

Brookview Farm, 2 Brookview Rd. Boxford, MA 01921

April 26, 2017

To: Boxford Board of Health
Boxford Conservation Commission

CC: Charles and Wendy Perkins, 32 Lawrence Rd.

Regarding Written Notice of a Stable Permit Complaint and Wetland Violations

Dear Board of Health and Conservation Commission Board Members,

I respectfully request a public hearing for both boards on the related wetland violations and the Stable Permit issued to Diamond Brook Farm, the Straub's property at 30 Lawrence Rd. Boxford.

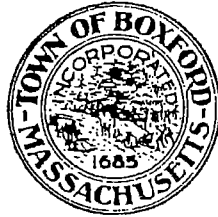
My complaint is that the Straubs are disposing of horse manure and horse bedding within 100 feet of a drainage ditch that drains directly into Fish Brook, modifying jurisdictional wetland with manure, brush and downed trees that is not on their property.

Last year the Straubs were issued a stable permit specifically stating that they not dispose of manure in this area, but that was not the first time that the Straubs were ordered not to place manure in this area and I have attached a letter from the Director of the Conservation Commission, dated June 16, 2004.

In June of 2004, I called the Conservation Commission, speaking to Ross Povenmire to notify him that work was being done on and near a culver under the driveway accessing the Straub property. In essence a wetland crossing was being worked on without involving the Conservation Commission or informing the neighbors directly impacted by this work.

I believe that Conservation Commission Director's letter speaks directly to the problems, however one point that neither the Conservation Commission nor the Board of Health acknowledged in 2004, is that the land in which the Straubs stored the manure, modified the wetlands, does not belong to them. This area belongs to Charles and Wendy Perkins and they should have been notified.

Somehow, in 2004 the Boxford Board of Health allowed a cement bin area to be constructed for manure on the Perkins' property to address the piling of the manure but it was still within the 100ft area of the drainage ditch. This bin and the surrounding Perkins land abused by the Straubs, is still being used for some manure storage. Fencing, cages and other structure were also erected on the Perkin's property and in the drainage area post 2004.



TOWN OF BOXFORD
MASSACHUSETTS
01921

OFFICE OF THE CONSERVATION COMMISSION

June 16, 2004

Paulette Straub
30 Lawrence Road
Boxford, MA 01921

RE: Work along driveway

Dear Ms. Straub:

As you know, I visited your site on Monday, June 13, in response to a report of possible unauthorized disturbance of wetland buffer area adjacent to your driveway. I met you at your driveway and observed a backhoe working with a large pile of manure adjacent to a drainage ditch. I inspected the drainage ditch and upstream areas as best I could from your property, and concluded that there was a significant probability that the drainage ditch was a jurisdictional intermittent stream. There may also be bordering vegetated wetland located downstream and within 100-feet of the disturbance area.

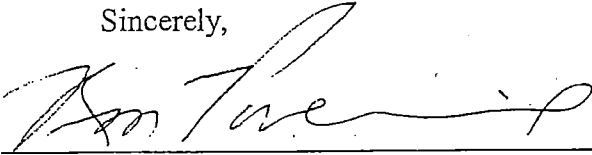
Based on the probability of wetlands jurisdiction, I directed you to remove the manure and refrain from further work within 100' of the ditch pending a determination of applicability by the Conservation Commission. I asked you to submit an application for a Request for Determination, and you agreed. Applications for a Request for Determination are available from our office Monday through Thursday, 8:30 to 2:00. I also directed you to place a row of hay bales between the area of the manure pile and the drainage ditch.

This office has received additional reports of possible unauthorized activity within protected wetland resource areas behind your house. From resource maps in our office it appears that Fish Brook, a protected perennial stream, encircles your property on three sides. You should be aware that there is a 200-foot wide riverfront protection area around this stream. In addition, there is a 100-foot wide buffer area around the wetlands bordering the stream. I have enclosed an aerial photo with wetland overlay indicating the approximate location of streams and wetlands adjacent to your property. Any soil disturbance activity, including removal of trees, within these areas requires review and permit by the Conservation Commission.

Phone: (978) 887-6000 x506 / Fax: (978) 887-3466
7A Spofford Road, Boxford, MA 01921

I would like to visit your property again within the next few days to ensure that the hay bales are in place as requested, and to inspect areas behind your house for recent disturbance activity. I will call you to set up a time for this visit that is convenient for you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ross Poyenmire", written over a horizontal line.

Ross Poyenmire
Director of Conservation