



TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING

BOARD/COMMITTEE: Conservation Commission

MEETING DATE: January 20, 2021

TIME: 7:00 PM

PLACE: Remote Meeting pursuant to Current Executive Order of March 12, 2020.

See instructions below.

All participants must identify themselves when speaking. All votes to be by rollcall.

7:00 Call to Order via Zoom pursuant to Zoom details below.

Immediately vote to adjourn to conduct an Executive Session via a separate Zoom event.

To conduct such session in an open meeting might have a detrimental effect on the resolution of an Enforcement Order at 199 Middle Road. The Commission will reconvene in Open Session to continue with the regular business on the agenda.

7:30 Reconvene in Open Session pursuant to Zoom detail below.

TOPICS EXPECTED TO BE DISCUSSED (AGENDA):

Review Minutes and Correspondence New Business

For review and approval: Minutes Jan. 6, 2021

Committee Reports: Chairman's Reports (Reip)

Boxborough Conservation Trust (Koonce)

Best Meeting Practices (Reip / Nadwairski)

Community Preservation Committee (Reip)

Land Stewardship Committee (Hanover)

Water Resources Committee (Schmitt)

7:45 Agricultural Commission Flerra Meadows Community Garden and Well Update

8:00 Review of Town Report 2020

Discussion as time allows: Chapter 61 Land Use

Commission Study Topics

Ongoing: 199 Middle Road EO

313 Mass Ave OOC compliance and COC status

498 Stow Road encroachment

1102 Massachusetts Ave. EO

650 Mass Ave - Enforcement Status

Invasives Management

Calendar: Feb. 17, 2021

March 3, 2021

Correspondence:
Building Inspector letter 650 Massachusetts Ave.

Topic: Conservation Commission
Time: Jan 20, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89905967603?pwd=dEZjNTIERFpDL1B1VEkwUEVrZ0hFdz09>

Meeting ID: 899 0596 7603

Passcode: 843077

One tap mobile

+13126266799,,89905967603#,,,,*843077# US (Chicago)

+19292056099,,89905967603#,,,,*843077# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington D.C)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 899 0596 7603

Passcode: 843077

Find your local number: <https://us02web.zoom.us/u/krpAHxmD7>



TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING Meeting Minutes

Conservation Commission
January 6, 2021
7:30 PM
Zoom

Approved:

Members Present: Dennis Reip (Chair), Dave Follett, Norm Hanover, Steve Schmitt, and Hoff Stuart

Members Absent: David Koonce

Also Present: Becky Neville, Finance Committee Member, and Elizabeth (Shuxuan) Li, Acton-Boxborough Regional High School Senior and Boxborough resident, as part of her environmental science class' service learning project on environmental issues in town.

At 7:33 PM, Dennis called the meeting to order and noted this meeting is being conducted via Remote Participation, pursuant to Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of COVID-19 a.k.a. the Coronavirus.

Motion was made by Norm, seconded by Hoff and voted unanimously by roll call to approve the minutes of Dec. 16, 2020 as amended. Reip yes; Follett yes; Hanover yes; Schmitt yes; Stuart yes.

Motion was made by Hoff, seconded by Dave and voted unanimously by roll call to approve payment of \$62.18 to Simon's Stamps for \$62.18. Reip yes; Follett yes; Hanover yes; Schmitt yes; Stuart yes.

Motion was made by Dennis, seconded by Dave and voted unanimously by roll call to approve payment of the Oxbow Associates invoice for \$750.00 for invasives management. Reip yes; Follett yes; Hanover yes; Schmitt yes; Stuart yes.

Becky Neville, Finance Committee Member, asked if the Commission needed all of the money allocated in the budget. The Commissioners replied funds would be used for upcoming projects like signage, boardwalks, and bridges.

Dennis reviewed the following correspondence:

The Building Inspector's email regarding 650 Massachusetts Avenue noted the fill is approximately 87 feet from the stream and he has notified the builder to correct this earthwork violation.

Oxbow Associates monitoring report for DEP 113-534 Taylor Farm Road. Invasives are present in the wetland replication at a high level. Herbicides will be used and native species will be replanted.

Carla Briggs email dated Dec. 17, 2020 reported at least one hunter was seen at Elizabeth Brook Knoll.

Panek Property Conservation Restriction field report of inspection on Nov. 28. 2020

Jonathan Greeno email regarding land use at 1197 Massachusetts Avenue.

LanSCom letter to Boxborough Conservation Trust regarding trail maintenance guidelines.

M Smithers, Acton-Boxborough Family Network, email inquiring about a family story walk on the Hager / Library property trails. She was advised it is municipal land under Boxborough Select Board jurisdiction. The Commission has no issues because the temporary activity should not adversely impact the Wetlands Protection Act interests.

Planner Request for Comments: 871 Massachusetts Avenue Site Plan Approval. The Commission noted they have no jurisdiction and this proposed project will not require their review.

Hearing Continuation Determination of Applicability (DoA)
Location: 329 Massachusetts Avenue Assessor's Map 15-003-000
Applicant / Owner: Jesse Floyd and Michelle Brosnahan
Application filed by Edson Architecture.
Present: Jesse Floyd, Michelle Brosnahan and Becca Edson
Project description: reconstruction of a storm damaged sunroom and garage within existing footprint.

An Order of Conditions 113-485 was issued for this site and the applicant has requested a Certificate of Compliance. Dennis inspected the site on Dec. 29, 2020 and found the site to be in conformance. Motion was made by Dennis, seconded by Dave and voted unanimously by roll call to approve the Certificate of Compliance 113-485.
Reip yes; Follett yes; Hanover yes; Schmitt yes; Stuart yes.

The Commission discussed the DoA and noted other large pines that could potentially damage the house during a storm. The Commission discussed the two following conditions to be added to the negative Determination:

1. Work shall conform to the conditions of the previous Order and Certificate of Compliance, File No. 113-485.
2. Tree trimming and removal work may be performed at any time in conformance with the Policy for Minor Maintenance Activity in Wetlands Buffer Zone.

Motion was made by Dennis, seconded by Norm and voted unanimously by roll call to approve a negative Determination of Applicability with conditions.

Reip yes; Follett yes; Hanover yes; Schmitt yes; Stuart yes.

199 Middle Road Enforcement Order Status Update
Dennis updated the Commission on his correspondence with Town Counsel.

He also noted the Building Department letter dated Jan. 5, 2021 confirming there have been no changes at the site. The Inspector viewed the site from an adjacent property.

At 9:02 PM, motion was made by Hoff, seconded by Norm and voted unanimously by roll call to adjourn. Reip yes; Follett yes; Hanover yes; Schmitt yes; Stuart yes.

Documents used during this meeting:

Agenda

Draft Minutes Dec. 16, 2020

Correspondence

329 Mass Ave Request for Certificate of Compliance

Certificate of Compliance

Request for Determination of Applicability and associated plan

Determination of Applicability



BOXBOROUGH BUILDING DEPARTMENT
29 Middle Road, Boxborough, Massachusetts 01719
Phone: (978) 264-1726 • Fax: (978) 264-3127
www.boxborough-ma.gov

1-12-2021

Armand Porrazzo
Viviane Gutterres
650 Massachusetts Avenue
Boxborough, Ma

Re: Temporary Structure

I cannot approve the building permit for the temporary structure on the property at 650 Massachusetts Avenue. The location of the structure has been filled in and is in a buffer zone. The fill work extending at least 13 feet into the buffer zone is a wetlands violation.

The most practical solution would be for the owner/tenant to correct this by removing the fill from the buffer zone, restoring the area that was altered, and limiting active land use to the area beyond the buffer consistent with the 113-293 OOC and COC.

The owner/tenant should fill an NOI to document this corrective action in the buffer, and the limit of permanent fill and clearing beyond the 100 ft buffer.

If the owner/tenant is cooperative in your on-going discussions, they can simply proceed with the NOI filing.

We could issue a Wetlands Enforcement Order if needed to demand an NOI filing by a certain date.

Respectfully

Bentley Herget C.B.O.
Building Commissioner/Zoning Enforcement Officer
Town of Boxborough, Ma.
Office: 978-264-1725
Email: bherget@boxborough-ma.gov

Cc Conservation Commission

BOXBOROUGH CONSERVATION COMMISSION

ANNUAL REPORT 2020

Mission:

The Boxborough Conservation Commission (ConsCom) is a seven-member board that is appointed by the Board of Selectmen. The Commission is responsible for managing the Town's Conservation Land and for administering the State Wetlands Protection Act and Town of Boxborough Wetlands Protection Bylaw.

The Commission meets on a regular basis on the 1st and 3rd Wednesday of each month. The public is welcome to attend. The Commission spends a majority of its time fulfilling its legal obligations under the Massachusetts Wetlands Protection Act and the Boxborough Wetland Bylaw. Routine activity includes the following:

- Issuing Orders of Conditions, Certificates of Compliance, Extensions and Determinations of Applicability.
- Performing site inspections as needed.
- Striving to protect unique habitats, rare species and vernal pools.
- Holding meetings, hearings and Commission deliberations as needed.
- Advising other town boards on wetland matters.
- Planning, managing and maintaining the comprehensive conservation trail system in Boxborough.
- Maintaining all conservation land in Boxborough through the Land Stewardship (LanSCom) program.

The Commission continues to review the Boxborough Wetland Bylaw and has established policies for the exemption of minor activities related to maintenance. Members periodically attend seminars and workshops. Additionally, the Commission continues examining and discussing conservation land management practices.

Activity under the Wetlands Protection Act and Town Bylaw:

A landowner or developer is required to file a formal Notice of Intent (NOI) prior to doing any work within a wetland and/or the 100' adjacent land resource area commonly known as the "buffer zone". During calendar year 2020, the Commission reviewed 4 Notices of Intent (NOI), 4 Requests for Determination of Applicability (RDA), and 1 Abbreviated Notice of Resource Delineation (ANRAD). The Commission issued 8 Certificates of Compliance (CoC) and 1 Extended Order of Conditions.

<u>Year</u>	<u>NOI</u>	<u>RDA</u>	<u>ANRAD</u>	<u>COC</u>	<u>Extensions</u>
2017	8	2	1	7	1
2018	4	3		6	
2019	4	1	1	1	1
2020	4	4	1	8	1

The fees, forms, instructional documents, and meeting minutes are posted on the town website.

Conservation Land Stewardship:

The Conservation Commission, Land Stewardship Committee (LanSCom) and Boxborough Conservation Trust (BCT) continue to collaborate on acquiring new Conservation Land and managing existing Conservation parcels. Trail maintenance and clearing remains an on-going effort with the LanSCom coordinating the necessary labor that involves the service of the DPW along with a variety of volunteer labor provided by LanSCom members, prospective Eagle Scouts, and other community service organizations.

The Commission also coordinates with other Town Boards and Commissions with land use interests, and provides representatives to serve on the Community Preservation Committee and the Water Resources Committee.

Acknowledgments:

There are a number of other people in town whose help contributes greatly to our mission. We are fortunate to have a dedicated and tireless group of LanSCom volunteers, led by Liz Markiewicz, performing trail maintenance and improvement work throughout the year. Other trail work volunteers include ABRHS students and the Boy Scouts. Special thanks to Norm Hanover for his continued effort on the trail kiosks, signs and markers, and to Ed Whitcomb for his efforts to maintain and improve the trails. We would also like to thank Ed Kukkula and the Highway Crew for their assistance with land and trail maintenance, and the staff at town hall. We make a special thank you to Mary Nadwairski for all her help in keeping us organized and for interacting so positively with the public and other boards.

Citizen Interest:

If you would like to find out more about assisting the Commission as a Commission member, as an associate member, or as a land steward, please call any member or Mary Nadwairski (978.264.1722) at Town Hall. Residents interested in making a donation to the Conservation Trust Fund to aid in protecting open spaces are also encouraged to contact the Commission.

Respectfully Submitted,
Dennis Reip, Chair