



TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING Meeting Minutes

Conservation Commission
February 2, 2022
7:30 PM
Zoom

Approved: February 16, 2022

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

Member absent: David Koonce

Also present: Bruce Ringwall of Goldsmith, Prest & Ringwall, Inc.

At 7:35 PM, Dennis called the meeting to order and noted this meeting is being conducted via Remote Participation, pursuant to the Governor's Executive Order due to the current outbreak of Covid-19. Roll call of members present:

Dennis - yes, Dave - yes, Norm - yes, Liz - yes, Steve - yes, and Hoff - yes.

Dennis began the meeting by commemorating Charlene Golden's extensive contributions to the Conservation Commission and the greater community. He made note of her 46 years on the Conservation Commission. He shared an excerpt of her obituary on the screen.

Motion was made by Norm, seconded by Hoff and voted unanimously to approve the minutes of January 19, 2022.

Dennis - yes, Dave - yes, Norm - yes, Liz - yes, Steve - yes, and Hoff - yes.

Correspondence

By email, the Boxborough Meadows Home Owner's Association (HOA) inquired about the Policy for Storm Damaged Trees. They sought permission to remove 4 trees that were damaged and a danger to their homes. Dennis noted that the trees were in the buffer zone.

Motion was made by Norm, seconded by Hoff and voted unanimously to grant the request of the HOA.

Dennis - yes, Dave - yes, Norm - yes, Liz - yes, Steve - yes, and Hoff - yes.

Taylor Farm Road Request for Certificate of Compliance (CoC) 113-534

A Request for a Certificate of Compliance and accompanying Construction Record Drawing (CRD) were submitted December 29, 2021. Places Associates reviewed the Request and responded with a memo requesting further details be added to the engineer's letter and the CRD.

In response the applicant submitted a CRD with a revision date of January 10, 2022 and a revised Engineer's letter dated January 14, 2022.

After review, Places supplied further comments dated January 31, 2022, which Dennis screen shared. The letter expressed some issues remaining with the as-built details.

Bruce Ringwall, GPR, spoke to the Request. He said that he had not seen the Places letter dated January 31, 2022 and found it confusing. He said the wetlands restoration was complete and pointed out that Oxbow had signed off on it. Dennis and other members of the Committee also found the Places letter confusing. Dennis agreed to follow-up with Places and ask them to send another letter clearly stating whether their recommendation is for the Conservation Commission to issue the CoC or not. He indicated to Bruce that the Commission would vote on the CoC at their next meeting.

Dennis reviewed the Request for Certificate of Compliance 113-524 at 205 Flagg Hill Road. Places reviewed the Request in a memo dated December 27, 2021, requesting additions to the engineer's letter.

The applicant replied with a memo dated Dec. 30, 2022 with comments on those documents.

By email dated January 12, 2022 Places requested further additions to the engineer's letter.

The applicant provided that letter, dated January 14, 2022.

By email on January 18, 2022, Places stated this revised letter addressed the deviations from the approved plan.

Motion was made by Dennis, seconded by David and voted unanimously to approve the Certificate of Compliance 113-524 at 205 Flagg Hill Road.

Dennis - yes, Dave - yes, Norm - yes, Liz - yes, Steve - yes, and Hoff - yes.

Discussion: 650 and 674 Massachusetts Avenue Enforcement Order and Restoration Plan

By email Nick Facendola of Level Design Group, representing the property owner, noted he would be submitting a revised restoration plan and requested this topic be continued for discussion at the next Commission meeting.

Motion was made by Dennis, seconded by Hoff and voted unanimously to grant the request and continue the discussions on February 16, 2022.

Dennis - yes, Dave - yes, Norm - yes, Liz - yes, Steve - yes, and Hoff - yes.

Notice of Intent Hearings continued 650 and 674 Massachusetts Avenue

By email Nick Facendola of Level Design Group, representing the property owner, requested a continuation of both hearings to the Commission's meeting on March 2, 2022.

Motion was made by Dennis, seconded by Hoff and voted unanimously to grant the request and continue the hearings on March 2, 2022 at 8:15 PM.

Dennis - yes, Dave - yes, Norm - yes, Liz - yes, Steve - yes, and Hoff - yes.

Dennis reviewed the draft Commission's Annual Report.

Motion was made by Dennis, seconded by Hoff and voted unanimously to approve the Annual Report.

Dennis - yes, Dave - yes, Norm - yes, Liz - yes, Steve - yes, and Hoff - yes.

Additional Correspondence

By email Alex Smith inquired about inaccuracies with the Patch Hill trail map on the Town's website. He was informed that his email was forwarded to those responsible for GIS. Norm noted that Mr. Smith noted that there was no way for someone to give feedback on trails via the town website. Dennis agreed to ask Mary N. to create a link on the Commission page for that purpose. Liz and Norm agreed to follow-up with Mr. Smith.

By email Karen Herther inquired about a memorial donation of trees for Flerra Meadows. The Commission discussed the inquiry. Dennis noted that the Commission has no immediate defined need or interest in additional trees, donated or otherwise. They have more than enough in their inventory. He pointed out that planting trees is not consistent with the Commission's management of Flerra as a meadow. He further noted that the Commission has a moratorium on memorials on Town Conservation Land.

Committee Reports

Steve Schmitt reported that the Water Resources Committee has 2 articles on the February Special Town Meeting warrant.

Liz Markiewicz moved that the Conservation Commission agree to pay \$500 more or less for the printing of 250 additional trail guides.

Norm discussed meeting with Lynn Stahlberg and Joan Rosania on expanding parking at the trail head to Patch Hill Conservation area on Hill Road. They wanted more off-street parking. Liz and Norm agreed to work with DPW to develop a plan.

Discussion: 95 and 105 Sargent Rd Phyllis Campbell Right of first refusal acreage currently classified as forestry pursuant to Chapter 61 of MGL.

The notification included a copy of the Purchase and Sale Agreement for \$1,250,000.00.

The Commission received many emails in support of the conservation of these properties.

Discussion:

Dennis started off the discussion by saying that the Select Board (SB) has requested a recommendation by February 9, 2022 from the Commission on whether to move forward on the land purchase. He emphasized that the SB is the entity that acts on behalf of the Town in purchases of this type. He noted that 14 emails, mostly in favor of the purchase, had been received by the Commission. He shared an email from Kendra Bence as being representative of the favorable emails. Connectivity with other trail systems, aquifer recharge and flood control were among the benefits mentioned. He also noted an email from Lynn Stahlberg pointing out the high cost of the property and the lack of a compelling argument as to why the Town needed to spend so much money. Dennis opened the meeting up to the audience.

Jim Comolli of 451 Sargent Road supported the purchase and conservation of the property. He was more concerned with the process. Dennis said that once the Town receives notice of an offer, they have 120 days to act. The SB needs to hold a hearing and then the purchase would have to appear on a

town meeting warrant. Dennis said that he has been told that, due to an error in the first notice, the owners had to submit a second notice that was received January 21.

Rita Grossman of 291 Depot Road said that the Boxborough Conservation Trust (BCT) was willing to work with the Town in preparation for town meeting: getting out the vote, raising money, etc. She said that the Trust was not in position to acquire the property as was the case in 2009 with the Campbell property on Depot Road.

Paula Meleis of 460 Littlefield Road said that she walks in Rolling Meadows all the time and has noted the abundant wildlife. Conserving the Campbell property would ensure habitat big enough for the larger predators such as coyote and bobcat.

Tom Bieber of 151 Emanuel Drive asked that the Commission recommend that the SB move forward on the property.

Rolf Wasserman of 55 Sargent Road said that if the Town doesn't conserve the property, there will be houses built there that would cause an increase in traffic and cost the town money by increasing demands on police, fire, EMS and the schools. He said that the purchase would be a one-time expense for a lifetime of protection.

Fred Dushin of 239 Littlefield Road asked if the Commission had an objection to linking the property to Rolling Meadow. Dennis said that there were wetlands to contend with but linkages would be made if possible.

Lisa St. Amand of 1088 Hill Road recommended that the Commission support the purchase of the property. She said that the potential for new trails would be a valuable addition to the existing trail system.

Anne Gardulski of 148 Sargent Road pointed out that the property abuts or is near 3 existing conservation areas. Connectivity is important to hikers and to wildlife.

Scott and Cynthia Pierce of 201 Sargent Road asked about the process. What needs to happen to get this done? Dennis said that getting an article passed at town meeting is the goal.

Meredith Houghton, Sudbury Valley Trust (SVT) Land Protection Specialist, said that the property had high value from a climate resiliency standpoint. She said that there were funding options that could be explored and that SVT is actively working with BCT on funding and grant strategies.

Lisa St. Amand said that BCT was getting up to speed on 61A and the Right of First Refusal requirements. She wanted confirmation as to whether the 120-day clock was reset to January 21 as a result of the defect in the first notice. Had the Town followed all the correct steps? She recommended that the Town develop a procedure for ROFR situations.

Jeff and Janet Glidden of 326 Sargent Road asked whether the Commission was supportive of the purchase. They didn't think it would pass at town meeting without Commission support.

Motion was made by Dennis, seconded by Hoff and voted unanimously to notify the Boxborough Select Board of the Commission's unanimous recommendation that the Town acquire this property for conservation purposes.

Dennis - yes, Dave - yes, Norm – yes, Liz – yes, Steve – yes, and Hoff – yes.

At 10:15 PM, motion was made by Norm, seconded by Hoff and voted unanimously to adjourn.

Dennis - yes, Dave - yes, Norm – yes, Liz – yes, Steve – yes, and Hoff – yes.

Documents used during this meeting:

Agenda

Draft Minutes Jan. 19, 2022

Draft Town Report

Correspondence

Documents related to 205 Flagg Hill Road CoC 113-

Documents related to the Request for CoC at Taylor Farm Rd. 113-