

**Minutes of the BOXFORD CONSERVATION COMMISSION
REMOTE PARTICIPATION ONLY
October 15, 2020 7:00 PM**

Present: Peter Delaney, Natasha Grigg, David Smallman, Mark Mitsch

Absent: Kerri Lummus, Frank Di Luna, Alan Fowler

Others Present: Conservation Director Ross Povenmire, Minutes Secretary Judi Stickney, Mike Cogley, Jacqueline Rapisardi, Town Counsel Alex Weisheit, Andrew Gori, Alan Therrien, Judy Sukaloski, Greg Hochmuth, Matthew Nadworney, Maryann Skinnion, Joanna Daniel, Jim Smith, Kevin Connerty, Barbara O'Neill, Tim Smith, Deborah Connerty, Robert Niccoli, Peter Ellison, Jason Kahan, Julianne Franklin, Chris Olbrot, BCATv99, and others

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

7:02 PM SCHEDULED HEARINGS AND DISCUSSIONS:

Continued Enforcement Order: 50 Moonpenny Drive, Nadworney

Supporting Docs

- **WPA Form 9 – 3rd Amended Enforcement Order:** *Matthew Nadworney, 50 Moonpenny Drive: Placement of fill and wood chips within the 100-foot Buffer Zone*

Matthew Nadworney advised the Commission that he was still waiting on a plan from Williams & Sparages. The Chair advised they will issue another Enforcement Order for the 5th of November. The Director requested that the Commission ratify the 3rd Amended Enforcement Order.

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the Enforcement Order for 50 Moonpenny Drive, Nadworney.

Discussion: 6 Gunnison Road, Cogley, Stormwater Management Permit

Supporting Docs

- **Photos**

The Director advised he received a complaint that there was earth moving taking place at 6 Gunnison. Upon his site visit, he witnessed some disturbance and noted that the property is subject to a Stormwater Management Permit. The Director provided photos for the Commissioners to view as he described the issues on the property. Property owner Mike Cogley was in attendance and advised he is trying to get the area cleaned up and also provided photos for the Commissioners to view and advised the Commissioners that they have had a flooded basement since they've lived there. He was trying to provide another path for the water to flow to get it away from his house. The Chair advised they need to hire an engineer to provide a plan and file the Stormwater management permit

on their behalf, as the work they're doing there requires a permit. Cogley advised that Atlantic 84 out of Georgetown has been contacted. After a lengthy discussion, the Commissioners will allow the Cogleys to continue with the hydroseeding that they have scheduled, as it does not involve earth moving activities. There were some abutters in attendance and Andy Gori, 11 Gunnison Road, reported that he filed an official complaint regarding the earth moving operation going on there, noting that he has witnessed several truckloads of soil being removed from the property. The Chair advised that an Enforcement Order will be issued on the property and the Cogleys will be required to attend the November 5th meeting.

Continued Enforcement Order: 26 Sagamore Lane, Kahan, Sanidas

Supporting Docs

- **WPA Form 9 – 9th 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 8/20/20*
- **Mello Site Plan:** *26 Sagamore Lane*

The Director advised he received an e-mail from John Morin, Morin-Cameron Group, advising that he has been engaged by John Sanidas to straighten out the issues on the property. He will be submitting a plan on behalf of Sanidas. Jason Kahan advised that the surveyor he engaged transposed the old boundaries and vernal pool lines incorrectly. Sanidas will send someone in to verify the boundaries. After a lengthy discussion, the Director advised Kahan that the Commission will issue another Enforcement Order to Mr. Kahan and Mr. Sanidas until this is resolved. After discussion, the Commission took the following action:

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the 9th Amended Enforcement Order for 23 Sagamore Lane, Kahan.

Continued RDA 2020-15: 55 Pye Brook Lane, 30-1-35, Skinnion

Supporting Docs

- **Notice of Public Hearing:** *Request for Determination of Applicability by applicant, Mary Ann Skinnion, for the property located at: 55 Pye Brook Lane, Boxford: Map 30, Block 1, Lot 35; to remove 22 trees from within the Buffer Zone to a Bordering Vegetated Wetland*
- **Drawing:** *tree location*
- **WPA Form 1- Request for Determination of Applicability**

The Skinnions were in attendance to provide any additional information to the Commission after their site walk last week. The Chair advised the Skinnions that, after the site walk, the Commissioners would prefer that they do not cut down tree #19. The Skinnions agreed and requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for RDA 2020-15: 55 Pye Brook Lane, 30-1-35, Skinnion, 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 a Negative Determination, checking box 3, for RDA 2020-15: 55 Pye Brook Lane, 30-1-35, Skinnion, 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 sign the Negative Determination for RDA 2020-15: 55 Pye Brook Lane, 30-1-35, Skinnion, on behalf of the Conservation Commission and further indicated their intent to sign the document electronically by their vote on October 15th, 2020.

Continued NOI 114- : 28 Pinehurst Drive, Marks Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant Dennis Marks, for the property located at: 28 Pinehurst Drive, Map 33, Block 1, Lot 5, to repair and improve an existing driveway within 100-feet of Bordering Vegetated Wetland, including replacing an existing drainage culvert.*
- **Notice of Intent Package:** *Prepared by Scanlan Engineering for Dennis Marks, dated 9/17/20:*
 - **Letter from Scanlan Engineering** to Conservation Commission, Re: Notice of Intent Application, Marks Residence, 28 Pinehurst Drive
 - **Narrative**
 - **WPA Form 3 – Notice of Intent**
 - **NOI Wetland Fee Transmittal Form**
 - **Letter from Wetlands & Land Management, Inc. to Dennis Marks, Re: Wetland Evaluation at 28 Pinehurst Drive, Boxford, 8/7/20**
 - **StreamStats Report**
 - **USGS Topographic Locus Plan**
 - **28 Pinehurst Drive Appraisal**
 - **Abutter List**
 - **Quitclaim Deed**
- **Permit Site Plan to Accompany Notice of Intent:** *Prepared by Scanlan Engineering, Inc., for Dennis & Amy Marks, dated 9/11/20, REV 10/9/20*

Jim Scanlan, Scanlan Engineering, Inc., representing the applicant, met with the Conservation Commission with a Notice of Intent to replace the driveway on the property. Scanlan noted there is an intermittent stream on the property, and that DEP has not yet assigned a number. Scanlan provided plans and drawings for the Commissioners to view as he described the proposed plans. The Chair asked the

Director to make a site visit to view the extra trees that they are proposing to remove. After a brief discussion, the applicant requested to continue the hearing to November 5th.

On a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114- : 28 Pinehurst Drive, Marks, to November 5th under the Act and the Bylaw.

**Continued NOI 114-1305: 4 Wildmeadow Road, 40-1-71, Schimanski
Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by Applicant Danielle & Albert Schimanski for the property located at: 4 Wildmeadow Road, Map 40, Block 1, Lot 71 to install a pool, patio area and fence within 100-feet of Bordering Vegetated Wetland and Holmes Pond.*
- **Notice of Intent Package:** *Prepared by Williams & Sparages for Danielle & Albert Schimanski, dated 9/15/20:*
 - *WPA Form 3 – Notice of Intent*
 - *NOI Wetland Fee Transmittal Form*
 - *Locus Map*
 - *Project Narrative*
 - *National Flood Hazard Layer FIRMette*
 - *Affidavit of Service*
 - *Abutter List*
 - *Boxford Conservation Commission Application Check List Notice of Intent*
- **Plan to Accompany Notice of Intent:** *Prepared by Williams & Sparages, stamped by Richard L. Williams, dated 9/15/20, REV 10/13/20*
- **Invasive Species Management Plan:** *Prepared by Williams & Sparages, for Danielle Schimanski, dated 10/13/20*

Greg Hochmuth, Williams & Sparages, representing the applicant, met with the Conservation Commission to provide information on the revised plan, revised since the Commission's recent site visit. Hochmuth provided the plan for the Commissioners to view as he made his brief presentation. Kevin O'Hara, an abutter on Wildmeadow Road, asked about the plans for dewatering and his concerns about the spillway. Hochmuth suggested that a dewatering plan could be put together to address those concerns. A brief discussion ensued on the dewatering plans. After discussion, Hochmuth will provide a dewatering plan to the Conservation Commission for the file and requested to continue the hearing to November 5th.

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1305: 4 Wildmeadow Road, 40-1-71, Schimanski, to November 5th, under the Act and the Bylaw.

Continued NOI 114-1306: Lot 8A Andersen Drive, 17-1-16, Lot 8A Andersen Drive Realty Trust

Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by Applicant Lot 8A Andersen Drive Realty Trust, Donald and Carol Gianquitto, Trustees for the property located at: Lot 8A Anderson Drive, Map 17 Block 1, Lot 16; to construct a driveway with utilities, associated stormwater management and wetland replication.*
- **Notice of Intent Package:** *Submitted by Hayes Engineering, August 2020:*
 - *WPA Form 3 – Notice of Intent*
 - *Erosion and Sedimentation Control*
 - *Plan to Accompany Notice of Intent*
- **Plan to Accompany Notice of Intent:** *Prepared by Hayes Engineering, stamped by Peter J. O'Brien, dated August 10, 2020*

The Director advised the Commissioners that he had a written request to continue this hearing to the November 5th meeting.

On a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1306: Lot 8A Andersen Drive, 17-1-16, Lot 8A Andersen Drive Realty Trust, to November 5th, under the Act and the Bylaw.

Discussion: 4 Mile Pond Preservation Group: Dam Repair Work:

The Director advised the Commissioners that there was a late-arriving matter that the Commissioners needed to discuss tonight, adding that Tim Smith of the 4 Mile Pond Preservation Group, was in attendance to address the dam work they are proposing. Tim Smith, of Fieldstone Way, advised the Commission that the 4 Mile Pond Preservation Group bought the dam from Charlie Killam in 2018. They need to repair the center of the concrete culvert in the center of the spillway and are looking for direction from the Conservation Commission on how to proceed. The Chair advised they need a permit, adding that, a few years ago, Charlie Killam filed an NOI for similar repairs which included some work on the embankments, removing trees, etc. It was a little wider in scope. The work Smith is proposing could be done completely outside of the water, working on the hard surface of the dam itself. After a brief discussion, it was determined that they will need to file a Notice of Intent and contact the Office of Dam Safety. Smith was advised to contact the Director to get the paperwork started.

Continued NOI 14-1301: Willow Road Culvert, 11-1-8 & 6-2-2.2, Olbrot
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**
- **Memo from TEC to Conservation Director, Re: Response to Comments, DEP 114-1301, Willow Road Culvert Replacement, Boxford, MA, 10/5/20**

Chris Olbrot, Town Engineer/DPW Superintendent, along with Peter Ellison and Bob Niccoli of TEC, met with the Conservation Commission with plans to install a replacement culvert on Willow Road. Ellison provided the Commissioners with a brief overview of the revisions to the plans after their response to DEP. The Commissioners were in the process of making a motion to close the hearing when it was discovered that Commissioner David Smallman had dropped from the meeting. There no longer was a quorum. Due to the circumstances, the Director suggested that the hearing be continued to the next meeting.

8:30 PM **Commissioner David Smallman left the meeting due to connection issues.**

8:35 PM **PENDING ACTION ITEMS**
COC 114-1298: 26 Arrowhead Farm Road, 37-1-30, Franklin

The Director recommended that the Commission issued the Certificate of Compliance, but there was no longer a quorum. They will vote to issue the COC at the next meeting.

8:44 PM **ADJOURN:** Due to a continuing lack of a quorum, the remaining agenda items could not be addressed.

On a **MOTION** made by **Grigg**, the Conservation Commission adjourned, due to lack of quorum.

Respectfully submitted,

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

Judith A. Stickney
Minutes Secretary