

**Minutes of the BOXFORD CONSERVATION COMMISSION
Virtual Attendance Pursuant to Chapter 20 of the Acts of 2021
August 5, 2021 7:00 PM**

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

Absent: Mark Mitsch

Others Present: Conservation Agent Ross Povenmire, Minutes Secretary Judi Stickney, Chris Wellington, Andrew Cole, Bob Grasso, Carlos Ferreira, Claudio Pontes, Dan Mayer, Greg Kokorda, Jared Stewart, Marcelo Martins Ferreira, Ellen McCardle, Ted Merchant, Dave Harwood, Chris Olbrot, Ann Marton, Michael Laham, Brian Madden, Lance Cluster/BCATv, and others

7:05 PM With a quorum present, Chair Peter Delaney called the meeting to order.

HEARINGS AND DISCUSSIONS

Enforcement Order: Unauthorized tree work, 43 King George Drive, Worrall/McArdle, Supporting Docs

- **WPA Form 9: Enforcement Order: Mike McArdle and Ellen Worrall**
- **WPA Form 9: Enforcement Order: Will Scopa**

Will Scopa, tree company, representing the homeowner, advised the trees were removed with a permit, but not the correct permit. Scopa added that it was a technicality... a crane was not used, as specified in the Order of Conditions. The Director advised a crane was approved on the permit. Scopa added that there are additional pines that need to come down, as well as trees on the ground. Scopa asked what they could do about those. The Director advised that the additional work needs an additional permit, a Notice of Intent, which has not been filed. Ellen Worrall, homeowner, also spoke, apologizing for the error she made in removing the trees. After a brief discussion, the Chair requested that the Commission schedule a site walk. After a brief discussion, the Commission scheduled a site walk for August 10th, at 5:30PM, and the Commission took the following action:

On a **MOTION** made by **Di Luna**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to ratify the Enforcement Order for 43 King George Drive, Worrall/McArdle.

Roll Call by Chair Delaney:

David **Smallman:** Yes
Natasha **Grigg:** Yes
Alan **Fowler:** Yes
Frank **Di Luna:** Yes
Kerri **Lummus:** Yes
Peter **Delaney:** Yes

Enforcement Order: Unauthorized tree work, 46 Baldpate Road, Guerrera: Supporting Docs

- **WPA Form 9: Enforcement Order:** *Frank Guerrero*
- **WPA Form 9: Enforcement Order:** *Dan Mayer*

****Commissioner Frank Di Luna recused himself from this discussion and vote****

Dan Mayer, Mayer Tree Company, representing the homeowner, advised there was an immediate hazard there and they needed to bring in the crane. Mayer added that the job is now complete. They will be doing no further work on the property. The Director will take a look at it and report back to the Commission. Commissioner Fowler commented that he was perplexed by the lack of due diligence on the part of Mayer Tree. Chair Delaney advised Mayer that an emergency permit can be issued the same day as requested in many cases. Commissioner Grigg expressed her dismay that the company works in town on a regular basis and should have known better. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to ratify the Enforcement Order for 46 Baldpate Road, Guerrero.

Roll Call by Conservation Director Ross Povenmire:

David Smallman :	Yes
Natasha Grigg :	Yes
Alan Fowler :	Yes
Frank Di Luna :	Recused
Kerri Lumms :	Yes
Peter Delaney :	Yes

Emergency Certification: Road Repair Work at Lily Pond Road Supporting Docs

Director Povenmire advised he was notified of a section of Lily Pond Road that was taken out when a large tree fell in a rain storm a couple of weeks ago. Povenmire issued an emergency certification to remove the tree's root ball, so the road could be repaired. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to ratify the Emergency Certification for road repair work at Lily Pond Road.

Roll Call by Conservation Director Ross Povenmire:

David Smallman :	Yes
Natasha Grigg :	Yes
Alan Fowler :	Yes
Frank Di Luna :	Yes
Kerri Lumms :	Yes
Peter Delaney :	Yes

Emergency Certification: Road Repair Work at Lockwood Lane

Director Povenmire provided the Commission with photos to view as he described the emergency repair work that was recently needed on Lockwood Lane, which eroded away during a recent rainstorm. A temporary culvert was put into place. The emergency work has been completed, but more work will be needed to stabilize the roadway. After a brief discussion, Commissioner Di Luna requested that this be continued until the next meeting. After further discussion, the Commission scheduled a site walk for August 12th at 5:30PM, and DPW Superintendent/Town Engineer Olbrot requested to continue this to August 19th.

At the request of the applicant and on a **MOTION** made by **Di Luna**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to continue the Emergency Certification for Lockwood Lane roadway repairs until the next meeting on August 19th, with a site walk scheduled for August 12th at 5:30PM.

Roll Call by Conservation Director Ross Povenmire:

Natasha Grigg :	Yes
Frank Di Luna :	Yes
Alan Fowler :	Yes
David Smallman :	Yes
Kerri Lumms :	Yes
Peter Delaney :	Yes

Discussion: Approval Process and Standards/Specifications for Utility Maintenance and Repair Projects

Boxford DPW Superintendent/Engineer Chris Olbrot provided the Commission with his set of regulations he follows for utility maintenance and repair projects. He would like to work with Director Povenmire to develop standard regulations for standards/specifications to follow for utility maintenance and repair projects. After discussion, the Director advised he was willing to work with Olbrot to develop standard regulations. A discussion ensued regarding whether an Enforcement Order should be issued for National Grid and the work they've been doing on Pye Brook Lane. The Director will meet with Chris Olbrot and Andrew Cole of National Grid, on Monday morning on Pye Brook Lane to discuss the issues there. Cole had sent information to the Conservation Director earlier today noting the following: they will be replacing the erosion controls along the slope with larger compost sock and/or stacking compost sock. They will also be fixing the washout by adding loam and hydro-seeding or if needed add erosion control blanket; adding erosion control (compost sock) line along the road shoulder to slow the velocity of the water coming off the road. Additionally, they will plan to bring a vacuum truck to the site tomorrow and remove the deposited sediment, then after conditions dry, they will remove any additional sediment remaining by hand with rakes. While on-site the crews would review the other areas to check those condition as well. Site inspections would be completed by an Environmental Monitor to ensure the area remains stable over the next few weeks. A brief discussion ensued on National Grid's plans, with the Conservation Chair requesting that they install a silt fence in addition to a compost sock.

Continued NOI 114-1330: 50 Four Mile Village, 19-2-18, Boxford Friendship Foundation Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant, Boxford Friendship Foundation, for the property located at: 50 Four Mile Village, Map 19, Block 2, Lot 18, to install a bedrock well and associated improvements to serve as a public drinking water supply source for four Mile Village, within 100-feet of Bordering Vegetated Wetland.*
- **Notice of Intent Package:** *Submitted by Geolnsight for Boxford Friendship Foundation, Geolnsight Project 11156-000, dated 6/30/21:*
 - **NOTICE OF INTENT FORMS**
 - **PROJECT DESCRIPTION**
 - **LIMITED PROJECT PROVISIONS**
 - **EXISTING CONDITIONS**
 - **PROPOSED CONDITIONS**
 - **PROJECT PLAN LIST**
 - **RESOURCE AREAS**
 - **WETLAND RESOURCE AREAS**
 - **PROJECT IMPACTS**
 - **Direct Impacts**
 - **Bordering Vegetated Wetlands**
 - **100-Foot Buffer**
 - **Temporary Impacts**
 - **STORMWATER MANAGEMENT**
 - **RARE SPECIES**
 - **WATER QUALITY**
 - **AREA OF CRITICAL ENVIRONMENTAL CONCERN**
 - **MITIGATION MEASURES**
 - **Erosion and Sediment Control**
 - **Wetland Mitigation**
 - **CONSTRUCTION SEQUENCING**

Dave Harwood, representing the applicant, met with the Conservation Commission to advise they have heard from Natural Heritage regarding the discharge. The Director advised they have all the paperwork in place and he is comfortable with the application. Harwood requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1330: 50 Four Mile Village, 19-2-18, Boxford Friendship Foundation under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Natasha Grigg :	Yes
Frank Di Luna :	Yes
Alan Fowler :	Yes
David Smallman :	Yes
Kerri Lummus :	Yes
Peter Delaney :	Yes

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for NOI 114-1330: 50 Four Mile Village, 19-2-18, Boxford Friendship Foundation, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Natasha **Grigg**: **Yes**
Frank **Di Luna**: **Yes**
Alan **Fowler**: **Yes**
David **Smallman**: **Yes**
Kerri **Lummus**: **Yes**
Peter **Delaney**: **Yes**

**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*

The Director advised he had a written request to continue this hearing to August 19th.

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 19th, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Natasha **Grigg**: **Yes**
Frank **Di Luna**: **Yes**
Alan **Fowler**: **Yes**
David **Smallman**: **Yes**
Kerri **Lummus**: **Yes**
Peter **Delaney**: **Yes**

**Continued 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.*

Bob Grasso, representing the applicant, met with the Conservation Commission to discuss the updated plans to replace the sanitary septic system. A discussion ensued about installing erosion

controls. The Director will include that on the Order of Conditions as item #7. After discussion, Grasso requested to close the hearing.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Lummus**, the Conservation Commission **VOTED** unanimously to close the hearing for NOI 114-1329: 57 Stonecleave Road, 31-1-14, Hoxha, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Natasha **Grigg**: **Yes**
Frank **Di Luna**: **Yes**
Alan **Fowler**: **Yes**
David **Smallman**: **Yes**
Kerri **Lummus**: **Yes**
Peter **Delaney**: **Yes**

On a **MOTION** made by **Lummus**, second by **Grigg**, the Conservation Commission **VOTED** unanimously to execute and issue the Order of Conditions for NOI 114-1329: 57 Stonecleave Road, 31-1-14, Hoxha, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Natasha **Grigg**: **Yes**
Frank **Di Luna**: **Yes**
Alan **Fowler**: **Yes**
David **Smallman**: **Yes**
Kerri **Lummus**: **Yes**
Peter **Delaney**: **Yes**

**Continued 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*

Carlos Ferreira, MF Engineering, representing the applicant, met with the Conservation Commission with revised plans for the Commissioners to view as he made his brief presentation.

On a **MOTION** made by **Di Luna**, second by **Smallman**, the Conservation Commission **VOTED** unanimously by roll call vote to accept the plans outside of the regulatory standard.

Roll Call by Conservation Director Ross Povenmire:

Natasha **Grigg**: **Yes**
Frank **Di Luna**: **Yes**
Alan **Fowler**: **Yes**
David **Smallman**: **Yes**
Kerri **Lummus**: **Yes**
Peter **Delaney**: **Yes**

Ferreira advised they have revised the plans to provide a smaller home and to move the work further away from the buffer zone. The Chair advised he had not had an opportunity to review the plans that were submitted this afternoon. He requested to schedule a site walk on August 12th, to observe the walkway to the dock area and to continue the hearing to August 19th. Ferreira requested to continue the hearing.

On a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for the NOI at 146 Georgetown Road, 25-4-8, Sena, to August 19th, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Natasha **Grigg**: **Yes**
Frank **Di Luna**: **Yes**
Alan **Fowler**: **Yes**
David **Smallman**: **Yes**
Kerri **Lummus**: **Yes**
Peter **Delaney**: **Yes**

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

Supporting Docs

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

****Commissioner Frank Di Luna recused himself from this hearing discussion and vote****

Ann Marton, LEC Environmental, representing the applicant, requested to continue the NOI hearing, but she would like to discuss the Conservation Restriction.

At the request of the applicant and on a **MOTION** made by **Lummus**, 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. to August 19th, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Natasha **Grigg**: **Yes**

Frank Di Luna:	Recused
Alan Fowler:	Yes
David Smallman	Yes
Kerri Lummus	Yes
Peter Delaney:	Yes

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

****Commissioner Frank Di Luna recused himself from this discussion and vote****

Brian Madden and Ann Marton met with the Conservation Commission for continued discussion on the Conservation Restriction for the Willow Road property. Discussion ensued on the contradictions and inconsistencies between the Declaration of Restrictions (DR) and the Conservation Restriction (CR). Madden noted that the DR is a place holder for the Conservation Restriction, which will supersede the Declaration once it is accepted by Natural Heritage. Madden suggested that they push for the CR to be in place before construction begins. The Director provided his comments on the DR and the CR, as well as the comments received from Angela Steadman on the CR sub-committee. After discussion, the Commission decided the CR sub-committee will meet again next Thursday, August 12th, at 7:30PM, to discuss this further.

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. to August 12th, and August 19th, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Natasha Grigg:	Yes
Frank Di Luna:	Recused
Alan Fowler:	Yes
David Smallman	Yes
Kerri Lummus	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>

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 the hearing for Cole School and for Spofford School to August 19th.

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 continue

the hearing for SWMP 2021-2: Harry Lee Cole School at 28 Middleton Road, 32-1-21, and NOI 114-1319: Spofford Pond School at 31 Spofford Road, 15-1-4, Stephen Clifford for the Town of Boxford, to August 19th, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Natasha **Grigg**: Yes
Frank **Di Luna**: Yes
Alan **Fowler**: Yes
David **Smallman**: Yes
Kerri **Lummus**: Yes
Peter **Delaney**: Yes

9:23 PM PENDING ACTION ITEMS:

COC 114-1311: 5 Barker Road, Far Corner Golf Course:

The Director advised this is for the bridge at Far Corner Golf Course. He has visited the site and recommends the issuance of the Certificate of Compliance.

Upon 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 114-1311, 5 Barker Road, under the Act and the Bylaw.

Roll Call by Conservation Director Ross Povenmire:

Natasha **Grigg**: Yes
Frank **Di Luna**: Yes
Alan **Fowler**: Yes
David **Smallman**: Yes
Kerri **Lummus**: Yes
Peter **Delaney**: Yes

Adoption of Amendments to Chapter 295: The Director advised that the Commission needs to vote to adopt the amendments previously recommended to be adopted following a town meeting vote, adding that in March 2020 the Conservation Commission recommended adoption of amendments to the Stormwater Bylaw and the Stormwater Regulations. The Stormwater Regulations were not changed, but the Bylaw was changed. The public hearing has been done and he recommends that the Commission vote to adopt the amendments to Chapter 295. The Director provided a copy of the amendments for the Commissioners to view as he described them. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to adopt the amendments to Chapter 295 of the Stormwater Regulations to be enacted immediately.

Roll Call by Conservation Director Ross Povenmire:

Natasha **Grigg**: Yes
Frank **Di Luna**: Yes
Alan **Fowler**: Yes
David **Smallman**: Yes
Kerri **Lummus**: Yes

Peter Delaney: Yes

9:30 PM Minutes Review/Approval: After a brief discussion on edits, the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Lummus**, the Conservation Commission **VOTED** unanimously by roll call vote to approve the minutes of July 15th, 2021, as amended.

Roll Call by Conservation Director Ross Povenmire:

Natasha **Grigg**: Yes
Frank **Di Luna**: Yes
Alan **Fowler**: Yes
David **Smallman**: Yes
Kerri **Lummus**: Yes
Peter **Delaney**: Yes

9:33 PM Executive Session to Discuss Litigation Strategy

On a **MOTION** made by **Delaney**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously by roll call vote to enter Executive Session for the purpose of discussion litigation strategy. Upon completion of Executive Session to return to open session and immediately adjourn without conducting any additional business.

Roll Call by Conservation Director Ross Povenmire:

Natasha **Grigg**: Yes
Frank **Di Luna**: Yes
Alan **Fowler**: Yes
David **Smallman**: Yes
Kerri **Lummus**: Yes
Peter **Delaney**: Yes

9:44 PM ADJOURN

With no further business, the Conservation Commission returned to open session and adjourned at 9:44 PM.

Respectfully submitted,



Judith A. Stickney
Minutes Secretary