



Bolton Conservation Commission

Meeting Minutes



Date:	Tuesday, October 19 th 2021
Time/Location	7:00 p.m. Zoom (remote participation)
Commissioners Present:	Chair Brian Berube, Gillian Glassanos, Emily Winner, (Conservation Agent, Rebecca Longvall)
Guests:	Jack Maloney and Ryan Proctor (Dillis and Roy), Joe Brazeau (Berlin Rd), Kim Degutis, Chad Cox, Matthew Smith (GZA), Susan Ruch, Zhanna Davidovitz, Oleg (DCAMM), Maureen Herald (Norse Environmental), Lauren Cilley (147 Long hill Road) Kyle Nitzsche (2 Wheeler Rd), Jeffrey O'Neill (Condyne), Scott Smyers (Oxbow Associates), Mark Dibbs (Condyne), Cindy Ayotte, Bob Hatch, and Emily Hatch (Bolton Trails – Initiative Group)
Next Meeting:	Tuesday, November 2 nd 2021 7:00pm via Zoom

- Request for Certificate of Compliance – 147 Long Hill Road Common Driveway – Norse Environmental Response to Horsley Witten Review**

Maureen Herald of Norse Environmental was present to provide a summary of her response to Horsley Witten's peer review of the wetland replication area. She agreed that plantings would be recommended specifically 10 high bush blueberries to replace the dead plantings. She was amendable to the commission's request to provide a mix of native shrubs vs the monoculture of blueberry. She confirmed that the replication area was flagged and surveys will be locating to confirm the area and extent of vegetation within replication area. The Commission inquired about species diversity and a site visit.

Chair Brian made a motion to authorize the applicant to plant a mixture of high bush blueberry and other native shrubs to replace the dead plants.

Roll Call Vote: BB, EW, GG AYE

Chair Brian opened the hearing to the public. Lauren Cilley was present to relay items from the Horsley Witten letter; monitoring spring 2022, silt fencing still in place not functional. She also stated for the record that the president of Norse Environmental was related to the applicant and further inquired about whether the OOC covered street sweeping and maintenance of the basins. The Conservation Agent stated at this time there has been no conflict observed nor has there been opposition between the letters by each reviewer of the wetland replication areas. Additionally, she stated she would follow up regarding the maintenance question after reviewing the Order of Conditions.

Chair Brian made a motion to continue the discussion regarding the Request for Certificate of Compliance until Tuesday, November 2nd 2021 at 7:30pm.

Roll Call Vote: BB, EW, GG AYE

2. **Notice of Intent - 580 Main Street – *Operation and Maintenance Plan***

The applicant and their representatives were present; Jeffrey O'Neill, Scott Smyers, Mark Dibbs. Scott and Jeffrey provided a summary of the purpose to address the previously issued Enforcement Order specific to cutting of vegetation around the basin toward the South east of the property. Scott also provided a summary around the history of the property noting a wetland created for stormwater treatment which now functions and is characterized as a wetland, the cement weirs, and future proposed work as well. The specific BMPs included in the discussion were 1) mowing take place 1-2x per year. 2) improve drainage from parking lot and utilize riprap. 3) clean out and maintain concrete weirs. 4) inspect and mow additional existing basin to the north of the property 1-2x per year. An additional item within the O&M Plan addressed how the applicant wishes to manage beaver activity and associated impacts to the resource area function. The Commission requested a site visit which was amendable to the applicant.

Chair Brian made a motion to continue the public hearing regarding 580 Main Street notice of Intent for the Operation and Maintenance Plan to Tuesday, November 2nd 2021 at 7:45pm. Gillian seconded; all unanimously AYE.

Roll Call Vote: GG, BB, EW, AYE

3. **Vote - Notice of Intent – Forbush Mill Road Map 5.A-17 – DEP# 112-0700 - interim auxiliary spillway and brook crossings repair of the swimming pool dam filed by GZA GeoEnvironmental Inc on behalf of the Massachusetts Division of Capital Asset Management & Maintenance– shared driveway, grading and associated drainage**

Kim Degutis, Chad Cox (GZA), Susan Ruch, Zhanna Davidovitz, Oleg (DCAMM), were present. No additional comments were considered as the hearing was closed at the last meeting.

Chair Brian read the following findings into the record;

The Commission finds the following:

Immediate mitigation is necessary to address outstanding items stated within the Emergency Certification issued to DCAMM April 3rd 2020 with specified conditions and work description document.

The existing conditions plan submitted as Figure 2 existing conditions and appendix C depicting accurate information, specifically; Bank, Bordering Vegetated Wetland (BVW), Land under water Bodies and Waterways (LUWW), Isolated Vegetated Wetland (IVW), Riverfront Area (RA), 100' Buffer Zone, Adjacent Upland Resource Area (AURA) – local bylaw, 25' Exclusion Zone – local bylaw.

The requested variance from the 25' exclusion zone specific to access requirements to the footprint of disturbance for construction activities within the 25-foot Exclusion Zone, is necessary. Approximately 7,647 square feet of the 25-foot Exclusion Zone is located within the footprint of temporary or permanent disturbance for construction Order of Conditions 112-0700.

activities. This disturbance and alteration shall be minimized to the maximum extent practicable during construction.

The construction of the interim auxiliary spillway shall not change the normal pond elevation and shall continue to control the elevation at 333.7' NAVD88.

The commission finds the proposed work shall not include the trapping or euthanasia of Beavers. The site manager and property owner shall be responsible for receiving proper permitting from the Board of Health and the Conservation Commission prior to any work that would alter, disturb or remove a beaver, associated dam, lodge and/or other related infrastructure; which shall require an emergency permit from either regulatory authority.

A temporary cofferdam shall be provided if needed at the upstream end of the spillway in the event of high pond elevations during construction to prevent flow through the auxiliary spillway prior to completion.

The removal of the existing downstream conduit shall be performed "in-the-dry". Temporary cofferdams shall be placed across the stream channel upstream and downstream of the conduit during the work at that location to restrict flow through the work area. A gravity bypass pipe and/or pump shall be used to divert water around the work area so as to maintain flow through the spillway channel and into the natural stream channel. Leakage and groundwater shall be handled via a sump pump within each work area.

The repairs to the access road shall be limited to the existing alignment and footprint of the road and shall focus on areas where erosion has occurred. Repairs to the access road shall focus on the areas around the downstream spillway conduit and the access road culvert which crosses the Access Road. Repairs shall include; Backfilling of the excavations for the downstream spillway conduit and the road culvert to the grades shown on the Project Plans; Restoration of the roadway subbase beyond the excavations areas in places where erosion has resulted in ruts and gullies; And placement of up to six inches of new gravel surfacing on the roadway within the existing limits of the road width of 12 feet.

Post construction restoration shall be necessary. Any damage to areas caused by construction equipment access or caused by this project shall be restored and regraded to provide for a firm surface with good drainage as to preclude the channeling of water or migration of material into resource areas beyond the limit of work.

The existing culvert under the existing access road shall be removed through the use of an excavator working from the roadway and the existing pipe shall be lawfully disposed of off-site. The Commission finds the applicant shall provide documentation of the lawful disposal site.

The existing 15-inch clay culvert shall be replaced with an 8-foot wide by 4-foot high (8'x4') pre-cast reinforced concrete box culvert which has been designed to conform with the guidelines of the Massachusetts Stream Crossing Manual which require that the width of new stream crossing be 1.2 times the bank fill width of the stream with a natural bottom material. The culvert shall be backfilled with approximately 2' of sand/gravel material, leaving 2' of headspace for water passage. Existing upstream and downstream transition slopes shall be stabilized with 12" riprap. Sand-gravel bedding shall be provided below the culvert and the remaining excavation shall be backfilled with compacted on-site material. The culvert

shall be capable of passing the estimated 25-year flood peak flow rate without Access Road overtopping. Gravel road surface shall be provided along the existing access road alignment above the culvert.
The culvert work, including the removal of the existing culvert, shall be performed “in-the-dry.” Temporary cofferdams shall be placed across the stream channel upstream and downstream of the culvert during the work at that location to restrict flow through the work area. A gravity bypass pipe and/or pump shall be used to divert water around the work area so as to maintain flow in the stream. Leakage and groundwater will be handled via a sump pump within each work area. Additional water control shall be necessary as detailed in plans and supplemental information provided by GZA as part of this filing. Order of Conditions 112-0700.

The commission finds that although the existing multiple undersized culverts not meeting stream crossing standards under Forbush Mill Road are no greater than 10-inches in diameter and are beyond the Project Area and are not owned by DCAMM and no modifications to these culverts are proposed; the applicant shall ensure based upon their evaluation; no further degradation or adverse impacts to this infrastructure be incurred during construction nor shall this occur post-construction.

Mitigation work shall include but not be limited to manual removal of sediment deposition into resource areas that have occurred due to large storm events at the direction of the Wetland scientist. Disturbed areas shall be restored using a native seed mix and weed-free straw.

Climate Resilience and Adaptation: The Commission finds that this project will result in improvements to the hydraulic capacity of the dam and the stream by the addition of the interim auxiliary spillway and the enlargement of the downstream culvert. Climate change in the New England region is anticipated to result in more frequent, higher intensity rainfall in the future. The improvements to hydraulic capacity will be protective of the access road and surrounding wetland resource areas. The Project will allow flows generated by higher-intensity rainstorms to be retained within the spillway and stream channels. This shall reduce potential erosion and sedimentation of the surrounding wetland resource areas which could otherwise result from overland runoff down the high-gradient overbanks and across the access road. The proposed Project shall improve climate resiliency along the unnamed tributary to Still River along Forbush Mill Road.

Chair Brian made a motion to issue an Order of Conditions as drafted noting the findings as stated this evening and the final plans being

“Interim auxiliary spillway and brook crossings repair - swimming pool dam Bolton, Massachusetts, NID# MA 02500” prepared for Division of Capital Asset Management and Maintenance, dated September 2021 signed and stamped on October 14th 2021 by Civil Engineer Derek J Schipper #47577. Emily seconded; all unanimously AYE.

Roll Call Vote: BB, EW, GG AYE

4. **Request for Determination of Applicability – 2 Wheeler Road – trees proposed to be removed**

Kyle Nitsche was present. Commission member Gillian provided a summary from the site visit with no significant concerns regarding the proposed project. The Commission expressed a need for the applicant to plant native shrubs and vegetation to sustain the performance standards of the Adjacent Upland Resource Area.

Chair Brian made a motion to close the public hearing for the proposed project located at 2 Wheeler Road. Emily seconded; all unanimously AYE.

Roll Call Vote: BB, EW, GG AYE

Chair Brian made a motion to issue a Negative 3 Determination with the following conditions:

- 1) For white pines, and the mulberry that are flagged along with the small diameter deciduous saplings shall be removed with no stump grinding.
- 2) should sprouts come from the stumps the applicant may prune this growth.
- 3) the area shall be allowed to naturalize without maintenance beyond the stumps.
- 4) The area shall be replanted with 3-4 native shrubs and supplemented with other native plantings.

Gillian seconded; all unanimous AYE.

Roll Call Vote: BB, EW, GG AYE

5.	<p>Notice of Intent – Meadow Road (Lots 7 & 8) Map Parcel 101 – <i>shared driveway, grading and associated drainage</i> Applicant requested a continuation via email prior to the public meeting. Ryan Proctor of Dillis and Roy along with Jack Maloney, were present to represent the applicant. Ryan provided a summary to the commission of the original plans and the recently revised plans where alternatives were considered. The only areas within the commissions jurisdiction are driveway grading, stormwater basin within the right of way, and the reserve septic system grading. The Commission inquired about the Farm Dump discovered on the property and how the material was to be disposed of to ensure that it is done lawfully and appropriately off site. Jack stated that this would be an amendable condition to be incorporated into the decision of the conservation commission regarding a requirement that would include providing receipts and notice of the material being removed from the site and taken to a lawful location even if it does not meet the hazard qualification, as it still maintains debris, metals and plastics. Chair Brian made a motion to close the public hearing regarding Meadow Road Lots 7 & 8. Emily Seconded; all unanimously AYE. Roll Call Vote: BB, EW, GG AYE Chair Brian made a motion to issue an Order of Conditions as drafted with the additional condition being that the material located within the “farm dump” located on site between contour lines 345-356 on the approved plans shall be removed from the property and the site manager shall provide receipts and documentation to prove that the material has been disposed of lawfully off site. Emily seconded; all unanimously AYE. Roll Call Vote: BB, EW, GG AYE</p>
6.	<p>Request for Determination of Applicability – 304 Still River Road - <i>proposed garage extension to replace lean tube structure</i> Commission member Gillian provided a site visit summary regarding the proposed work and the existing conditions. The commission agreed that due to the existing chain-link fence the cedar fence was not required to have the 6” space below the fence. Chair Brian made a motion to close the public hearing for the proposed project located at 304 Still River Road. William seconded; all unanimously AYE. Roll Call Vote: BB, EW, GG AYE Chair Brian made a motion to issue a negative five determination for the proposed project located at 304 Still River Road. Emily seconded; all unanimously AYE. Roll Call Vote: BB, EW, GG AYE</p>
7.	<p>Continued Notice of Intent – Century Mill Road Map 3D Parcel 75 – <i>proposed construction of three single family homes and widen and pave an existing gravel driveway</i> The Applicant has requested a continuation via email. The arborist is coordinating with the engineer regarding marking trees proposed to be removed and providing these items on a revised plan. Chair Brian made a motion to continue the public hearing until Tuesday, November 2nd 2021 at 8:00pm for the proposed project located at Map 3.D Parcel 75. Emily seconded; all unanimously AYE. Roll Call Vote: GG, BB, EW, AYE</p>
8.	<p>Presentation – group of Trails Committee members reviewing connectivity and safety inclusive of equestrian use. Cindy Ayotte, Bob Hatch, and Emily Hatch were present. Cindy provided a detailed presentation to the conservation commission highlighting concerns and proposed improvements to accommodate multiple users (including equestrian users) specific to crossing wetlands, brooks and wet areas throughout the Open Space within the Town of Bolton. She is proposing for the interest group to self-fund five (5) pilot projects throughout Vaughn Hills to enable a loop throughout the property for multiple user groups. The Commission provided positive feedback and inquired about assembly, materials, cost of repair/future maintenance, and migration of pea stone from the property. The Conservation Agent highlighted a few concerns related to materials within resource areas and being careful to inspect restrictions on the properties to ensure that it is not in conflict with any deeded restrictions. She also noted that retrofitting with the geotextile fabric and pea stone would be appropriate for some locations. She further highlighted that no conservation property is provided for a specific user group, rather for conservation purposes first and foremost. She noted all trails provide public access but are again, not for a specific user group and typically for pedestrian access only due to the trail easement width, sensitive resource area and purpose of land. However, she did note that there are certainly areas within Vaughn Hills that would accommodate a loop for multiple user groups (including equestrian users) and related crossings that would benefit the property. Any crossing within the Town of Bolton will require a formal permitting process with the Conservation Commission. The commission thanked the group for their presentation and they look forward to reviewing the proposal when filed.</p>

9.	MVP – Nashua River Communities Resilient Lands Management Project update by the Conservation Agent. If members of the community are interest in participating in the project, please contact rlongvall@townofbolton.com or call the Conservation office 978-779-3304
10.	Minutes – Chair Brian made a motion to accept the minutes as drafted from the October 5th 2021 public meeting of the conservation commission. Gillian Seconded; all unanimously agree. Roll Call Vote: GG, BB, EW, AYE
11.	Vote – Conservation Agent provided a summary of the requests that have been received by the Conservation Department to film within the Town. Chair Brian made a motion to authorize the Conservation Agent to review and when appropriate, approve requests from organizations/persons to film on conservation land. Roll Call Vote: GG, BB, EW, AYE
12.	Conservation Property Updates: Maintenance and management items <ul style="list-style-type: none">• New Story Walk to be installed at Bowers Springs Conservation Area November 2021. Still River Trail – Guided Trail Walk Thursday, October 21st 2021 9am <i>*The funding for this opportunity is provided by the Nashua, Squannacook, and Nissitissit Rivers Wild & Scenic Stewardship Council through the National Park Service under CFDA: 15.962 – National Wild and Scenic Rivers System*</i> <u>MVP Program</u> Current FY21-FY22: Nashua River Communities Resilient Lands Management Project <i>FY20: Apple Country Natural Climate Solutions completed information is available via the project website:</i> https://climateresilient.wixsite.com/applecountry/project-data-viewer <i>Final report may also be found using the project website or this link:</i> https://3673b23c-7171-47f0-b91c-8baa749785c4.filesusr.com/ugd/29afe1_877358fd47e943f793248d84655948e5.pdf Opportunity: Volunteer Land Steward position For all inquiries regarding this position please contact the Conservation Agent, call 978-779-3304 or email rlongvall@townofbolton.com
13.	Chair Brian made a motion to adjourn the public meeting of the Conservation Commission Tuesday, October 19th 2021. Emily seconded; all unanimously AYE. Roll Call Vote: GG, BB, EW, AYE