TOWN OF BOXBOROUGH
NOTICE OF PUBLIC MEETING
Meeting Minutes

Conservation Commission   Approved: Sept. 16, 2020
Sept. 2, 2020
7:30 PM
Zoom

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

Members Absent: David Koonce

At 7:39 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 Dennis, seconded by David and voted unanimously by roll call to approve the minutes of August 19, 2020. Reip yes; Follett yes; Hanover yes; Schmitt yes; Stuart yes.

Motion was made by Dennis, seconded by David and voted unanimously by roll call to approve the payment of $506.25 to Places Associates for work on the 1172 Hill Road Notice of Intent. Reip yes; Follett yes; Hanover yes; Schmitt yes; Stuart yes.

Correspondence
Email from Scott Smyers, Oxbow Associates, inquiry regarding Boxborough Meadows wetland replacement area that he is monitoring. Scott has found invasive plant species, including bittersweet. Motion was made by Dennis, seconded by David and voted unanimously by roll call to request a Monitoring Report with more specific details about species and dominance.
Reip yes; Follett yes; Hanover yes; Schmitt yes; Stuart yes.

Email from Bill Litant, Chair Council on Aging, regarding trails suitable for perambulation by older persons. The Commission will ask the COA for a more specific request or recommendation.

Email from Scott Smyers, Oxbow Associates, with information on invasives control on Conservation land. Norm will provide a list of parcels with a preliminary assessment of invasives issues. The topic will be discussed at the next meeting.

Chairman's Report
Applewood Condominiums requested input on a project for maintenance and repair related to their swimming pool which is close to the wetlands. The Commission agreed this project could be an RDA filing if the work is all maintenance, limited to temporary impact only, and there is no permanent alteration of previously disturbed area. If the plan is to expand the permanent footprint in any way, then a Notice of Intent is required.

Dennis reported on activity near the Garabedian Bridge near Rt. 111 between the library and school. This may be related to the wetland replication for the proposed sidewalk along Rt. 111. Dennis will inquire about the status and timing of the work.

Dennis reported on activity at 313 Massachusetts Avenue DEP 113-519. The Commission will evaluate further when the property owner files for a Certificate of Compliance.

Discussion of Enforcement Order (EO) at 199 Middle Road
In response to the EO, Zoya Mikhlin contacted staff and requested some relief.
Attorney Sherry Gould participated on behalf of the property owners Leonid and Zoya Mikhlin.

This issue came to the attention of the Commission after an abutter contacted the Department of Environmental Protection about this activity in the wetlands.

Sherry stated the chickens and their coop should be allowed as an agricultural use and therefore exempt from the Wetlands protection Act. The property owners believe the previous Town Planner gave approval for the chickens and shed. The owners and the Commission do not have any documentation asserting this approval.

Dennis commented that there are other locations onsite for the coop and chickens outside of the wetlands resource area.

The property owner will have the wetlands flagged, showing the buffer zone, property lines and location of the chicken coop. Sherry will respond by Sept. 16, 2020 with an action plan.

At 9:34 PM, motion was made by Norm, seconded by Hoff 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 August 19, 2020
Invoice: Places Associates
Correspondence
199 Middle Road Enforcement Order