



Bolton Conservation Commission

Meeting Minutes



Date:	Tuesday, September 6 th 2022
Time/Location	7:00 p.m. Zoom (remote participation)
Commissioners Present:	Chair Brian Berube, William Payne, James Geraghty, Paal Brandvold, Conservation Agent, Rebecca Longvall)
Guests:	Christopher Anderson (Hannigan Engineering), Tom Schutz (Goddard Consulting), Kyle Burchard, Scott Hayes (Foresite Engineering), Terence Boots, Seth Donohoe (Dillis and Roy), Karen Maleski, Shane Curcuru, Tomas Butrym
Next Meeting:	Tuesday, September 20 th 2022 7:00pm via Zoom

- 1. Notice of Intent – 542 Sugar Road – DEPfile#112-0 - Map 6.E Parcel 28 - for North Gate Farm, Inc to address the collapse of one of two existing culvert and driveway on the subject site, and the subsequent enforcement order as issued on Sept 3rd 2021. Kyle Burchard was present to address questions of the Commission. The Conservation Agent provided a summary of the hearing process thus far. Chair Brian made a motion to close the public hearing for 542 Sugar Road referred to DEP file #112-0715. Jim seconded, all unanimously AYE. Roll call vote: BB, WP, JG, PB, AYE. Chair Brian made a motion to issue an Order of Conditions for 542 Sugar Road referred to DEP file #112-0715, as drafted for this evening's meeting. James seconded, all unanimously AYE. Roll call vote: BB, WP, JG, PB, AYE**
- 2. Request for Certificate of Compliance – DEPfile# 112-0404 Lot 12A Butternut – only the well has been installed on site, in compliance with the expired order. No other work has been carried out on site. Conservation Agent provided a summary of parcel and work on site along with prior follow up conversation with board of health. Chair Brian made a motion to issue a Certificate of Compliance for the well constructed on Lot 12A DEP file# 112-0404 and no other work had taken place under the previous order. Paal seconded, all unanimously AYE. Roll call vote: BB, WP, JG, PB, AYE**
- 3. Minutes – tabled until next meeting.**
- 4. Notice of Intent – 472 Sugar Road – DEPfile#112-0714 - Map 6.D Parcel 77 – for Shane Curcuru for the construction of an indoor pool building on an existing developed lot. Landscape improvements to the buffer zone and riparian zone are incorporated in the proposed project
Shane Curcuru property owner and Seth Donohoe of Dillis and Roy were present to address questions from the commission. Seth provided a summary of the revised plans submitted to the commission following the site visit which included; the cart path easement, infiltration around the building, driveway, landscaped areas and woodsheds called out on plans, structure being built prior to 1940 and incorporation of topographical contours. Commission members inquired about drainage along structure toward outcrop, pool size (45' long single lap 4' deep), mitigation. Conservation Agent reiterated to the commission the adjacent upland resource area and riverfront area regulations. Commission members felt sufficient mitigation was proposed for the disturbance on site.
Chair Brian made a motion to continue the public hearing for DEPfile#112-0714 472 Sugar Road until the next public meeting of the conservation commission Tuesday, September 20th 2022 at 7:45pm. William seconded, all unanimously AYE. Roll call vote: BB, WP, JG, PB, AYE**

5.	<p>Notice of Intent – 357 Main Street– DEPfile#112-0716 - Map 4.D Parcel 21 – for Andrew Everleigh of Environmental Pools for the redevelopment of the site, redevelopment within jurisdictional resource areas is limited to the improvement of an existing stormwater management basin and grading.</p> <p><i>Seth Donohoe of Dillis and Roy was present to provide a summary of the revised plans and address questions of the commission. Conservation Agent provided a summary of the site visit and highlighted the observed violation on site. The commission inquired about the 1-2 parking spaces to be provided by the applicant to provide access to the adjacent trails. Seth provided a response to the area of violation summarizing the remediation plan, which includes utilizing boulders as a memorialization of the LOW in perpetuity. Seth noted his client is running a business and want to be sure the parking will not cause any security concerns. The Conservation Agent highlighted the 1-2 parking spaces are fairly flexible regarding location on site and reiterated the purpose of them. Seth was amenable to bringing the request back to his client again prior to the next meeting. He would revise the plans with the relative annotation as necessary.</i></p> <p>Chair Brian made a motion to continue the public hearing specific to the Notice of Intent for 357 Main Street until Tuesday, September 20th 2022 at 8:00pm via Zoom. Jim seconded; all unanimously AYE</p> <p>Roll call vote: BB, WP, JG, PB, AYE</p>
6.	<p>Request for Certificate of Compliance – 0 Main Street – DEPfile#112-0697 – temporary wetland crossing</p> <p><i>Christopher Anderson and Alex Duhani were present to provide a summary of the project and address questions from the commission. Conservation Agent provided a summary.</i></p> <p>Chair Brian made a motion to issue a Complete Certificate of Compliance regarding the public hearing specific to the Notice of Intent for 0 Main Street Depfile# 112-0697 for the temporary crossing. William Seconded, all unanimously AYE. Roll call vote: BB, WP, PB, JG</p>
7.	<p>Notice of Intent – 0 Main Street – DEPfile#112-0712 - Alphaterra Design, LLC for the proposed wetland crossing, shared driveway and single-family homes</p> <p><i>Christopher Anderson and Alex Duhani were present to provide a summary of the project and address questions from the commission. Conservation Agent provided a summary of the hearing process thus far.</i></p> <p>Chair Brian made a motion to close the public hearing specific to the Notice of Intent for 0 Main Street DEPfile#112-0712 for the proposed wetland crossing, shared driveway and single-family homes. James seconded; all AYE. Roll call vote: BB, GG, BB, PB, JG. Chair Brian made a motion to issue the Order of Conditions as drafted for the Notice of Intent regarding the proposed 0 Main Street DEPfile#112-0712 project. James seconded; all AYE</p> <p>Roll call vote: BB, WP, PB, JG</p>

8. **Conservation Property Updates:**
Bolton Trails Connectivity Improvement Project – update to be provided expected in September
Public Ways Safety Committee Request – Conservation Commission in support of Agent posting on a quarterly basis as a news and announcement the parking information for trail heads/conservation properties, including a reminder to not obstruct roadway visibility. Commission members also requested reaching out to the relative applications regularly utilized for wayfinding to request parking or no parking areas be updated.
Bowers Springs – Conservation Agent provided summary of request from Eagle Scout, Camden Bettez regarding his proposed project to improve bowers’ trails and reduce erosion within areas regularly utilized by the nonprofit Bolton Conservation Trust Tom Denney Nature Camp which is hosted on Town Owned Conservation Land. The majority of the project is proposed within upland areas on site, within existing trail footprints where the slope and regular use has caused compaction and erosion. He proposes to use a majority of on-site materials. Conservation Agent highlighted that many of his project components are maintenance items that are necessary for the property. The one item she brought attention to was the trail through the wetland that he has proposed to place woodchips within and cut back vegetation. This is a foot trail that extends through a wetland resource area over temporary duck boards and bridges in places. Therefore the commission may wish to suggest another method to address the concern of the trail regarding duck boards, more of a boardwalk, or other method that does not constitute fill within a resource area. The Commission requested the Agent schedule a site visit.
MVP Program
Current FY21-FY22: Nashua River Communities Resilient Lands Management Project
<https://climateresilient.wixsite.com/nashuariver>
Opportunity: Volunteer Land Steward position, OSRP subcommittee member, Conservation Commission Member
For all inquiries regarding these opportunities please contact the Conservation Agent, call 978-779-3304 or email rlongvall@townofbolton.com
9. **Request for Determination of Applicability – 302 Berlin Road** – *proposed 24’x24’ garage and shed*
Tom Butrym was present to provide a summary of the existing infrastructure, and the proposed project. The Conservation Commission requested the agent draft conditions. He further expressed existing limitations on site. The Commission requested a site visit and inquired about existing vegetation, proximity to resource areas. Chair Brian reminded the applicant to stake out the corners of the proposed structure and flag trees/vegetation proposed for removal prior to the site visit. Paal inquired about processes. The property owner highlighted the fill brought in by a prior owner in 1970 and the addition was built in 1980. Chair Brian made a motion to continue the public hearing specific to the RDA for 302 Berlin Road until the next meeting September 20th 2022 at 8:15pm. William seconded, all unanimously AYE. Roll call vote: BB, WP, PB, JG
10. **Notice of Intent – 578 Sugar Road – DEPfile# 112-0713** - *submitted by Foresite Engineering on behalf of Terry Boots DAEMCO LLC, for the proposed construction of a single-family dwelling, driveway, and sewage disposal system including the installation of a well, installation of underground service utilities, site grading and landscaping. Applicant’s representative Scott Hayes of Foresite Engineering was present to address questions from the commission. Conservation Agent provided a summary of comments from DEP, and relayed regulations specific to riverfront area and adjacent upland resource area. DEP established the stream was perennial and the presumption was not overcome based on the observations submitted carried out during a drought period. Commission members inquired about total RFA on site and proposed alteration on the subject lot. They further inquired about the 75’ AURA proposed alterations and mitigation. Scott relayed information about the work carried out associated with the well, easement to 576, and the new proposed well. He highlighted the infiltration systems added to improve drainage on the property along with the split rail fence for a memorialized limit of work. Commission requested the applicant allow for the area within the 100’ buffer to be allowed to revegetate and maintained as meadow vs. lawn (mowing 1-2 times per year only), they required stockpiling outside of the resource area on site to the south west of the property. Conservation Agent to draft Order of Conditions for next meeting. Chair Brian made a motion to close the public hearing for 578 Sugar Road (lot 12A Butternut) under the Wetland Protection Act Chapter 131 Section 40 and associated regulations and under the Wetland Bylaw Chapter 233. James Seconded; all unanimously AYE. Roll Call: BB, WP, PB, JG. Decision and vote tabled until next meeting September 20th 2022.*

11.	<p>Request for Determination of Applicability – 84 Spectacle Hill Road – proposed tree removal <i>The Conservation Agent provided a site visit summary. The applicant proposed an additional tree to be removed on site therefore 7 trees total are proposed for removal at this time. The Commission explained the purpose and habitat value of leaving snags on the property and no stump grinding. The applicant was amendable to leaving two trunks as snags (left at about 6-8’). Chair Brian made a motion to close the public hearing for 84 Spectacle Hill Road under the Wetland Protection Act Chapter 131 Section 40 and associated regulations and under the Wetland Bylaw Chapter 233. Paal Seconded; all unanimously AYE. Roll Call: BB, WP, PB, JG. Chair Brian made a motion to issue a Negative 3 Determination with the condition that two of the seven trees shall be left as snags. James seconded, all unanimously Aye. Roll Call: BB, WP, PB, JG.</i></p>
12.	<p>Abbreviated Notice of Resource Area Delineation – 580 Main Street – DEPfile# 112-0707 - resource area delineation submitted by Goddard Consulting on behalf of Woodside partners. <i>Applicant’s representative Tom Schutz of Goddard Consulting was present to address questions. The Conservation Agent provided a summary of the ANRAD process thus far. Chair Brian made a motion to issue an Order of Resource Area Delineation for 580 Main Street under the Wetland Protection Act Chapter 131 Section 40 and associated regulations and under the Wetland Bylaw Chapter 233 as described. This Order of Resource Area Delineation issued by the Commission finds the delineation of resource area series flags as drafted on the revised plan dated 7/27/2022, incorporating revisions reflecting the BSC group peer review comments including added flags “GC 102-GC 108 and A43 and A40 to add a hydrologic connection between the two bordering vegetated wetlands in the southwestern portion of the site adjacent to the ball field, GC flag series to propertyline, A flag series to property line, Isolated Land Subject to flooding and inundation of groundwater C flag series, Isolated Land subject to flooding and inundation of groundwater B flag series, MAHW 23 – MAHW42 were added to the MAHW line to further demarcate the limit of perennial steam, MAHW flag series to property line, 100’ riverfront area (inner riparian), 200’ Riverfront Area (outer riparian), as accurately delineated. This ORAD does not approve the BLSF as shown and labeled on the plans dated 07/27/2022. This ORAD does not approve any other wetland resource areas. The Commission finds that the contour 340 throughout the parcel up to the parcel line represents the true BLSF on site. The following resource areas shall be modified; This ORAD does not approve BLSF as shown and labeled on the plans dated 07/27/2022. This ORAD does not approve any other wetland resource areas. The Commission finds that Contour 340 throughout the parcel up to the parcel line shall be the delineation of BLSF. Contour 340 shown on plans represents the true BLSF on site. James seconded; all unanimously AYE. Roll Call: BB, WP, PB, JG</i></p>
13.	<p>Enforcement: John Powers Lane <i>The property owner has provided the commission with an update stating that the seed mix has yet to be purchased or spread, while asking for confirmation of seed mix to be utilized, and there are two remaining posts to be removed. Conservation Agent encouraged the commission to provide a hard deadline for completion of work to come into compliance. Chair Brian took a roll call vote to require the property owner to over seed remediation area, remove materials, and removal fence posts from the resource areas as previously required. All work must be done within the next 60 days (before November 5th 2022). All unanimously AYE. Roll Call: BB, WP, PB, JG</i></p>
14.	<p>Chair Brian made a motion to adjourn the public meeting of the Conservation Commission Tuesday, September 6th 2022 at 9:30pm William seconded; all unanimously AYE. Roll Call Vote: BB, WP, PB, JG, AYE</p>