

**Minutes of the BOXFORD CONSERVATION COMMISSION
TOWN HALL MEETING ROOM #1
February 20, 2020 7:30 PM**

Present: Peter Delaney, Frank Di Luna, Natasha Grigg, Mark Mitsch, Kerri Lummus, David Smallman, Alan Fowler

Absent: None

Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Richard Tomczyk, Alan Therrien, Theresa Portante, Vanessa Johnson-Hall, Maggie Brown, Jennifer Hughes, and others

7:30 PM With all Commissioners present, Chair Peter Delaney called the meeting to order.

7:30 PM SCHEDULED HEARINGS AND DISCUSSIONS:

Public Hearing: Amendment to the Boxford Wetlands Protection Regulation: *Town Code Ch. 375-5(H), to substitute recent NOAA Atlas 14 rainfall data for outdated data currently contained in the regulations.*

Supporting Docs

- **Notice of Public Hearing:** *Amendment to the Boxford Wetlands Protection Regulation, Town Code Ch. 375-5(H), to substitute recent NOAA Atlas 14 rainfall data for outdated data currently contained in the regulations.*

The Director read aloud the Notice of Public Hearing and provided the Commissioners with background information on the proposed amendment to update the rainfall data currently included in the Boxford Wetlands Protection Regulation. A public comment period followed a brief discussion. Jennifer Hughes, a rep from the Merrimack Valley Planning Commission, advised that her committee is recommending adoption of the amendment. After discussion, the Commissioners decided they would like to have the complete wording of the amendment before them, in red-line format, before taking any action on it. After discussion, the Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously to continue the hearing for the Amendment to the Boxford Wetlands Protection Regulation, to March 5th, under the Act and the Bylaw.

Public Hearing: Amendment to the Boxford Stormwater Management Bylaw and Regulations: *Town Code Ch. 160-6(B)(3) & 295-2(B)(2), to delete an exemption from the requirement to obtain a stormwater permit currently applicable to projects receiving an Order of Conditions under the Boxford Wetlands Protection Bylaw.*

Supporting Docs

- **Notice of Public Hearing:** *Amendment to the Boxford Stormwater Management Bylaw and Regulations, Town Code Ch. 160-6(B)(3) & 295-2(B)(2), to delete an exemption from the requirement to obtain a stormwater permit currently applicable to projects receiving an Order of Conditions under the Boxford Wetlands Protection Bylaw.*

The Director read aloud the Notice of Public Hearing and asked Jennifer Hughes, from the Merrimack Valley Planning Commission, to provide information and background on the proposed amendment. Director Ross Povenmire provided additional details and a lengthy discussion ensued. The Commissioners decided they would continue this hearing as well and asked the Director to provide them with a complete copy of the proposed changes for the next meeting.

On a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to continue the hearing for the Amendment to the Boxford Stormwater Management Bylaw and Regulations, to March 5th, under the Act and the Bylaw.

Discussion: Open Space Acquisition - Bergstrom Property

Vanessa Johnson-Hall and Maggie Brown, of Essex County Greenbelt, met with the Conservation Commission to provide information on an open space acquisition consisting of 18 acres of the Bergstrom property. They are requesting CPA funds of \$60,000, BTA/BOLT will contribute \$10,000, and Greenbelt will pay any administrative fees. Greenbelt will hold the Conservation Restriction. They are asking the Conservation Commission to support their request of \$60,000 from CPA funds and vote on Greenbelt holding the Conservation Restriction.

On a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to support Essex Country Greenbelt's CPA funding request of \$60,000 to purchase the Bergstrom parcels.

On a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously, provided the acquisition goes through as planned, that Essex County Greenbelt hold the Conservation Restriction for the Bergstrom acquisitions.

Continued DNI 2020-1: 5 Lantern Lane, 28-2-5, Regan Supporting Docs

- **3 Photos**

The applicant was not present for this discussion, and the Director advised that the applicant will be applying for an RDA and will be requesting to withdraw the DNI filing. The hearing will be continued, to allow the applicant to withdraw her DNI application. After a brief discussion, the Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to close the hearing for DNI 2020-1: 5 Lantern Lane, 28-2-5, Regan, under the Act and the Bylaw.

RDA 2020-1: 57 Moonpenny Drive, 40-2-21, Therrien
Supporting Docs

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant, Alan Therrien, for the property located at: 57 Moonpenny Drive, Assessor's Map 40, Block 2, Lot 21; to remove nine trees within 100-feet of Bordering Vegetated Wetland.*
- **FAX Transmittal from Conservation Director to Community Newspaper Company, Re: Hearing/Meeting Legal Notice**
- **WPA Form 1 – Request for Determination of Applicability**
- **Proposal for Tree Work from Iron Tree Service, 1/14/20**
- **Site Plan**

Alan Therrien met with the Conservation Commission to amend his request for tree removal on his property, reducing the number of trees to 8 trees, rather than the original 9 trees, as was discussed and suggested at the recent site visit. After a brief discussion, the applicant requested to close the hearing and the Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to close the hearing for RDA 2020-1: 57 Moonpenny Drive, 40-2-21, Therrien, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to execute and issue a Negative Determination, checking box 3, for RDA 2020-1: 57 Moonpenny Drive, 40-2-21, Therrien, under the Act and the Bylaw.

NOI 114-1293: 397 Transmission Line, Map 36, National Grid
Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by Applicant, Andrew Cole c/o National Grid, for the property located at: 397 Transmission Line ROW, Assessor's Map 36; to conduct exploratory soil borings for planning and design purposes associated with future utility work of the 397 Transmission Line within Bordering Vegetated Wetland.*
- **Notice of Intent Package:** *Submitted by New England Power Company, 394-397 Lines Geotechnical Soil Borings Project, January 2020:*
 - *WPA Form 3 – Notice of Intent*
 - *Boxford NOI Checklist*
 - *Project Narrative*
 - *USGS Site Locus Map*

- *Environmental Resources Map*
- *Wetland Data Forms*
- *Site Photographs*
- *Certified List of Abutters*
- *National Grid's Best Management Practices*

Theresa Portante, BSC Group, representing New England Power Company, met with the Conservation Commission with a Notice of Intent to conduct exploratory soil borings for planning and design purposes associated with future utility work of the 397 Transmission Line within Bordering Vegetated Wetland. Portante provided project details for the benefit of the Commissioners who were not present at the last presentation, which included several locus and topography maps. After her brief presentation, she asked if it would be possible for the Commission to plan to do a site review on April 1st, to review the wetland flags, and have the Order of Conditions drafted and ready for the April 2nd meeting. The Commissioners agreed and scheduled the site visit for April 1st at 5:30PM. After a brief discussion on the matting, the Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to continue the hearing for NOI 114-1293: 397 Transmission Line, Map 36, National Grid, to April 2nd, with a site walk to occur on April 1st, weather permitting, under the Act and the Bylaw.

Revocation of DNI 2017-1: 175 Herrick Road, 19-2-29, Allison **Supporting Docs**

- **From 2/07/17 Meeting Minutes: DNI 2017-1: 175 Herrick Road, Allison:** *The Director provided a brief summary of the work that Mr. Allison would like to do on his property, removing fallen trees and branches. The Director provided photos for the Commissioners to view as he described the work to be done. All branches and trees are in the wetland. The Director suggested that the work be done when the ground is frozen to minimize disturbance. Mr. Allison contributed to the discussion, advising the rest of his property is neat and tidy and these trees and branches are not. He explained that he would do the work by hand, with a chainsaw. After a very brief discussion, the Commission took the following action:*
*On a **MOTION** made by **Beckett**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to issue a Determination of Negligible Impact to remove the fallen branches and trees at 175 Herrick Road, according to the Director's guidelines, under the Bylaw.*

The Director advised the Commission of a situation where an old DNI was handed to him as evidence of authorization for clearing work, and upon reading the DNI, it was clear that the activity approved in the DNI had taken place shortly after the DNI was issued and no further work was authorized. The homeowner thought the DNI was authorization to remove further trees and brush with no expiration. The issue is resolved at this point and

he requested that the Commission rescind that DNI and include an expiration date for future DNI's issued. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Di Luna**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to revoke DNI 2017-1: 175 Herrick Road, 19-2-29, Allison, under the Bylaw.

8:41 PM OTHER BUSINESS:

- **Travel Expenses: \$151.80:** The Director provided the Commission with a bill for travel expenses totaling \$151.80, and the Commission took the following action:
On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to authorize the payment of \$151.80 to Ross Povenmire for his travel expenses.
- **Advertising Expenses: \$149.47:** The Director provided the Commission with a bill for advertising expenses totaling \$149.47, and the Commission took the following action:
On a **MOTION** made by **Grigg**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to authorize the payment of \$149.47, for advertising in GateHouse Media for the Wildcat Bridge Conservation Area bridge.

8:43 PM ROUTINES:

- **Minutes Review/Approval:** After a brief review of the minutes of February 6, 2020, the Commissioners took the following action:

On a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to accept the minutes of February 6, 2020, as presented.

8:45 PM OTHER BUSINESS

- **Draft Annual Report:**
On a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to approve the Annual Report, as amended.
- **Famolari House Renovation, Georgetown Road:** Commissioner Grigg asked the Commissioners if they had been by the house renovation/construction taking place on Georgetown Road. She was concerned with the extensive earth-moving that has been taking place there. The Director will make a site visit and report back to the Commission.

8:50 PM ADJOURN

With no further business, on a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously to adjourn at 8:50 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Judith A. Stickney', written in a cursive style.

Judith A. Stickney
Minutes Secretary