

Boxborough Conservation Commission
Meeting Minutes
Wednesday November 6, 2013 Town Hall

Members present: David Follett, Charlene Golden, Norm Hanover, David Koonce, Dennis Reip (Chair), and Hoff Stuart. Dennis called the meeting to order at 7:35 pm.

Motion was made by David Follett, seconded by Dennis, and unanimously voted to approve the minutes of Oct. 2, 2013.

David Koonce requested that we delay discussion of the Oct. 16th, 2013 minutes until after the Flag Hill Road, LLC. Notice of Intent continuation. He was specifically concerned about a complaint received that the applicant may have used heavy equipment to dig a test pit in the buffer to verify the water table and felt that the minutes did not reflect an approval for this activity. After some discussion the Commission determined that it was not appropriate to delay discussion or approval of the minutes. A majority of Commission members did not remember granting permission to create a test pit and no modifications to the minutes were made. Later in the meeting it was determined that no buffer test pits had been dug.

Motion was made by Norm, seconded by David Follett, and unanimously voted to approve the minutes of Oct. 16, 2013.

Motion was made by Dennis, seconded by Norm, and unanimously voted to approve 113-426 CoC for the Blanchard walk.

Motion was made by Dennis, seconded by Norm, and unanimously voted to approve 113-431 CoC for the Blanchard drainpipe.

Motion was made by Dennis, seconded by Norm, and unanimously voted to approve 113-471 CoC for the Blanchard outdoor classroom.

Motion was made by Dennis, seconded by Hoff, and unanimously voted to approve the Registry fee of \$225.00 to record the above Certificates.

The Commission reviewed the Town Planner's request for \$500.00 for the MapGeo trail layer. Once initiated, updates will be part of the maintenance fee. Motion was made by Charlene, seconded by Dennis, and unanimously voted to approve the \$500.00 to be paid from the Conservation Trust Fund.

The Commission reviewed the email from Mr. O'Neil regarding installation of a disc for TV reception. The location is in the buffer and requires the filing of an RDA.

8:00 pm NOI hearing continuation DEP no: 113-515

Project Location: Flagg Hill Rd Assessor's Map 09-4-332-0.B

Project Description: to construct a limited project driveway crossing, driveways, wetland alteration, wetland replication, culverts, curbing, retaining walls, associated grading and utilities for the construction of three single-family dwellings.

Applicant: Walter Eriksen, Flagg Hill Road LLC Property Owner: Arthur Trefrey

Lead Reviewer: David Koonce

Present: Walter Eriksen; Steve Eriksen, Norse Environmental; Kevin Eriksen, applicant's attorney; Douglas Trefrey; Harvey Trefrey

Documents Presented: revised Grading plan and revised detail sheet; draft Stormwater Pollution Prevention Plan.

ConsCom.Min.2013.Nov. 6

The Commission discussed a letter dated Nov. 4, 2013 from Atty. Keith Miller (the "Sweeney letter"), representing abutters Michael and Marilyn Sweeney and a letter dated Nov. 5, 2013 from Kevin Eriksen, the applicant's attorney, in response to Atty Miller's letter. The Sweeney letter enumerated four major points. The Commission chose to discuss each point in detail, accepted public comment, and proposed motions to document Commission conclusions. The points and motions were as follows,

- 1) Adverse impact
 - a. Motion: The Conservation Commission does not agree with the assertion of the Sweeney letter regarding adverse impact.
 - b. Motion Follett, 2nd Reip, approved 6-0

- 2) Boxborough Wetlands By-law prohibits work within 100' of a vernal pool
 - a. Motion: The application is a "limited project" pursuant to 310 CMR 10.53(e) and Section 2 ("Performance Standards") Sub-section 2.2 ("Limited Projects"), of the Regulations for Boxborough Wetlands By-law.
 - b. Motion Koonce, 2nd Follett, approved 6-0

- 3) Request for continuation of the Notice of Intent hearing until Sweeney lawsuit against Planning Board is resolved
 - a. Motion: The lawsuit against the Planning Board is not relevant to the Conservation Commission. The lawsuit does not warrant a continuation of the Notice of Intent hearing.
 - b. Motion Follett, 2nd Reip, approved 6-0

- 4) Wildlife habitat evaluation
 - a. Motion: The alteration proposed in the Notice of Intent does not meet the requirements for a wildlife habitat evaluation pursuant to provisions of 310 CMR 10.60.
 - b. Motion: Koonce, 2nd Golden, approved 6-0

Motion was made by David Koonce, seconded by Charlene, and unanimously voted to close the hearing.

After closing the hearing David Koonce reviewed the contents of the draft Order of Conditions he wrote for this project. Motion was made by David Koonce, seconded by Dennis, and voted 5 – 1 to approve the Order of Conditions as proposed including several minor revisions per comments.

To ensure that the record is unambiguous about allowed access to the Trefrey property the following motion was made: Flagg Hill Road, LLC. is allowed equipment access to the Trefrey property via the carriage road for the purposes of digging test pits outside of the buffer. Motion Reip, 2nd Golden, approved 6-0.

Charlene will review the budget in preparation for a discussion at the next meeting.

Motion was made by Dennis, seconded by Hoff, and unanimously voted 6 – 0 to adjourn at 9:55 pm

Respectfully submitted, David Follett.


Approved

11/20/13
Date