

**Minutes of the BOXFORD CONSERVATION COMMISSION
Virtual Attendance Pursuant to Chapter 20 of the Acts of 2021
July 15, 2021 7:00 PM**

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

Absent: Kerri Lummus

Others Present: Conservation Agent Ross Povenmire, Minutes Secretary Judi Stickney, Andrew Evans, Bob Grasso, Carlos Ferreira, Claudio Pontes, David Jaquith, Richard Lombardo, Matt Marro, Keith Downing, Michael Agran, Marc Alencar, Brian Madden, Steve King, Jered Stewart, Ted Merchant, Scott Miccile, Scott Cameron, Ann Marton, Peter Ellison, Greg Kokorda, George Zambouras, Lance Cluster/BCATv, David Cowell, Dave Harwood, and others

7:03 PM With a quorum present, Chair Peter Delaney called the meeting to order.

HEARINGS AND DISCUSSIONS

**NOI 114- : 146 Georgetown Road, 25-4-8, Sena
Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by applicant Claudio Sena for the property located at 146 Georgetown Road, Map 25, Block 4, Lot 8, to develop a parcel including construction of a single family residence, septic, pool and associated improvements within 100-feet of Bordering Vegetated Wetland and Stevens Pond.*
- **Authorization for Publication:** *Community Newspapers*
- **WPA Form 3 – Notice of Intent**
- **Wetland Fee Transmittal Form**
- **Project Narrative**
- **Abutter List**
- **Mass. GIS Overlays for 146 Georgetown Road**
- **Plans Submitted:**
 - *Cover Sheet*
 - *C-101: EXISTING CONDITIONS AND EROSION CONTROL PLAN*
 - *C-102: GRADING AND DRAINAGE PLAN*
 - *C-103: SEPTIC SYSTEM DESIGN AND CALCULATIONS*
 - *C-104: SEPTIC SYSTEM PROFILES AND DETAILS*
 - *C-501 -502: CONSTRUCTION DETAILS*

The Director read aloud the Notice of Public Hearing to open the hearing. Claudio Sena Pontes and Matt Marro (Matthew Marro Environmental Consulting) met with the Conservation Commission with a Notice of Intent to develop a parcel including construction of a single-family residence, septic, pool and associated improvements within 100-feet of Bordering Vegetated Wetland and Stevens Pond. Marro provided drawings for the Commissioners to view as he made his brief presentation, noting that there have not been any comments yet from Natural Heritage or DEP. An abutter, Andy Evans, requested to see the correct plans, as he was presented with older plans. The Chair requested that Marro stake out all the areas on the drawings to prep for the Commission's site walk. Carlos Ferreira of MF Engineering had some questions on the regulations. After a brief discussion, the Conservation Commission scheduled a site walk for

Thursday, July 22nd, at 6PM. The applicant requested to continue the hearing to August 5th and the Commission took the following action:

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 August 5th, pending a site walk on July 22nd, under the Act and the Bylaw.

Roll Call by Chair Delaney:

David **Smallman:** **Yes**
Mark **Mitsch:** **Yes**
Natasha **Grigg:** **Yes**
Alan **Fowler:** **Yes**
Peter **Delaney:** **Yes**

NOI 114-1329: 57 Stonecleave Road, 31-1-14, Hoxha
Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant Christine Hoxha for the property located at 57 Stonecleave road, Map 37, Block 1, Lot 14 to replace an existing sanitary septic system.*

The Director read aloud the Notice of Public Hearing to open the hearing. Bob Grasso, Engineering Land Services, representing the applicant, met with the Conservation Commission with a Notice of Intent to replace a failed septic system. Grasso provided photos and plans for the Commissioners to view as he made his brief presentation. Grasso added that he will be before the Board of Health on July 21st. After discussion, the Chair requested that they have the field, the limit of work, and the two tanks staked out. The Conservation Commission will schedule a site walk for Thursday, July 22nd, at 6:40PM. Grasso requested to continue the hearing to August 5th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to continue the hearing for 114-1329: 57 Stonecleave Road, 31-1-14, Hoxha to August 5th, with a site walk scheduled for July 22nd, under the Act and the Bylaw.

Roll Call by Chair Delaney:

David **Smallman:** **Yes**
Mark **Mitsch:** **Yes**
Natasha **Grigg:** **Yes**
Alan **Fowler:** **Yes**
Peter **Delaney:** **Yes**

NOI 114- : 50 Four Mile Village, 19-2-18, Boxford Friendship Foundation
Supporting Docs

The Director read aloud the Notice of Public Hearing to open the hearing. Dave Harwood, GEOInsight, representing the applicant, met with the Conservation Commission with a Notice of Intent to replace a failed well for a public water supply. Harwood provided photos and drawings for the Commissioners to view as he made his brief presentation, noting that DEP has not yet assigned a number and there have been no comments received yet from Natural Heritage. There was a brief discussion regarding spurge. After discussion, the Chair decided that a site walk would

not be needed, as the siting is very tight with no other options. Harwood requested to continue the hearing to August 5th and the Commission took the following action:

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for 50 Four Mile Village, 19-2-18, Boxford Friendship Foundation, to August 5th, under the Act and the Bylaw.

Roll Call by Chair Delaney:

David **Smallman:** **Yes**
Mark **Mitsch:** **Yes**
Natasha **Grigg:** **Yes**
Alan **Fowler:** **Yes**
Peter **Delaney:** **Yes**

Continued NOI 114-1326: 63 Pye Brook Lane, 30-1-34, Miller

Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant Robert Miller for the property located at 63 Pye Brook Lane, Map 30, Block 1, Lot 34; to install a pump chamber and associated conduit, and conduct grading associated with a septic system upgrade within 100-feet of Bordering Vegetated Wetland.*
- **Drawings Submitted:**
 - *SUBSURFACE SEWAGE DISPOSAL SYSTEM, 63 Pye Brook Lane, Boxford (Map 30, Lot 34), Drawn by Daniel B Johnson for Robert Miller, 63 Pye Brook Lane, Boxford, Prepared by DOMESTIC SEPTIC DESIGN , INC., P .O. Box 2406, S, Hamilton MA: Dwg : J-2699, Dated :5/18/21*
- **WPA Form 3 – Notice of Intent**

There was no one in attendance to present the plan. The Chair moved on to the next agenda item.

Continued NOI 114-1327: 29 Holmes Road, 40-1-42, Smith

Supporting Docs

- **NOTICE OF PUBLIC HEARING:** *Notice of Intent by applicant Andrew Smith, for the property located at: 29 Holmes Road, Map 40, Block 1, Lot 42, to replace existing decks on three sides of an existing house with re-designed decks within 100-feet of Bordering Vegetated Wetland.*
- **Letter and Supporting Documents:** *From Hancock Associates to Conservation Commission, Re: 29 Holmes Road Notice of Intent, 6/17/21:*
 - *WPA Form 3*
 - *Figures*
 - *Abutter Information*
 - *Filing Fees*
 - *Site Plan of Land*

David Cowell, representing the applicant, met with the Conservation Commission, to request a continuance to August 5th, when they plan to have revised plans available.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1327: 29 Holmes Road, 40-1-42, Smith, to August 5th, under the Act and the Bylaw.

Roll Call by Chair Delaney:

David **Smallman**: **Yes**
Mark **Mitsch**: **Yes**
Natasha **Grigg**: **Yes**
Alan **Fowler**: **Yes**
Peter **Delaney**: **Yes**

**Continued NOI 114-1328: 16 Mill Road, 32-2-5, King
Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by applicant, Steve King, for the property located at: 16 Mill Road, Map 32, Block 1, Lot 5, to construct a barn addition to an existing house within 100-feet of Bordering Vegetated Wetland.*
- **Letter and Supporting Documents:** *From Graham Associates, Inc. to Conservation Commission, Re: Steve King, applicant, Notice of Intent, 16 Mill Road, Boxford, Mass., H.L. Graham Associates Project No. 06-639, 6/17/21:*
 - *Boxford Conservation Commission Application Check List: Notice of Intent*
 - *WPA Form 3 – Notice of Intent*
 - *Wetland Fee Transmittal Form*
 - *Town of Boxford Abutter List: 16 Mill Road*

The Chair advised they received an updated plan yesterday and requested that the Commission vote to accept the plan outside the 7-day window.

On a **MOTION** made by **Grigg**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to accept the addendum to the plan on the King property, 16 Mill Road, submitted yesterday, outside the 7-day window.

Roll Call by Chair Delaney:

David **Smallman**: **Yes**
Mark **Mitsch**: **Yes**
Natasha **Grigg**: **Yes**
Alan **Fowler**: **Yes**
Peter **Delaney**: **Yes**

David Jaquith, representing the applicant, met with the Conservation Commission with a revised plan, based on the recent site visit. After a brief discussion, Jaquith 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 NOI 114-1328: 16 Mill Road, 32-2-5, King, under the Act and the Bylaw.

On a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Order of Conditions for NOI 114-1328: 16 Mill Road, 32-2-5, King, under the Act and the Bylaw.

Roll Call for the previous two votes, by Chair Delaney:

David **Smallman**: **Yes**
Mark **Mitsch**: **Yes**
Natasha **Grigg**: **Yes**
Alan **Fowler**: **Yes**
Peter **Delaney**: **Yes**

**Continued NOI 114-1324: 32 Partridge Lane, 28-1-16.2, Penna
Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by Applicants Richard & Kathy Penna, for the property located at: 32 Partridge Lane, Map 28, Block 1, Lot 16.2 to install a driveway to a barn within 100-feet of Bordering Vegetated Wetland.*
- **NOI Package:**
- **The Application with Associated Forms and Documents:**
 - *A copy of the Wetland Fee Transmittal Form.*
 - *Area Locus Map showing the site area.*
 - *Other assorted documents and maps.*
 - *A Permit Plan by Atlantic Engineering dated May 5, 2021*
 - *Checks as required under the Wetland Protection Act and under the Local Bylaw.*
 - *A certified abutter list from the Boxford Assessor's office.*
- **Conservation Permit Plan:** *Prepared by Atlantic Engineering and Survey Consultants, for Kathy & Richard Penna, stamped by John B. Paulson, dated 5/5/21*

George Zambouras, representing the applicants, met with the Conservation Commission with revised plans, revised since the last meeting, noting the recalculations of the disturbance. After a brief discussion, Zambouras requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for NOI 114-1324: 32 Partridge Lane, 28-1-16.2, Penna, under the Act and the Bylaw.

On a **MOTION** made by **Mitsch**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Order of Conditions for NOI 114-1324: 32 Partridge Lane, 28-1-16.2, Penna, under the Act and the Bylaw.

Roll Call for two previous votes, by Chair Delaney:

David **Smallman**: **Yes**
Mark **Mitsch**: **Yes**
Natasha **Grigg**: **Yes**
Alan **Fowler**: **Yes**
Peter **Delaney**: **Yes**

Continued NOI 114-1322: 181 Topsfield Road, 38-1-25, Lombardo
Supporting Docs

- **3 Photos**
- **Permit Site Plan:** Prepared by Hancock Associates for Richard Lombardo, stamped by Charles E. Wear III, dated 6/14/21, REV 7/6/21

Richard Lombardo met with the Conservation Commission with a revised plan, based on the Commission's feedback. After a brief discussion, Mr. Lombardo requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to close the hearing for NOI 114-1322: 181 Topsfield Road, 38-1-25, Lombardo, under the Act and the Bylaw.

On a **MOTION** made by **Grigg**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Order of Conditions for NOI 114-1322: 181 Topsfield Road, 38-1-25, Lombardo, under the Act and the Bylaw.

Roll Call for two previous votes, by Chair Delaney:

David Smallman :	Yes
Mark Mitsch :	Yes
Natasha Grigg :	Yes
Alan Fowler :	Yes
Peter Delaney :	Yes

Continued NOI 114-1313: Willow Road, 6-2-2.2, Toll Bros., Inc.

And

Continued Discussion of Conservation Restriction: Willow Road, 6-2-2.2, Toll Bros., Inc.

Supporting Docs

- <https://www.town.boxford.ma.us/conservation-commission/pages/willows-box...>

Scott Cameron (The Morin-Cameron Group), along with Ann Marton (LEC Environmental), Scott Miccile (Toll Brothers), Brian Madden (LEC Environmental), and Peter Ellison (TEC) met with the Conservation Commission with revised plans, based on the discussions at the last meeting and recent site walk. Peter Ellison, TEC, advised the Commissioners that he had reviewed the project, as a peer reviewer, and will send a letter to the Director with his comments, which agreed with the proposed plans. A brief discussion ensued on the irrigation wells when an abutter raised a question on whether non-potable water wells are allowed. The abutter also wanted to go on record that there is a lot of concern among the abutters about water with the project and the possibility that the abutters' wells will be affected by the additional draw from the five proposed wells. Ann Marton noted that Natural Heritage submitted a 100+ page document which they sent to the ConCom. The discussion continued on all outstanding issues for which the Commission needed to hear updates. Scott Cameron and Ann Marton provided details on all outstanding concerns remaining to be discussed. After discussion, the applicant requested to continue the hearing to August 5th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the

hearing for NOI 114-1313: Willow Road, 6-2-2.2, Toll Bros., Inc., and the discussion on the Conservation Restriction to August 5th, under the Act and the Bylaw.

Roll Call called by Chair Delaney:

David **Smallman:** Yes
Mark **Mitsch:** Yes
Natasha **Grigg:** Yes
Alan **Fowler:** Yes
Peter **Delaney:** Yes

Continued SWMP 2021-2: Harry Lee Cole School at 28 Middleton Road, 32-1-21, Stephen Clifford for the Town of Boxford

Supporting Docs:

- <https://www.town.boxford.ma.us/conservation-commission/pages/harry-lee-cole-school-project>

The Conservation Director advised the Commission that he received a written request to continue this hearing to August 5th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for SWMP 2021-2: Harry Lee Cole School at 28 Middleton Road, 32-1-21, to August 5th, under the Act and the Bylaw. .

Roll Call called by Chair Delaney:

David **Smallman:** Yes
Mark **Mitsch:** Yes
Natasha **Grigg:** Yes
Alan **Fowler:** Yes
Peter **Delaney:** Yes

Continued NOI 114-1319: Spofford Pond School at 31 Spofford Road, 15-1-4, Stephen Clifford for the Town of Boxford

Supporting Docs

- <https://www.town.boxford.ma.us/conservation-commission/pages/spofford-po...>

The Conservation Director advised the Commission that he received a written request to continue this hearing to August 5th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1319: Spofford Pond School at 31 Spofford Road, 15-1-4, Stephen Clifford for the Town of Boxford, to August 5th, under the Act and the Bylaw.

Roll Call called by Chair Delaney:

David **Smallman:** Yes
Mark **Mitsch:** Yes
Natasha **Grigg:** Yes
Alan **Fowler:** Yes

Peter Delaney: Yes

Renewal ORAD 114-1242: 599 Parcel on Silvermine Road and Main Street, 10-1-8, 599 Main LLC

The Chair advised the Commissioners that the applicant has requested to extend the ORAD for another year, to July 24, 2022.

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the ORAD 114-1242: 599 Parcel on Silvermine Road and Main Street, 10-1-8, 599 Main LLC to July 24, 2022.

Roll Call called by Chair Delaney:

David **Smallman**: Yes
Mark **Mitsch**: Yes
Natasha **Grigg**: Yes
Alan **Fowler**: Yes
Peter **Delaney**: Yes

COC 114-1303: 78 High Ridge Road, 24-4-9.33, Duncan:

The Director provided photos of the property, noting that the grass is growing well, and he recommended that the Certificate of Compliance be issued.

At the recommendation of the Director, and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Certificate of Compliance for DEP file #114-1303: 78 High Ridge Road, 24-4-9.33, Duncan, under the Act and the Bylaw.

Roll Call called by Chair Delaney:

David **Smallman**: Yes
Mark **Mitsch**: Yes
Natasha **Grigg**: Yes
Alan **Fowler**: Yes
Peter **Delaney**: Yes

Tree Permit:

- **27C Sagamore Lane:** One pine tree. The Director advised that the pine tree has a root structure buried under a rip-rap wall. It is leaning toward the house. The arborist determined that the root structure has been compromised by the fill and the Director gave them permission to take the tree down.

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to approve the removal of one pine tree at 27C Sagamore Lane, as directed by the Administrator.

Roll Call called by Chair Delaney:

David **Smallman**: Yes
Mark **Mitsch**: Yes

Natasha **Grigg:** **Yes**
Alan **Fowler:** **Yes**
Peter **Delaney:** **Yes**

- **146 Herrick Road:** The Director advised that there is a hemlock there that is dying and should come down. He gave the homeowner permission to take the tree down.

On a **MOTION** made by **Smallman**, second by **Mitsch**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the Administrative Tree Permit for the removal of the hemlock tree at 146 Hemlock Road.

Roll Call called by Chair Delaney:

David **Smallman:** **Yes**
Mark **Mitsch:** **Yes**
Natasha **Grigg:** **Yes**
Alan **Fowler:** **Yes**
Peter **Delaney:** **Yes**

Bills Payable: The Conservation Director presented the Commission with the following bills payable:

- **TEC Peer Review, \$1,440.00:**

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to approve the payment of \$1,440.00 for the TEC peer review.

Roll Call called by Chair Delaney:

David **Smallman:** **Yes**
Mark **Mitsch:** **Yes**
Natasha **Grigg:** **Yes**
Alan **Fowler:** **Yes**
Peter **Delaney:** **Yes**

- **Rioux Peer Review, \$12,255:**

On a **MOTION** made by **Mitsch**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to approve the payment of \$12,255.00 for the Rioux peer review.

Roll Call called by Chair Delaney:

David **Smallman:** **Yes**
Mark **Mitsch:** **Yes**
Natasha **Grigg:** **Yes**
Alan **Fowler:** **Yes**
Peter **Delaney:** **Yes**

Minutes Review/Approval: After a brief review of available minutes and discussion of amendments, 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 approve the minutes of July 1, 2021, as amended.

Roll Call called by Chair Delaney:

David **Smallman**: **Yes**
Mark **Mitsch**: **Yes**
Natasha **Grigg**: **Yes**
Alan **Fowler**: **Yes**
Peter **Delaney**: **Yes**

9:41 PM OTHER BUSINESS

Stray Voltage Discussion: The Chair advised the Commissioners that the Board of Selectmen will be holding a public hearing with National Grid on July 19th to discuss the stray voltage issue on Pye Brook Lane and Janes Road. It will be before the Commission on August 5th as a discussion item. The Director will be attending the Select Board meeting on July 19th.

9:43 PM ADJOURN

With no further business, on a **MOTION** made by **Smallman**, second by **Fowler**, the Conservation Commission **VOTED** unanimously by roll call vote to adjourn at 9:43 PM.

Roll Call called by Chair Delaney:

David **Smallman**: **Yes**
Mark **Mitsch**: **Yes**
Natasha **Grigg**: **Yes**
Alan **Fowler**: **Yes**
Peter **Delaney**: **Yes**

Respectfully submitted,



Judith A. Stickney
Minutes Secretary