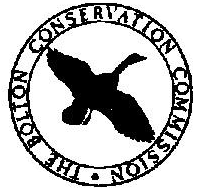




Bolton Conservation Commission

Meeting Minutes



Date:	Tuesday, August 16 th 2022
Time/Location	7:00 p.m. Zoom (remote participation)
Commissioners Present:	Chair Brian Berube, James Geraghty, Paal Brandvold, Conservation Agent, Rebecca Longvall
Guests:	Kelly Durfee Cardoza (Avalon Consulting), Steve Brennan (Escalante International), Christopher Anderson (Hannigan Engineering), Tom Schutz (Goddard Consulting), Kyle Burchard, Pamela Duggan, Chuck Gordon, Scott Hayes (Foresite Engineering), Marco Avallone, Seth Donohoe (Dillis and Roy), Karen Maleski, Dan Gaffney, Shane Curcuru
Next Meeting:	Tuesday, September 6 th 2022 7:00pm via Zoom

- 1. Request for Certificate of Compliance – DEPfile# 112-0404 Lot 12A Butternut – no work has been carried out on site**
Conservation Agent provided a summary noting the representative will be present for another item later on the agenda. Further review by both the representative and conservation agent realized the well which exists on site was originally constructed for the Lot 12A Butternut as part of this OOC. Therefore, work has been carried out on site and information has been requested from Board of Health and the Building Department to confirm compliance regarding the construction of the well. Therefore, the Chair tabled this discussion until next meeting and later in the agenda.
- 2. Minutes –** Chair Brian made a motion to approve the minutes as drafted for the public meeting of July 19th 2022 of the Conservation Commission. Jim seconded, all AYE, except Paal Abstain.
Roll call vote: BB, JG, AYE, PB Abstain
- 3. Conservation Property Updates:**
Bolton Trails Connectivity Improvement Project – update to be provided expected in September
Treatment of mowed poison Ivy – salt/vinegar/detergent mixture – Chair Brian took a roll call vote to authorize the 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
- 4. Enforcement: John Powers Lane** *The original deadline of July 21st 2022 has passed with no update. Violation has yet to be brought into compliance due to property owner's personal issues described via email. The Conservation Agent expressed the current drought conditions may leave fall as a beneficial planting time. The Conservation Commission requires the property owner to provide a timeline and plan for the final items to be brought into compliance. The Plan and Timeline shall be provided to the Conservation Department by the next meeting, [the bylaw regulations require all information to be submitted by 12pm on the Thursday prior. Therefore, the date for submittal of the plan and timeline is September 1st 2022 by 12pm]. The commission will then review the plan/timeline and deliberate on when the work shall be brought into compliance.*

5. **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 and Pamela Duggan were present to provide a summary of the existing infrastructure, the previous enforcement order issued administratively, and the proposed culvert that will meet stream crossing standards. DEP inquired about the use of pumping during construction vs the temporary bypass channel. The span is nearly 15' for the crossing. The applicant preferred the bypass channel. The commission inquired about the bypass location and duration, access to the lot during construction, and if there would be a net loss of resource area function. The applicant's representative relayed that technically quantitatively there will be an increase in resource area on site. The Access will be temporarily through the lot owned by the applicant off of Butternut Lane. The Conservation Agent expressed this is a benefit to the resources on site due to the failed culvert and undersized existing structure that does not meet stream crossing standards. She further expressed and clarified that the temporary access previously used is not permitted as it crosses town owned conservation land. The applicant expressed a survey was done and they will be removing the paddock fencing on their lot to accommodate temporary access through that lot, outside of the town owned land. Applicant is awaiting DEPfile# issuance as well. The Conservation Commission requested the agent draft conditions.*
- Chair Brian made a motion to continue the public hearing specific to the Notice of Intent for 542 Sugar Road until September 6th 2022 at 7:00pm via Zoom. Paal seconded; all AYE**
- Roll call vote: BB, GG, JG, PB, AYE**

6. **Notice of Intent – 472 Sugar Road – DEPfile#112-0 - 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 provide a summary of the project to the commission and address any questions. Resource areas relevant to the site are the Riparian zone, and 100' buffer zone, adjacent upland resource area. The site is 4.8 acres with an extensive perennial stream totaling 141195 sq ft riverfront area, 3,185 sq. ft. of that is proposed alteration as part of this NOI. The alterations include the proposed grading and proposed building. No alterations are proposed within the inner riparian zone. The structure proposed within the outer riparian zone and buffer zone/AURA. Mitigation proposed is specific to pollinator gardens, infiltration gardens. Chair Brian requested a site visit. The property owner/applicant specified that they would prefer to reduce lawn and install native plantings to bring nature back closer to the building compared to what it is now. Seth highlighted the pervious pavement patio, filter strips and infiltration gardens, after Chair Brian inquired about infiltration on site. Commission inquired further about topography to establish flow on site specifically by the proposed building and outcrop. The Commission also requested an operation and maintenance plan specific to drainage or equipment. The Commission inquired about the resource area impacts from blasting vs. hammering ledge. Abutter Karen Maleski was present to express concerns about any blasting or hammering that may be required for the site. Seth addressed that hammering is a logical approach to the site however this has not been finalized. Karen further inquired about access to the Cart Path which the homeowner established as a deeded access to specific other properties with frontage along the pond. Conservation Agent noted all easements are required to be shown on the plans and therefore should be added. Access questions within the easement are a civil matter between the property and easement owner that is unrelated to the commission's jurisdiction and may not be discussed during this public meeting. Seth noted an existing building that will be removed and force main within the proposed work area. Conservation Agent inquired whether or not the 3,185 sq ft number includes existing alterations on site for example but not limited to lawn, single family home, outbuildings, or does that number only include the proposed alterations. Seth confirmed that is the total footprint of the proposed alteration as annotated in red on the submitted plans. He further notes the existing structures predate the riverfront act and any regulations. Conservation Agent states the project is relative to the Bylaw which does not have grandfathered considerations. She further requested the sq. ft. alterations on site including what the representative is considering the existing conditions. This should be broken out by resource area. She requested the age of the structures as well to confirm dates relative to the RFA.
Chair Brian made a motion to continue the public hearing specific to the Notice of Intent for 542 Sugar Road until Tuesday, September 6th 2022 at 7:15pm via Zoom. Paal seconded; all AYE
Roll call vote: BB, GG, JG, PB, AYE
7. **Notice of Intent – 357 Main Street– DEPfile#112-0 - 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.**
Seth Donohoe of Dillis and Roy was present to provide a summary of the existing conditions, project, and resource areas. The project goal is to redevelop the property. Public Safety requires the ability to have clear vehicle circulation throughout the site. Therefore, gravel access ways will be improved to accommodate. Improvements to the stormwater management systems, constructing new stormwater basin on the western portion of the roadway and associated grading shall take place within jurisdictional areas. Seth totaled the alteration on site 13,000 sq.ft. limited to stormwater management improvements within the RFA inner and outer riparian areas. The commission inquired about calculations incorporated due to stormwater standards, parcel line, and requested a site visit. Conservation Agent noted to the commission and applicant that this property abuts the conservation property and trail. The Conservation Agent reminded the applicant and commission about an informal discussion with the property owner where it was requested that 1-2 parking spaces and connecting trail head be incorporated as part of this project. The Commission would like to review the area to provide better detail in such a request as part of this project.
Chair Brian made a motion to continue the public hearing specific to the Notice of Intent for 357 Main Street until Tuesday, September 6th 2022 at 7:30pm via Zoom. Gillian seconded; all AYE
Roll call vote: BB, GG, JG, PB, AYE

- 8. Notice of Intent – 0 Main Street – DEPfile#112-0712 - Alphaterra Design, LLC for the proposed wetland crossing, shared driveway and single-family homes**
Christopher Anderson and Alex Duhani were present to provide a summary of the project and address questions from the commission. Conservation Agent and Vice chair Jim provided a summary of the site visit. The area has an intermittent stream and a box culvert will be constructed to accommodate the quantity of water. The culvert will meet stream crossing standards. The driveway will extend south into the property by a serpentine route. The crossing is necessary to access the backland upland portion of the lot. The crossing is also located at the narrowest point of the wetland. Stormwater management systems were incorporated into the plan incorporating stone line swales to capture and spread stormwater over the vegetated landscape. A secondary will have a small level spreader device. Wetland Restoration at a rate of 2.21 to assist in offsetting impacts. This restoration will occur within the buffer zone. Erosion controls proposed include hay bales and wire back fencing due to slope downgradient throughout the site and adjacent to any cut. Conservation and Wildflower seed mix will revegetate disturbed surfaces in the upland portion of the site. Well, septic and house shall be located outside of any resource areas on site. Chair Brian reiterated the use of native species for seed mix and any plantings on site. Conservation Agent inquired about proposed phasing on site, stating that this is something the commission may consider as a condition. Chris stated the site will be constructed in a controlled stabilization construction phasing; the project also requires a General Permit. The entire site will not be opened up at one time, with stabilization along the way. He noted there is an open OOC for the temporary crossing therefore he will be submitting the request for certificate of compliance for that DEPfile number.
Chair Brian made a motion to continue the public hearing specific to the Notice of Intent for 0 Main Street until September 6th 2022 at 7:45pm. Paal seconded; all AYE
Roll call vote: BB, GG, BB, PB, JG
- 9. Request for Determination of Applicability – Liv Tour Temporary Structures and Parking – International Escalante Ballville Road - Avalon Consulting Group, for the proposed temporary structures including a catering tent (30'x40'), concessions tent (100'x60'), first aid tent (10'x10'), portable restrooms and ADA accessible restroom trailer for a 3-day professional golf tournament. Kelly Durfee Cardoza, Steve Brennan, and Paul McManus, were present. Conservation Agent and Vice Chair James Geraghty provided a summary of the site visit. The resource area delineation is not being considered for review at this time. The limit of work was not staked out as requested, the applicant's representatives staked out the LOW temporarily while in the field for the site visit. The Conservation agent suggested the commission require the LOW to be delineated with high visibility fencing and erosion controls at each site. She further suggested the commission may require the applicant to move concessions or rest rooms away from the treeline/resource area on site.**
Chair Brian made a motion to close the public hearing for the proposed work located at international golf course off of Ballville Road. James seconded, all unanimously AYE. Roll call vote: BB, GG, PB, JG
Chair Brian made a motion to issue a Negative 3 Determination with the following conditions:
 - 1) High Visibility fencing and straw bale, haybale or straw wattle shall be installed 105' away from resource areas located at Twin Springs and the locally known Schultz farmed property along the limit of work.
 - 2) High visibility fencing and straw bale, haybale, or straw wattle shall be placed at limit of work along concessions.
 - 3) The Town's Conservation Agent shall inspect and approve the Limit of work and relative fencing and erosion controls upon completion of installation.
 - 4) There shall be no scrub removal nor other vegetation removal as part of this project.**for the proposed work located at international golf course off of Ballville Road. James seconded, all unanimously AYE. Roll call vote: BB, GG, PB, JG**

10.	<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.</p> <p><i>Applicant's representative Tom Schutz of Goddard Consulting was present to address questions. The Conservation Agent provided a summary of the ANRAD peer review response and revised plans from the applicant. She brought attention to the BLSF on the plans that seems to be an error as the area continues and functions as BLSF following the contour vs what is annotated on the plans as BLSF. Applicant's representative stated the BLSF was overlayed directly from the FEMA National Flood Layer maps. Conservation commission inquired about the BLSF and how to establish the reference that it follows the contour vs. as annotated on plans.</i></p> <p>Chair Brian made a motion to close the ANRAD discussion under the Wetland Protection Act Chapter 131 Section 40 and associated regulations and under the Wetland Bylaw Chapter 233 for 580 Main Street and take no action on 112-0707 until September 6th 2022. James Seconded; all unanimously AYE. Roll Call: BB, GG, PB, JG</p>
11.	<p>Notice of Intent – 578 Sugar Road – DEPfile# 112-0 - 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.</p> <p><i>Applicant's representative Scott Hayes of Foresite Engineering provided a summary of the existing conditions, the well that has already been installed as part of the past OOC, and the proposed project. Scott also expressed 576 sugar road and 578 sugar road (12A) had been owned by the same property owner. 576 has been sold and therefore is under separate ownership. Easements for the shared driveway and waterline area already in place. Wetlands delineated by Chuck Caron Environmental. The site is being presented as an intermittent stream with BVW. The Chair noted the drought conditions and characteristics on site. He requested the memorialization of the 25' no touch by a semi-permanent marker by split rail fence or boulders or other method to be reviewed by the commission. Chuck Gordon was present from Butternut Lane to express concerns related to access Lot 12A from Butternut and sought confirmation that the proposed lot will be accessed from sugar road. The applicant's representative confirmed the access as proposed is a shared driveway from 276 Sugar Road. Terence Boots, property owner was present to inquire about the RCOC and sought confirmation of the receipt of the request. Conservation Agent stated everything was filed for the RCOC however, it was filed stating no work had been constructed on site. The site visit revealed that work had been conducted on site relative to but not limited to the construction of a well on lot 12A. The commission needs to review the old order and review files to confirm whether items carried out on site were conducted in compliance. The discussion for the RCOC has been tabled until next meeting for those reasons. Marco owner of 576 Sugar Road inquired about the definition of 25' no disturb. The first 25' is the no disturb no activity zone. He further inquired about access along the easement. The Conservation Agent stated access is a civil matter between the property owners. However, the memorialization is not intended to block access, rather suggest methods for memorialization that would be acceptable to the commission. Scott clarified the memorialization is not to prevent access rather, to demarcate and protect the resource areas.</i></p> <p>Chair Brian made a motion to continue 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 until September 6th 2022 at 8:00pm. James Seconded; all unanimously AYE. Roll Call: BB, GG, PB, JG</p>
12.	<p>Request for Determination of Applicability – 84 Spectacle Hill Road – removal of 6 trees</p> <p><i>The property owner was present to provide a review of their proposed project. The commission requests a site visit. Chair Brian requested the property owner flag/mark what trees are proposed to be removed prior to the site visit.</i></p> <p>Chair Brian made a motion to continue 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 until September 6th 2022 at 8:15pm. Gillian Seconded; all unanimously AYE. Roll Call: BB, GG, PB, JG</p>
13.	<p>Chair Brian made a motion to adjourn the public meeting of the Conservation Commission Tuesday, August 18th 2022 at 9:30pm James seconded; all unanimously AYE.</p> <p>Roll Call Vote: BB, GG, PB, JG, AYE</p>