



# Bolton Conservation Commission

## Meeting Minutes



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| <b>Date:</b>                  | <b>Tuesday, December 19<sup>th</sup> 2023</b>  |
| <b>Time/Location</b>          | 7:00 p.m. Zoom (remote participation)  |
| <b>Commissioners Present:</b> | Chair Brian Berube, James Geraghty, Paal Brandvold   |
| <b>Guests:</b>                | Greg Roy (Dillis & Roy), Brent and Tracy McConnell, Paul Matos (Allen & Major Associates, Inc.), Gregory Matte, Harvey Florman, Attorney Richard Nysten (Lynch, DeSimone & Nysten, LLP), Daniel Motha. |
| <b>Next Meeting:</b>          | <b>Tuesday, January 2<sup>nd</sup> 2024 7:00pm via Zoom</b>  |

- 1. Notice of Intent - 137 Green Road - Map 6.B Parcel 165 - DEP File#112-0738 -Submitted by Greg Roy of Dillis & Roy on behalf of the applicant, Drew Burdick of Green Road Common Driveway Covenant and Homeowner's Association for the proposed replacement of an existing deteriorating culvert underneath a common driveway. Greg Roy was present, as well as abutters Brent and Tracy McConnell. The existing crossing is a 24" diameter corrugated metal pipe with headwalls on either side which are failing. The replacement would be a 4' wide concrete box culvert over a 3' wide stream. They are not proposing any alteration to the wetlands. They are proposing to put the erosion control barrier within the wetland resource area which would cause temporary disturbance. They are not proposing any riprap. The DEP provided a file number and comments, which were in regard to stream crossing standards. Greg noted the project narrative includes a section relative to the stream crossing standards. DEP also had a question regarding how the bank flow width was determined, which Greg noted was determined by field measurement and he offered to document that in supplemental documentation. Chair Brian stated he would like to do a site visit and asked that the limit of work be staked out. Greg noted that the stream is not mapped as a perennial stream, but it does exhibit bank. They intend to do the work under the most dry conditions possible, but anticipate the need for a temporary bypass pump during work. Paal inquired about the construction timeline and driving route during construction. Greg noted that the contractor has not yet given an estimate as to how long the construction would take, but he imagines it would need to be done within a day or so due to the traffic. The current culvert is estimated to be 20+ years old, and the new culvert is expected to last for 30+ years. Chair Brian opened up the discussion to the public. Abutters Brent and Tracy McConnell asked how the new culvert would affect the water level and whether it could cause flooding on their property, as they have experienced increased water flooding in the last few years. Greg noted that the new culvert would be increased in size which would allow for better water flow capacity. Tracy also asked if there could be any problems in the future with runoff blocking the new culvert. Greg noted that although there's always potential for that to happen, the new culvert would be designed to fit the existing grades and the increased size would make it less susceptible to that type of issue.**  
**Chair Brian made a motion to continue the public hearing for the 137 Green Road project until the Tuesday, January 2<sup>nd</sup> 2024 meeting of the conservation commission at 7:00pm via Zoom. Paal seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.**

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| 2. | <p><b>Continued Request for Determination of Applicability - 115 Wilder Road – Map 5.B Parcel 34 - Submitted by Dillis &amp; Roy Civil Design Group, Inc. on behalf of the applicant, David Russell. Greg Roy was present. The last hearing was continued to allow the Commission more time to review the response letter submitted by Dillis and Roy. Greg noted that a drainage report had been done in 1997, and the report modeled the driveways of the development as if they were paved surfaces. They are not proposing to increase the footprint of the current gravel driveway. Greg noted that erosion controls were not proposed because the potential for erosion is low. They will compact and fine grade the gravel driveway surface and pave over it the following day this upcoming spring.</b></p> <p><b>Chair Brian made a motion to close the public hearing for the 115 Wilder Road project. Paal seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.</b></p> <p><b>Chair Brian made a motion to issue a Negative 3 Determination for the Determination of Applicability for 115 Wilder Road with the following condition that any stockpiling of resources for this project be done on either maintained lawn or as far away from resource areas as is practicable. Jim seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.</b></p> |
| 3. | <p><b>Continued Notice of Intent – 36 East End Road – Map 5.E Parcel 16 - DEP File#112-0__ - Submitted by property owner, Glenn Gleason, for the proposed demolition of the existing garage, and building a replacement 2-car garage, farmer’s porch, and connection to the house. The applicant had requested a continuation to the next available meeting because they are still waiting to receive a DEP file number and comments.</b></p> <p><b>Chair Brian made a motion to continue the public hearing for the 36 East End Road project until the Tuesday, January 2<sup>nd</sup> 2024 meeting of the conservation commission at 7:10pm via Zoom. Jim seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.</b></p>   |
| 4. | <p><b>Notice of Intent - 0 Berlin Road - Map 34, Lot 4, C-4 - DEP File#112-0737 - submitted by Phil Cordeiro on behalf of the Town of Bolton for the proposed replacement of an existing wooden bridge crossing with an aluminum arch culvert. Paul Matos of Allen &amp; Major Associates was present. Paul gave an overview of the project and shared Plan C-801, titled “Off-Site Culvert Replacement.” DEP provided a file number and comments regarding how the bank flow width was determined, which Paul noted was determined by the mean annual high water line as was flagged in the field by Goddard Consulting. The wetland report with this information was included within the application filing. Commission members noted they felt comfortable with the plans as submitted.</b></p> <p><b>Chair Brian made a motion to close the public hearing for the 0 Berlin Road project, DEP File#112-0737. Paal seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.</b></p> <p><b>Chair Brian made a motion to issue an Order of Conditions for 0 Berlin Road, DEP File#112-0737, as drafted and submitted at this evening’s meeting. Paal seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.</b></p>   |
| 5. | <p><b>Minutes – Chair Brian made a motion to approve minutes from the December 5<sup>th</sup> 2023 meeting. Paal seconded, all AYE. Roll call vote: PB, JG, BB, AYE.</b></p>   |
| 6. | <p><b>Request for Determination of Applicability - 55 Bolton Woods Way - Map 5.E Parcel 61 - Submitted by Gregory Matte for the proposed removal of two leaning trees. Greg Matte was present. Greg noted that one tree on his property is leaning toward his neighbor’s house. The other tree is leaning toward his house, which was a doubletree and one half has already fallen. One of the trees is located within the 200’ buffer zone of the wetland resource area. Greg noted that he does not plan to do any stump grinding. Chair Brian asked if Greg would be open to leaving one of the trees as a snag, which Greg agreed to.</b></p> <p><b>Chair Brian made a motion to close the public hearing for the 55 Bolton Woods Way project. Jim seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.</b></p> <p><b>Chair Brian made a motion to issue a Negative 3 Determination for the Determination of Applicability for 55 Bolton Woods Way with the following condition that one of the two trees proposed to be removed be left as a snag at the 4’-5’ range. Paal seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.</b></p>   |

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| 7.  | <p><b>Request for Determination of Applicability - 57 Bolton Woods Way - Map 5.E Parcel 62 - Submitted by Harvey Florman for the proposed removal of one leaning tree. Harvey Florman was present. Harvey is the neighbor of Greg Matte who also appeared for a hearing on tree removal at tonight's meeting.</b></p> <p><b>Chair Brian made a motion to close the public hearing for the 57 Bolton Woods Way project. Paal seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.</b></p> <p><b>Chair Brian made a motion to issue a Negative 3 Determination for the Determination of Applicability for 57 Bolton Woods Way with the following condition that the tree removal be done in conjunction with tree removal on the abutting 55 Bolton Woods Way property so as to minimize time within the resource area. Jim seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.</b></p>   |
| 8.  | <p><b>Discussion - Open Space Subdivision Project at South Bolton Road - DEP File#112-720 - Regarding the review of draft documents including Declarations of Restriction and Conveyance of Open Space, per the Order of Conditions granted to Daniel Motha of East Coast RE Investments LLC. Attorney Richard Nysten, and Daniel Motha were present. Attorney Nysten noted that there are two large pieces of land consisting of 18+ acres to be conveyed in fee to the town and held by the Conservation Commission. There are also 4 individual lots to have Declarations of Restrictions put on them. Chair Brian noted that town counsel is still reviewing the documents, and requested a title certification from the applicant to confirm there are no encumbrances affecting the conveyance and declarations. Town counsel stated that if the Commission should need to vote on an acceptance of the drafts tonight, the Commission can vote to authorize the Chair to sign on the Commission's behalf, subject to final revisions by town counsel.</b></p> <p><b>Chair Brian made a roll call vote for the Commission to authorize Chair Brian Berube to sign on the Commission's behalf, subject to final revisions by town counsel, for the conveyance materials regarding the subdivision project of South Bolton Road, DEP File No. 112-0720. Roll Call Vote: PB, JG, AYE. BB abstained.</b></p> |
| 9.  | <p><b>Discussion regarding DRAFT Bylaw Regulation Revisions - Draft bylaw regulation revisions need to be submitted by February 26, 2024 for the Select Board's meeting on March 2, 2024. Chair Brian gave a reminder to Commissioners to review the revisions if they have not already, which can be found in the Town Hall Conservation Department or online under "current projects" on the Conservation webpage. Jim Geraghty noted there are about 15-20 open questions and comments redlined on the draft revisions, which he would forward to the Conservation Administrative Assistant to look through.</b></p>  |
| 10. | <p><b>Continued Discussion regarding a metal tank in the ground off trail at Bowers Springs. The Conservation Administrative Assistant asked if the Commission members had made it out to the trail to look at the metal tank. Chair Brian, Paal, and Jim had all done a site visit. Paal noted that the tank is very submerged in the muck, and all Commission members stated their concerns on how destructive the removal might be. Chair Brian is waiting to hear back from a former colleague on their opinion before notifying Jon Palaima on whether or not the Commission approves of the removal.</b></p>   |

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| 11. | <p><b>Conservation Land</b> <i>updates</i></p> <p><b>Forest Legacy Project</b> - <i>has been fully funded.</i></p> <p><b>Bolton Trails Connectivity Improvement Project:</b> <i>Ongoing.</i></p> <p><b>Trail Stewardship Authorized Projects:</b><br/> Vaughn Hill Woodside Drive Trail Head – <i>removal of post, sand trail sign, repaint trail sign, install water bars utilizing material from site as previously approved locations.</i><br/> Vaughn Hill - <i>re-route steep section with restoration work to include switchback</i><br/> Ongoing Bowers Spring Flanagan Road Trail Head – <i>Invasive Species removal, maintenance of Norway spruce line/removal of invasives and encroachments, maintenance of tree islands within field areas.</i><br/> Welch Pond – <i>Trail extension to Sawyer Road</i><br/> BTC Extension – <i>Trail from Horse Ring Field to Berlin Road</i></p> <p><b>Opportunity:</b><br/> <b>Volunteer Land Steward position</b> – <i>available</i><br/> <b>Conservation Commission</b> – <i>available</i></p> <p>For all inquiries regarding these opportunities please contact the Conservation Department, call 978-779-3307 or email <a href="mailto:landuseadmin@townofbolton.com">landuseadmin@townofbolton.com</a></p> |
| 12. | <p><b>Chair Brian made a motion to adjourn the Tuesday, December 19th 2023 meeting of the Bolton Conservation Commission at 8:17 pm. Paal seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.</b></p>   |