**Minutes of the BOXFORD CONSERVATION COMMISSION**

**TOWN HALL MEETING ROOM #1**

**April 27, 2017 7:30PM**

*Present: Lana Spillman, Mark Mitsch, Alan Fowler, Peter Delaney*

*Absent: Frank Di Luna, Natasha Grigg*

*Others Present: Conservation Director Ross Povenmire, Minutes Sec’y Judi Stickney, Alexander Paul, Rob Sterner, John Morin, Lynn Merriam, Tom Mathers, Gridley Losee, Jay Henshall, Bill Salie, Bill Salie, Jr., Anthony Andon, Ann McMenemy, Laura Sapienza Grabski, and others*

**Meeting Called to Order:**

With a quorum present, Chairman Peter Delaney called the meeting to order at 7:32PM.

**7:32PM PUBLIC HEARINGS**

* **Discussion: Masco Intern Project – Kiosk at Lockwood Forest**

Alexander Paul, a senior at Masconomet, met with the Conservation Commission to discuss his senior intern project to build a kiosk at Lockwood Forest. Paul provided photos and other information for the Commissioners to view as he made his presentation on the AMC-style kiosk. He also requested funding of $390 for the project. Delaney suggested that the funding could come from CPA funds. Conservation Director suggested adding a contingency of $60 to cover sales tax, bringing the total to $450. A discussion ensued on the size of the base of the structure and suggestions were made to Paul.

On a **MOTION** made by **Spillman,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to approve the kiosk at Lockwood Forest, as proposed and modified per the discussions, and to provide funding of $450 from the CPA fund.

* **RDA 2017-4: 265B Washington Street, 9-1-35, Merriam**

**Documents Submitted:**

* + **Public Notice:** *To change existing brick walkway set on sand base to bluestone walkway set on concrete base.*
  + **WPA Form 1:** *Request for Determination of Applicability*
  + **Plan of Land**

The Director read aloud the public notice and collected proof of abutter notifications. Lynn Merriam met with the Conservation Commission with a Request for Determination of Applicability to change existing brick walkway set on a sand base, to a bluestone walkway, set on a concrete base. Merriam provided photos and plans for the Commissioners to view as she made her brief presentation. After a brief discussion:

On a **MOTION** made by **Mitsch**, second by **Spillman,** the Conservation Commission **VOTED** unanimously to close the hearing, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch**, second by **Spillman**, issue a Negative Determination checking box 3, under the Act and the Bylaw.

* **COC 114-750: 3 Ashland Road, 28-1-4.2, Mathers**

**Documents Submitted:**

* + **2 Photos**

The Director provided photos for the Commissioners to view and advised he had a letter from Hancock & Associates reporting that the work has been completed according to plan and he recommends the issuance of the Certificate of Compliance.

On a **MOTION** made by **Spillman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to issue a Certificate of Compliance for file 114-750, 3 Ashland Road, as drafted, under the Act and the Bylaw.

* **NOI 114-: 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*

The Director read aloud the public notice and collected proof of abutter notifications. John Morin, The Morin-Cameron Group, representing the applicant, met with the Conservation Commission with a Notice of Intent for a proposed addition, walkway, patio and associated site improvements within 200’ of a Riverfront Area and within 100’ Buffer Zone to Bordering Vegetated Wetland and 100’ Buffer Zone to Vernal Pool. Morin provided plans, photos and drawings for the Commissioners to view as he made his presentation. Work is proposed within 67 feet of the vernal pool. The proposal includes removal of several trees. Spillman expressed concern about stormwater runoff and a need for increased stormwater infiltration. She suggested plantings, e.g. with a planting plan, as possible mitigation. Fowler suggested looking at the area to the side of the existing garage as an alternate location for the addition. After the presentation, the Chair suggested the Commissioners plan a site walk on the property and decided on Tuesday, May 2, at 6PM. Morin requested to continue the hearing to the next meeting on May 4.

On a **MOTION** made by **Mitsch**, second by **Spillman,** the Conservation Commission **VOTED** to continue the hearing for NOI 114-, 45 Batchelder Road, to May 4, under the Act and the Bylaw.

* **Continued RDA 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*

Jay Henshall, Gibraltar Pools, representing the applicant, met with the Conservation Commission to discuss the changes he made to the plans after the last meeting, providing the Commissioners with an Existing Conditions Plan of Land to view, as he made his brief presentation.

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to accept the Existing Conditions Plan of Land outside the 7-day submission requirement.

Henshall continued to provide information to the Commissioners on the contours of the property, noting that they will be following the existing contours. Spillman questioned the sedimentation control line shown on the submitted plan. Modifications to the plan were agreed to so that the line will follow the topo line. After a brief discussion, Henshall requested to close the hearing.

On a **MOTION** made by **Spillman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2017-1, 154 Topsfield Road, 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*
  + **Plan of Land in Boxford MA to Accompany a Request for Determination of Applicability:** *Stamped by Joseph Small, dated 3/2/17*

Ann McMenemy, Hancock Associates, met with the Conservation Commission to discuss the RDA 2017-2 for 599 Main Street and Silvermine Road, and to address questions the Commissioners and abutters had at the last meeting on March 16. Abutters Andon and Salie provided commentary on the proposal. After a brief discussion, the Commissioners decided to schedule a site walk to view the wetland line near Silvermine Road on Tuesday, May 2, after the other site walk at 6PM. McMenemy requested to continue the hearing to May 4.

On a **MOTION** made by **Spillman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to continue the hearing for 2017-2, 599 Main LLC, to May 4, under the Act and the Bylaw.

* **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*

The Director read aloud the public notice and collected proof of abutter notifications. 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. There are two certified vernal pools on the site and two certified vernal pools just offsite. McMenemy agreed to modify the plan to show the ILSF boundaries as the highest observed elevations of water. The Commissioners provided comments and suggestions to McMenemy and will view the area on May 2. Commissioners also agreed to review intermittent flow (streams?) from vernal pool 2250 to Washington Street at the visit. McMenemy requested to continue the hearing to May 4.

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the hearing for ANRAD 114-1242 to May 4, 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 obtain a Certificate of Compliance for the Silks so they can sell their home. Morin noted there are two issues that are not in compliance. An infiltration fence not shown on the plan was installed and approximately three fence posts and fencing are were installed in the 25-foot no-disturb zone. . He requested that the Commission issue the COC and allow the fence to remain. Spillman requested that the fence posts in the no-distrub zone be moved to be in compliance and suggested that a DNI would be appropriate. The other Commissioners agreed. The Director provided photos for the Commissioners to view of the existing fence.

On a **MOTION** made by **Spillman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to require a DNI filing to move the fence and posts to outside the 25 feet from the wetland, and include the infiltration trench on a revised as-built plan and work may proceed prior to the issuance of the DNI under the Act and the Bylaw.

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to continue the review for 30 Partridge Lane to May 4, under the Act and the Bylaw.

* **COC 114-1134: Scrivener’s Error Corrected:** The Director advised there was an error in the Certificate of Compliance that was issued for file 114-1134. The error has been corrected and the Certificate of Compliance needs to be reissued.

On a **MOTION** made by **Spillman,** second by **Mitsch,** the Conservation Commission **VOTED** unanimously to issue a corrected Certificate of Compliance, correcting an error in the page number from 142, to read 145, under the Act and the Bylaw.

**9:14PM ROUTINES**

* **Pay Bills:** 
  + **$35 for Spillman for Annual Meeting of MSMCP:**

On a **MOTION** made by **Mitsch,** second by **Fowler,** the Conservation Commission **VOTED** unanimously to approve the expenditure of $35 for Lana’s continuing education for MSMCP Annual Meeting.

* + **$98.44 for Travel Expenses for Conservation Director:**

On a **MOTION** made by **Mitsch,** second by **Spillman,** the Conservation Commission **VOTED** unanimously to approve the expenditure of $98.44 for travel expenses for the Director.

**9:16PM OTHER BUSINESS**

* **Violation: 30 Lawrence Road Update:** Laura Sapienza Grabski met with the Conservation Commission to provide an update on the Straub property, 30 Lawrence Road, noting that the ZBA met tonight on it and voted to enforce the Building Inspector’s order. She suggested that the Commissioners schedule a site walk on the property to view the wetland violation issues. The Chair advised that they will need to file for a permit before they can rebuild, suggesting that the Commission would make a site walk at that time. Grabski provided photos for the Commissioners to view as she spoke. The Chair invited Grabski to return to a later meeting with any updates.
* **Violation: Tree Cutting, 315 Ipswich Road:** The Director provided photos for the Commissioners to view as he made a brief presentation on the trees that were illegally removed, noting that the homeowner would like to install a lawn area there eventually. After a brief discussion, the homeowner suggested that he would like to grind the stumps and seed the area. The Chair advised he would need to file an RDA to grind the stumps and an after-the-fact RDA filing is needed for the trees that were cut down and allow the homeowner to continue the grinding and seeding of the area.
* **Discussion: Tree Cutting Policy:** The Director provided the Commissioners with tree cutting policies of North Andover. A discussion ensued on ideas for a Boxford tree cutting policy. Spillman commented that Emergency Certifications should be followed up with the appropriate level of review and a filing, which for tree removal often would be a DNI filing.
* **Wildcat Tree Cutting and Creation of Unauthorized Trails in Resource Areas:** The Director advised they have put cameras out there and have viewed bicyclists using trails to ride their bikes. There is also evidence of tree cutting. The unauthorized created trails are extensive, appear to be frequently used, and include a vernal pool crossing. He is working with the Police Department and they are not ready to take action yet. The Commission asked for signage at entrances with notification that bikes are restricted to authorized trails.

**9:59PM ADJOURN**

On a **MOTION** made by **Mitsch**, second by **Fowler** the Conservation Commission **VOTED** unanimously to adjourn at 9:59PM.

Respectfully Submitted,

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*Judith A. Stickney*

*Minutes Secretary*