

**Minutes of the BOXFORD CONSERVATION COMMISSION  
REMOTE PARTICIPATION ONLY  
May 7, 2020 7:30 PM**

*Present: Peter Delaney, Natasha Grigg, David Smallman, Alan Fowler, Kerri Lummus, Mark Mitsch*

*Absent: Frank Di Luna*

*Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Jim Scanlan, Jason Kahan, John Morin, Eric Olson, Dan Ottenheimer, Lance Cluster, and others*

**7:30 PM** With a quorum present, Chair Peter Delaney called the meeting to order.

**7:30 PM SCHEDULED HEARINGS AND DISCUSSIONS:**

**Discussion: Mosquito Spraying and Proposed Legislation:** The Director advised the Commissioners that the MACC has requested that local Conservation Commissions write a letter to the legislature opposing the proposal to allow mosquito spraying. Commissioner Natasha Grigg provided information on the proposed legislation which will allow mosquito spraying anywhere there may be a risk of EEE, a mosquito-borne disease. She requested that the Commission send a letter expressing the Commission's opposition to the proposed legislation, as it is a hazard to the environment. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to authorize the Director to draft a letter using the MACC letter as a basis for the response.

**Discussion: 23 Sagamore Lane, Kahan: Fence and Debris in Buffer Zone:** The Director provided the Commissioners with photos and a report on his visit to the property, where he viewed an unpermitted fence and debris in the buffer zone. He contacted the owner who returned his call right away. The Director suspects that the debris has probably been removed at this time. After a brief discussion, the Commission determined that the homeowner would need to file an RDA, as well as apply for a Certificate of Compliance. Mr. Kahan, the homeowner, was in attendance, and provided additional information to the Commissioners and advised that he is willing to do whatever is needed to comply. Mr. Kahan was advised to get an as-built plan for the property, so he can apply for a Certificate of Compliance. Kahan also advised the Commission that the debris has been removed. Kahan was advised to keep in touch with the Director and keep him updated on what's going on.

**DNI 2020-2: 107 Spofford Road, 14-1-11, Olson: Driveway Repaving  
Supporting Docs**

- **Photo**

The Director advised the Commissioners that the homeowner is having his driveway repaved. He happened to be driving by and noticed the work taking place there. The Director provided a report on the disturbance in the buffer zone and a photo for the Commissioners to view. He talked with Mr. Olson and decided that given how advanced the work was at the time, he decided to let them finish the job, but advised him to come to this meeting and request authorization after-the-fact. After a brief discussion, the Director suggested that the homeowner install a straw wattle as a condition of the issuance of the DNI. The Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to issue an after-the-fact DNI, contingent upon the homeowner installing a straw wattle.

**NOI 114-1296: 40 Surrey Lane, 38-2-9.1, Sandler  
Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by Applicant Charles Sandler, for the property located at: 40 Surrey Lane, Map 38, Block 2, Lot 9.1, to implement grading and site improvements within 100-feet of a Bordering Vegetated Wetland as part of work associated with a sanitary septic system upgrade.*
- **Legal Notice Publication Authorization**
- **Notice of Intent Plan for 40 Surrey Lane:** *prepared by Mill River Consulting, stamped by Daniel Ottenheimer, dated 4/22/20*
- **Notice of Intent Application Package:** *prepared by Mill River Consulting, for Charles Sandler, April 2020*
- **WPA Form 3 – Notice of Intent**

The Director read aloud the legal notice and the applicant was instructed to send proof of abutter notifications to the Director. Dan Ottenheimer, Mill River Consulting, representing the applicant, met with the Conservation Commission with a Notice of Intent for a sanitary system upgrade. Ottenheimer provided the Commissioners with photos and drawings to view as he made his brief presentation, noting that there were no comments from DEP and it was out of Natural Heritage's jurisdiction. After a brief discussion, the applicant requested to close the hearing, and the Commission took the following action:

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for 114-1296: 40 Surrey Lane, 38-2-9.1, Sandler, under the Act and the Bylaw.

On a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Order of Conditions for 114-1296: 40 Surrey Lane, 38-2-9.1, Sandler, under the Act and the Bylaw.

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to authorize the Director to act as the Commission's agent to sign the Order of Conditions.

**Amended OOC 114-1281: 201 Georgetown Road, 20-10-8, Famolare  
Supporting Docs**

- **Notice of Public Hearing:** *Amendment to the Order of Conditions for DEP File # 114-1281 by applicant Joseph Famolare for the property located at: 201 Georgetown Road, Map 20, Block 10, Lot 8 to amend the approved plan to include a retaining wall and minor modifications to site grading, as built.*
- **Site Plan of Land in Boxford, Mass.** *201 Georgetown Road, prepared by The Morin-Cameron Group, stamped by John M. Morin, dated 3/19/20, rev. 6/25/20*

John Morin, The Morin-Cameron Group, representing the applicant, met with the Conservation Commission with an Amended Order of Conditions to include a retaining wall and minor modifications to site grading. A brief discussion ensued on the discrepancy between what's in the submitted plan and what has actually been done on the property. Morin requested to continue the hearing to the next meeting to give him time to correct the plan.

On a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for Amended OOC 114-1281: 201 Georgetown Road, 20-10-8, Famolare, to May 21, 2020, under the Act and the Bylaw.

**Continued NOI 114-1295: 15 Lantern Lane, 28-2-6, Baldassare  
Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by applicant Holly Baldassare for the property located at: 15 Lantern Lane, Assessor's Map 28, Block 2, Lot 6; for a sanitary septic system upgrade, landscape wall and plantings, repairs to an existing driveway, tree removal and installation of a new well.*
- **Letter and Accompanying Materials from Scanlan Engineering to Conservation Director,** *Re: Notice of Intent Application: Baldassare Residence 15 Lantern Lane, Boxford, Mass. 01921*
- **Site Plan to Accompany Notice of Intent:** *Plan and Flow Profile: Prepared by Scanlan Engineering LLC; for Holly Baldassare, drawn by JBS, dated 3/29/20*
- **Site Plan to Accompany Notice of Intent:** *Details and Notes: Prepared by Scanlan Engineering LLC; for Holly Baldassare, drawn by JBS, dated 3/29/20*

Jim Scanlan, Scanlan Engineering LLC, representing the applicant, met with the Conservation Commission to discuss the changes to the plans since the last meeting. After a brief discussion, Scanlan requested to close the hearing. The Commission took the following actions:

On a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for NOI 114-1295: 15 Lantern Lane, 28-2-6, Baldassare, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch** second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Order of Conditions for file #114-1295: 15 Lantern Lane, 28-2-6, Baldassare, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to authorize the Director to act as the Commission's agent to sign the Order of Conditions.

**8:40 PM      ROUTINES:**

- **Minutes Review/Approval:** After a brief review of the minutes of April 16, 2020, the Commissioners took the following action:

On a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously to accept the minutes of April 16, 2020, as presented.

- **Other Business:**
  - **Town Hall Opening May 18<sup>th</sup>:** The Director provided the Commission with a brief update on the scheduled reopening of Town Hall on May 18<sup>th</sup>.

**8:48 PM      ADJOURN**

With no further business, on a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to adjourn at 8:48 PM.

Respectfully submitted,



Judith A. Stickney  
Minutes Secretary