

**Minutes of the BOXFORD CONSERVATION COMMISSION
REMOTE PARTICIPATION ONLY
August 20, 2020 7:00 PM**

Present: Peter Delaney, Frank Di Luna, David Smallman, Kerri Lummus, Alan Fowler

Absent: Natasha Grigg, Mark Mitsch

Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, William Scopa, Laura Sapienza-Grabski, Kaitlyn Shaw, Stan Frizzell, Olga Bassa, Donald Gianquitto, Allan Therrien, Barbara O'Neill, Marisa Ireland, Jacqueline Rapisardi, Joel DeStasio, Larissa Nadworny, Matthew Nadworny, Greg Hochmuth, Peter Ellison, Robert Niccoli, Chris Rice, Renee Cooper, Lauran Tarshi, William Scopa, Jim Scanlan, Chris Olbrot, Gena Dunn, Carol Robertson, Lance Cluster, and others

7:02 PM With a quorum present, Chair Peter Delaney called the meeting to order.

7:02 PM SCHEDULED HEARINGS AND DISCUSSIONS:

Public Information Session: Howlett Brook Culvert Study: Kaitlyn Shaw, Science and Restoration Manager with the Ipswich River Watershed, met with the Conservation Commission with a 3-minute video and information on the Howlett Brook Culvert Study. After a brief discussion, the Commissioners advised they would need more information to comment on this study. The discussion will be continued to the next meeting.

Enforcement Order; 30 Lawrence Road, Straub

- **WPA Form 9 – 4th Amended Enforcement Order:** Erika Straub and Kristen Orender, 30 Lawrence Road: Failure to attend Conservation Commission meeting as ordered to discuss recent demolition activity conducted without a wetland permit.
- **Sanitary Disposal System Repair Plan:** Prepared by The Morin-Cameron Group for Charles & Gwendolen Perkins 32 Lawrence Road, stamped by John M. Morin, dated 4/10/19
- **Letter from Roome & Guarracino LLC to Inspector of Buildings, Re: 30 Lawrence Road On-site Review of Existing Foundations, Boxford, Mass., 7/16/20**
- **Map of Wetland Flags**
- **Plan for Planning Board**

The Director advised he has an NOI application for this property for the house construction. There were no additional updates at this time. Renee Cooper, one of the owners of the property, advised she has sent everything she has to the Director. They are scheduled for a public hearing on September 3rd. The Chair advised they would probably set up a site walk before that time.

Violation: 50 Moonpenny Drive, Nadworny:

The Director advised he received several complaints regarding activity at 50 Moonpenny Drive. He went out there and met with the homeowner. There was a lot of construction activity. He provided photos for the Commissioners to view. Larissa Nadworny, 50 Moonpenny Drive, advised she has an autistic son and they need to fence in the yard. The Director advised there is fill material across a ditch to enable a bobcat to cross over the ditch to access an area that has recently been cleared of trees. It will need to be delineated properly by a wetlands scientist. The Director stopped the work yesterday and directed the homeowner to engage an engineer to identify where the wetland boundaries were and to provide a site plan and file a Notice of Intent. A lengthy discussion ensued between Larissa and Matthew Nadworny and the Commissioners regarding the requirement of a site plan, which would cause a delay in installing the fence. After discussion, the Chair advised the homeowners that they need to provide the Commission with the wetland boundaries and will continue the discussion to the next meeting.

Enforcement Order: 26 Sagamore Lane, Kahan

- **WPA Form 9 – 4th Amended Enforcement Order:** *Jason Kahan, 23 Sagamore Lane: Placement of fence within the 100-foot Buffer Zone to wetland resource area. The location of other site improvements to be determined by As-Built survey plan.*
- **Plot Plan of Land in Boxford, Mass.:** *Prepared by PFS Land Surveying, stamped by Brian G. Parmenter, dated 7/15/20*

The Director advised he has not had any response from Mr. Kahan and has not yet received the As-Built Plan, as required by the Enforcement Order. Olga Bassa, co-owner of the property, advised the Commission that the surveyor came out earlier today and will send the plan as soon as he can. The Chair advised that they will extend the Enforcement Order to September 3rd.

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to extend the Enforcement Order to September 3rd.

Violation: 285 Ipswich Road, Scopa

William Scopa met with the Conservation Commission to advise that Mary Rimmer, Rimmer Environmental, came out to survey the wetlands. Scopa provided photos and plans for the Commissioners to view as he explained the property delineation lines. He explained his mitigation plans to the Commissioners. He would like to leave the tent and the trailer parking area outside of the buffer, if the Commission will allow it. The Director suggested a friendly enforcement order would be appropriate. Commissioner Di Luna suggested that the Director make a site visit to view the wetland flags, adding that status reports should be provided to the Conservation Commission as work progresses.

Violation: 75 Pinehurst, Bender 1:09

Greg Hochmuth, Williams & Sparages, advised that the survey work has been scheduled and the wetlands have been flagged, adding that the area has revegetated. They will be meeting with Carol Robertson to work on the NOI and have that ready for the September 17th meeting. Carol Robertson, representing the applicant, contributed to the brief discussion.

DNI 2020-9: 18 Pond Street, Tarshi

The Director advised the DNI is to remove a large pine tree which is mostly dead and in serious state of decline, about 3' diameter pine tree, very tall, very straight, about 20 feet from the pond. He issued an Enforcement Order requiring that jute netting be placed in the 25-foot no disturb zone to help with erosion, and to include cedar posts with disks on them. The cedar posts are in place, and the disks are on the posts, but, at the time of his site visit, the jute netting was not in place. Luran Tarshi advised that the netting has since been installed. She advised the Commission that Mayer has scheduled the work for August 26th. A crane will be needed to remove the tree.

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to issue a DNI for 18 Pond Street, under our bylaws, pending approval of our Director that the mesh is in place.

On a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to authorize the Conservation Director to sign the Negative Determination on behalf of the Commission.

DNI 2020-8: 68 Herrick Road, Rice

Supporting Docs

- **Landscaping Sketch**

The Director provided a sketch for the Commissioners to view as he explained the proposed work to build a stone wall on the property. Chris Rice provided additional details. After a brief discussion, the Commissioners scheduled a site walk Tuesday, August 25th, 6PM.

RDA 2020-12: 20 Moonpenny, 40-1-9, Ireland

Supporting Docs

- **Notice of Public Hearing:** *Request for Determination of Applicability for applicant Marissa & Marshall Ireland for the property located at: 20 Moonpenny Drive, Boxford, Map 40, Block 1, Lot 9; to install an above ground pool in the rear yard of an existing residence.*
- **WPA Form 1 – Request for Determination of Applicability**
- **Sketch:** *Above Ground Pool Desired Area*
- **Abutters List**
- **Sewage Disposal Plan:** *By Gregory P. Bernard, dated 5/15/18*

Marissa Ireland, homeowner, met with the Conservation Commission, with a Request for Determination of Applicability to install an above ground pool. The Director provided photos for the Commissioners to view. The Director noted that there was a shed on the property for which there was nothing on file. The Director also noted that a COC was never issued for the septic system. The area has been revegetated and all that is needed is a request to have that put on a future agenda. After a brief discussion, the Commissioners scheduled a site walk for Tuesday, August 25th, at 6:30PM. The applicant requested to continue the hearing to September 3rd, and the Conservation Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to continue this hearing for RDA 2020-12 20 Moonpenny, to September 3rd under the Act and the Bylaw.

NOI 114-1301: Willow Road Culvert, 11-1-8 & 6-2-2.2, Boxford DPW

Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by Applicant Chris Olbrot for the Town of Boxford DPW for the property located at: Willow Road, Boxford, near #89 Willow Road and the Price Property, Assessor's Map 11, Block 1, Lot 8 and Map 6, Block 2, Lot 2.2 to install a replacement culvert under Willow Road in the vicinity of #89 Willow Road and an undeveloped lot known as the Price Property.*
- **Notice of Intent Package:** *Submitted by TEC, Inc. for the Town of Boxford, dated 8/6/20:*
 - **WPA Form 3 – Notice of Intent**
 - **NOI Wetland Fee Transmittal Form**
 - **Narrative**
 - **Wetland Delineation Report**
 - **DEP Bordering Vegetated Wetland Delineation Field Data Form**
 - **Supporting Maps and Data**
 - **Photo Log**
 - **Local Forms and Check Lists**
 - **Abutter Information**
 - **Stormwater Report**
 - **Letter from TEC, Inc. to Boxford Conservation Commission, Re: Notice of Intent – Stormwater Report Willow Road Culvert Replacement – Boxford, MA, August 6, 2020**
 - **Check List for Stormwater Report**
- **Plans Submitted:** *Prepared by TEC, Inc. for the Town of Boxford, Willow Road Culvert Project*
 - **Key Plan and Profile:** *Sheet 1 of 10*
 - **Boring Logs:** *Sheet 2 of 10*
 - **Grading Plan:** *Sheet 3 of 10*

- **Plan and Elevations:** *Sheet 4 of 10*
- **Construction Details:** *Sheet 5 of 10*
- **Construction Details:** *Sheet 6 of 10*
- **Construction Details:** *Sheet 7 of 10*
- **Control of Water Plan:** *Sheet 8 of 10*
- **Temporary Traffic Control Plan (1 of 2):** *Sheet 9 of 10*
- **Temporary Traffic Control Plan (2 of 2):** *Sheet 10 of 10*
- **Letter from Massachusetts Division of Fisheries and Wildlife to DPW Superintendent and Conservation Director, Re: WPA and MESA Determinations, 8/17/20**

The Director read aloud the Notice of Public Hearing and provided plans and photos for the Commissioners to view. Chris Olbrot, DPW Superintendent/Town Engineer, met with the Conservation Commission, with the engineering team from TEC, to provide the Commission with information on their intent to install a replacement culvert under Willow Road in the vicinity of #89 Willow Road. Peter Ellison and Rob Niccoli, of TEC, Inc., provided details on the project to replace the existing culvert with a precast concrete culvert on Willow Road. After a brief discussion, the Commission decided to schedule a site walk for Tuesday, September 15th. Olbrot requested to continue the hearing to the September 15th meeting.

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing to September 17th under the Act and the Bylaw, with a site visit scheduled for September 15th at 5:30PM.

Continued NOI 114-1300 : 67C Topsfield Road, 33-2-28, Dunn
Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant Michael Dunn for the property located at: 67C Topsfield Road to construct a single-family house and associated site improvements, portions of which are within 100-feet of Bordering Vegetated Wetland.*
- **Notice of Intent Package:** *Prepared by Williams & Sparages for Michael Dunn, 7/20/20:*
 - **WPA Form 3 – Notice of Intent**
 - **NOI Wetland Fee Transmittal Form**
 - **Narrative**
 - **Locus Map 67C Topsfield Road**
 - **National Flood Hazard Layer FIRMette**
 - **Town of Boxford Property Parcel Maps**
 - **Boxford Conservation Commission: Application Check List Notice of Intent**
 - **Affidavit of Service**
 - **Abutter List**
- **Proposed Plot Plan:** *Prepared by Williams & Sparages for Michael Dunn (Steven D. Ottaviano, owner), stamped by Richard L. Williams, dated 7/22/20*

Greg Hochmuth, Williams & Sparages, representing the applicant, met with the Conservation Commission with a Notice of Intent to construct a single-family house and associated site improvements. He provided photos and plans for the Commissioners to view as he made his presentation. 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 **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for NOI 114-1300 : 67C Topsfield Road, under the Act and the Bylaw.

The Order of Conditions will be issued at the next meeting.

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

- **Notice of Public Hearing:** *Amendment to the Order of Conditions for DEP File # 114-1295 by applicant Holly Baldassare, for the property located at 15 Lantern Lane; Map 28, Block 2, Lot 6, to amend the approved plan to include an extension and modification of the existing driveway, and other associated improvements, portions of which are located within 100-feet of Bordering Vegetated Wetland.*
- **Letter and accompanying materials from Scanlan Engineering** to Conservation Commission, *Re: Requests for Amendments to DEP file #114-1295, 7/23/20*
- **Site Plan to Accompany Notice of Intent:** *Prepared by Scanlan Engineering LLC, for Holly Baldassare, dated 3/29/20, rev. 4/30/20, rev. 7/20/20*
- **Site Plan to Accompany Notice of Intent:** *Details & Notes, prepared by Scanlan Engineering LLC, for Holly Baldassare, dated 3/29/20, rev. 4/30/20, rev. 7/20/20*

Jim Scanlan, Scanlan Engineering, met with the Conservation Commission to advise the Commission that his clients have requested a withdrawal of the application for the additional work. They will construct the project according to the approved plan.

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote, that the application for AOOC 114-1295 be withdrawn.

COC 114-1178: Lot 8A Anderson Drive, 17-1-16, Gianquitto

The Director advised this was a request for a Certificate of Compliance for work that was never initiated.

On a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to issue a Certificate of Compliance for DEP file 114-1178: Lot 8A Anderson Drive, for a job that was never started and work that was never done.

On a **MOTION** made by **Di Luna**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to authorize the Director to sign the Certificate of Compliance on behalf of the Commission, with the intent to sign the document electronically by their vote on August 20, 2020.

Partial COC 114-1048: 30 Bennett Road, 23-1-16.7, Breen

The Director advised he never got a request to issue a Certificate of Compliance, so requested that this be passed over.

9:15 PM ROUTINES:

- **Minutes:** After a review of available minutes, the Commission took the following action:
On a **MOTION** made by **Smallman**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously by roll call vote to approve the minutes of August 6, 2020, as submitted.
- **Invasives Monitoring on Boxford Common:** The Director advised that he has been monitoring for invasives in the wetland area of Boxford Common. He's still finding a handful of seedlings, noting that monitoring for invasives needs to continue.

9:16 PM ADJOURN

With no further business, on a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to adjourn at 9:16 PM.

Respectfully submitted,



Judith A. Stickney
Minutes Secretary