advised six trees are dead and the 7th tree is in the way of the pool they want to install and close to the house. After a brief discussion, the applicant requested to close the review.

At the request of the applicant and on a **MOTION** made by **Grigg,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to close the review for DNI 2018-5, under the Bylaw.

On a **MOTION** made by **Grigg,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact to remove 7 trees at 23 Valley Road, with the caveat that the stumps be ground and not removed, according to the Bylaw.

* **DNI 2018-8: Georgetown Road Roadside Tree Removal, John Dold:** DPW Superintendent/Town Engineer John Dold met with the Conservation Commission with a request for a Determination of Negligible Impact to remove several trees on Georgetown Road. Dold noted that the Planning Board has approved the removal of the trees. Dold and the Director provided several photos for the Commissioners to view as he made his presentation. After a brief discussion, the applicant requested to close the discussion.

At the request of the applicant and on a **MOTION** made by **Grigg,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to close the discussion for DNI 2018-8, Georgetown Road, under the Bylaw.

On a **MOTION** made by **Di Luna,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact to remove the trees on Georgetown Road, DNI 2018-8, under the Bylaw.

* **DNI 2018-12: Glendale Road Roadside Tree Removal, John Dold:** DPW Superintendent/Town Engineer John Dold met with the Conservation Commission with a request for a Determination of Negligible Impact to remove several trees on Glendale Road. Dold provided several photos for the Commissioners to view as he made his presentation. After a brief discussion, the applicant requested to close the review.

At the request of the applicant and on a **MOTION** made by **Grigg,** second by **Di Luna,** the Conservation Commission **VOTED** unanimously to close the review for DNI 2018-12, Glendale Road, under the Bylaw.

On a **MOTION** made by **Di Luna,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact to remove the trees on Glendale Road, DNI 2018-12, under the Bylaw.

* **DNI 2018-11: Camp Stepping Stone, Temporary Support for Retaining Wall:** DPW Superintendent/Town Engineer John Dold met with the Conservation Commission with a request for a Determination of Negligible Impact to install temporary concrete block supports for the retaining wall, until the wall can be rebuilt next year, before the camp opens. Dold provided several photos for the Commissioners to view as he made his presentation. Ken Rohr, who lives on Stiles Pond, spoke in support of the project. After a brief discussion, the applicant requested to close the discussion.

At the request of the applicant and on a **MOTION** made by **Grigg,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to close the discussion for DNI 2018-11: Camp Stepping Stone, under the Bylaw.

On a **MOTION** made by **Grigg,** second by **Di Luna,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for DNI 2018-11: Camp Stepping Stone, to provide temporary support for the retaining wall, under the Bylaw.

* **DNI 2018-13: 88 Georgetown Road, 24-4-7, Kelley: Remove Trees:** There was no one in attendance to present this application.

On a **MOTION** made by **Grigg,** second by **Di Luna,** the Conservation Commission **VOTED** unanimously topass over a request for DNI 2018-13 on 88 Georgetown Road, until later in the meeting or the next meeting.

* **RDA 2018-2: 27B Bayns Hill Road, 17-2-32.13, Arnold: Dock on Stiles Pond:** The Director read aloud the legal notice and collected proof of abutter notifications. Mr. and Mrs. Arnold appeared before the Conservation Commission with a Request for Determination of Applicability to install a dock on Stiles Pond. The Director provided photos and drawings for the Commissioners to view as the Arnolds made their brief presentation. After a brief discussion, the applicant requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Di Luna,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2018-2: 27B Bayns Hill Road, 17-2-32.13, under the Bylaw.

On a **MOTION** made by **Di Luna,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to issue a Negative Determination, checking boxes 3 & 4, under the Act and the Bylaw.

* **NOI 114- : 20 Boren Lane, 25-3-6, Mugge: Deck Construction and Landscaping:** The Director read aloud the legal notice and collected proof of abutter notifications. Greg Hochmuth, Williams and Sparages, representing the applicant, met with the Conservation Commission with a Notice of Intent to construct a deck, spa, and retaining walls and associated landscaping. Hochmuth provided several photos, drawings, and plans for the Commissioners to view as he made his presentation. After a brief discussion, the Commissioners decided to do a site visit on Saturday, April 14, at 9:30AM. The applicant’s representative requested to continue the hearing to April 19.

At the request of the applicant and on a **MOTION** made by **Di Luna,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114- : 20 Boren Lane, 25-3-6, Mugge to April 19.

* **Continued NOI 114-1252: 6 Bare Hill Road, 25-5-15, Quinlan: Deck Construction:** The Director advised that the reason for this hearing was to schedule a site visit. After a brief discussion, the Commissioners scheduled a site visit for Monday, April 16, at 6PM. Mr. Quinlan requested to continue the hearing to April 19.

At the request of the applicant and on a **MOTION** made by **Di Luna,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1252: 6 Bare Hill Road, 25-5-15, Quinlan to April 19.

* **Second Amended OOC 114-1223: Middleton Road Culvert, Boxford DPW:** The Director read aloud the legal notice and collected proof of abutter notifications. Mike O’Neill, engineer for the project, met with the Conservation Commission to request an amendment to the Order of Conditions to accommodate a necessary change in the plans. O’Neill provided photos, drawings, and plans for the Commissioners to view as he made his presentation on the proposed changes to the approved Order of Conditions, noting that bids have come in and work would begin in August, if approved. The proposed retaining walls would not extend onto Commonwealth property (removing the Article 97 concern), impacts would be decreased, and the proposal would still have the 75 sq. ft. of Land under Water replication. After a brief discussion, the applicant requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Di Luna,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to close the hearing for OOC 114-1223: Middleton Road Culvert under the Act and the Bylaw.

On a **MOTION** made by **Di Luna,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to execute and issue a second Amended Order of Conditions for OOC 114-1223: Middleton Road Culvert, under the Act and the Bylaw.

* **Continued NOI 114-1253: 427C Ipswich Road, 14-1-21, Smith: Driveway Construction:** The Director advised there is a written request to continue the hearing for NOI 114-1253 to April 19.

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Fowler**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1253, 427C Ipswich Road, to April 19, under the Act and the Bylaw.

* **Continued COC 114-243: 4 Mortimer Road, 27-1-14, Graham:** Mr. Graham met with the Conservation Commission with revised information for the Commissioners to consider on his request for a Certificate of Compliance for work that was completed in 1988, long before he purchased the home. Graham provided photos for the Commissioners to view as he made his brief presentation. John Morin, P.E., certified distances on the plan Mr. Graham submitted. Povenmire was asked to attach the letter of certification (Morin) and the plan to the CoC, with a notation on the CoC. After a brief discussion, the Conservation Commission took the following action:

On a **MOTION** made by **Di Luna,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to execute and issue the Certificate of Compliance for file #114-243: 4 Mortimer Road, 27-1-14, Graham, under the Act and the Bylaw.

* **DNI 2018-13: 88 Georgetown Road, 24-4-7, Kelley: Remove Trees:** (Resumption of discussion earlier in the meeting) Ms. Kelley met with the Conservation Commission to request a Determination of Negligible Impact to remove trees on her property at 88 Georgetown Road. The Director provided photos for the Commissioners to view as Kelley made her brief presentation. The Director, who made a site visit, provided additional information for the Commissioners to consider. After a brief discussion, the applicant requested to close the discussion.

At the request of the applicant and on a **MOTION** made by **Di Luna,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to close the discussion for DNI 2018-13, 88 Georgetown Road, under the Bylaw.

On a **MOTION** made by **Di Luna,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact for file #2018-13, 88 Georgetown Road, under the Bylaw.

* **COC 114-1111: Weathered Walls Subdivision, 42-1-17&19, Sanidas: Partial Certificate for Lot 1 Only:** The Director advised they are requesting a Certificate of Compliance for Lot 1 only, removing it from the Order of Conditions for the entire subdivision. Because the lot is in jurisdictional area, Commissioner Spillman suggested that it did not meet the criterion to issue a partial Certificate of Compliance and they cannot override the DEP’s requirements. Instead, Spillman suggested the Conservation Commission provide a lawyer’s letter explaining the requirements of the Order of Condition yet to be met. Developer John Sanidas was present and explained that all of the major work has been completed. Bounds need to be set and a coat of pavement is needed before he seeks release of the Planning Board bond money. An as-built plan has not been prepared yet for a bridge. He discussed holding back on this CoC request and instead seeking CoCs for the entire subdivision within the next few months. . Discussion turned to the next hearing.
* **COC 114-1139: Weathered Walls Subdivision, 42-2-17&19, Sanidas: Partial Certificate for Lot 1 Only:** There was confusion on the lots included in the file number. The applicant was requesting a partial COC for lots 8 & 9, but the file number only mentions lot 1. After discussion, Sanidas requested to withdraw the applications for file numbers 114-1111 and 114-1139. Spillman suggested the Commission waive Bylaw fees when these CoC requests are refiled.

On a **MOTION** made by **Di Luna,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to accept the withdrawal of the request for a Certificate of Compliance for file number 114-1111: Weathered Walls Subdivision, 42-1-17&19, Sanidas: Partial Certificate for Lot 1 Only, under the Act and the Bylaw.

On a **MOTION** made by **Di Luna,** second by **Grigg,** the Conservation Commission **VOTED** unanimously to accept the withdrawal of the request for a Certificate of Compliance for file number 114-1139: Weathered Walls Subdivision, 42-2-17&19, Sanidas: Partial Certificate for Lot 1 Only, under the Act and the Bylaw.

On a **MOTION** made by **Grigg,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to waive the bylaw fee for file #114-1139 and file #114-1111.

* **Discussion: Amendments to Wildcat Forest Management Plan:** Randy Johnson, chair of the Agricultural Commission, met with the Conservation Commission with a revised Wildcat Forest Management Plan for the Commissioners to consider. Johnson read aloud the amended portion of the Forest Management Plan, noting that the Agricultural Commission no longer has any interest in executing the forest management plan. Commissioner Grigg did not like the wording of the Forest Management Plan and was confused as to why they were being asked to vote on it again. Commissioner Spillman suggested that they discuss this at the next meeting when the Chairman is present.

 **MOTION:** **Grigg** made a **MOTION** that the Conservation Commission

 reject the Amended Forest Management Plan (FMP). There was no

 second.

Ken Rohr, resident of Stiles Pond Road, spoke in opposition to the FMP, suggesting modifications to the amended plan, emphasizing the intent to preserve and protect. Fran Rohr, another abutter, requested that the Stiles Pond residents be notified if this issue comes before the Conservation Commission again. Spillman discussed having a policy of public notification when plans for Conservation properties come before the Commission. Grigg suggested that the public be notified whenever proposals involve public lands.

**MOTION: Di Luna** made a **MOTION** to put this discussion on the agenda for the April 19 meeting, with a full version of the proposed FMP, second by **Fowler.**

**Defeated:** The motion was defeated, with two in favor (DiLuna, Fowler), one dissension (Grigg) and only four members in attendance.

Therefore, no action was taken.

**9:50 PM ADJOURN**

With no further business, on a **MOTION** made by **Grigg**, second by **Di Luna,** the Conservation Commission **VOTED** unanimously to adjourn at 9:50 PM.

Respectfully Submitted,

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*Judith A. Stickney*

*Minutes Secretary*