



Bolton Conservation Commission

Meeting Minutes



Date:	Tuesday, July 25th 2023
Time/Location	7:00 p.m. Zoom (remote participation)
Commissioners Present:	Chair Brian Berube, James Geraghty, Lori Stephenson, Paal Brandvold, Conservation Agent, Rebecca Bucciaglia
Guests:	Chelsea Christenson (Nitsch), Matthew Marro, Andrew Kendall LEC, Mohammed Alhassan, Ryan Proctor (Dillis & Roy), Eric Roise (KBA), Tom Frontera (KBA), Johnathan Keep (Manor Rd), Tim Hess (Studio InSitu), Nick King (Studio InSitu), Craig Bovaird
Next Meeting:	Tuesday, August 15th 2023 7:00pm via Zoom

1. **Amended Notice of Intent – 112-0699 Meadow Road Lots 7&8**

Property owner Mohammed Alhassan and Representative from Dillis and Roy Ryan Proctor was present to provide an update to the commission on the revised information submitted to the Conservation Commission and DEP for the amended Notice of Intent. Ryan also provided a summary of the original filing from September 2021 and the revisions that were recently submitted. Ryan highlighted the tree removal and increase in work within the buffer/AURA, the change specific to modification of the swale along meadow road and proximity to resource areas. He highlighted the changes were directed by Department of Public Works Director, Planning Board, Tree Warden and Town Planner. There have been no additional comments issued from DEP at this time. Conservation Agent notes requirement for filtration/infiltration on site to reduce velocity and volume of runoff before leaving the site. Ryan highlighted upgradient stormwater infrastructure components that will capture runoff on site as well (outside of jurisdictional areas). Ryan clarified the swale modification along meadow road being at a 1:1 grade about 1% from meadow road. Manor Road resident Johnathan Keep expressed concern about flow into resource areas and notes no infrastructure within right of way. Ryan expressed through the commission that the Selectboard and DPW will not allow infrastructure within the right of way causing discussions with those parties to lead to the modification of the swale. Chair Brian also highlights the stormwater infrastructure upgradient which will capture runoff as well outside of jurisdictional areas. Conservation Agent will follow up with DEP CERO to inquire about any comments relative to the recently submitted documents.

Chair Brian makes a motion to continue the amended NOI 112-0699 located at Meadow Road lots 7&8 until the August 15th 2023 meeting of the conservation commission at 7:15pm via Zoom. Paal Seconded; all unanimously AYE. Roll Call: JG, LS, BB, PB, AYE

2. **Continued Abbreviated Notice of Resource Area Delineation – Map 6.B Parcel 12 - Kaestle Boos – 12 Green Road – Resource Area Delineation on parcel associated with Nashoba Regional High School**
*Chelsea Christenson (Nitsch), Tom Frontera (KBA), Andrea Kendall (LEC), Eric Roise (KBA), were present. Andrea provided a summary of the resource areas delineated on site. She noted during the site visit [July 25th 2023] they added wetland flags to the Bordering vegetated wetland area. Chair Brian noted there is a sewer cover along the berm between the two wetlands, and a culvert that connects the two wetland cells. Commission requested revised plans showing updated wetland flagging, IVW, BVW, bylaw resource areas and information related to the extent of delineation requested to be considered by the applicant. It was made clear that the applicant does not seek to confirm the riverfront area on site at this time and therefore the plans were requested to explicitly note this to be excluded from the ANRAD at this time. Chair Brian also relayed the outlet flow, labeled as intermittent, had significant flow and requested more information on the source to establish the directional flow as not perennial or other resource area outside of BVW. Johnathan Keep of Manor Road expressed concerns about the area being important for recharge of the aquifers in town. Andrea inquired about whether the delineations that were being requested as part of this application were acceptable to the commission. The Chair and Conservation Agent echoed the need to submit revised plans with the added BVW flagging, exclude Riverfront Area from this request, include full extent of IVW or note where the end of the delineation consideration shall be considered as part of this application, and provide information on the source of water feeding BVW specifically from outlet structure. **Chair Brian made a motion to continue the public hearing for the 12 Green Road project until August 15th 2023 at 7:30pm via Zoom. Paal seconded, all unanimously, AYE. Roll Call: JG, LS, BB, PB, AYE***
3. **Continued Notice of Intent – 31 Manor Rd – Map 4.C Parcel 19 - submitted by Matthew Marro on behalf of James Ackroyd for the construction of a septic system and garage addition**
Commission members provided a summary of the site visit and proposed work on site highlighting the garage and septic system. Matt Marro was present on behalf of the applicant expressing a riprap splash pad for roof runoff will address the stormwater then filter over existing grassed area. Matt highlighted items related to concerns from an abutter from last meeting specific to concerns about separation to ground water, questions about impacts to well which he addressed by reviewing the area and proximity to adjacent well locations. The concerned abutter's well was upgradient from the septic system and the system is replacing a cess pool with a system that will meet title V. Conservation Agent requests applicant to express how they are meeting Adjacent Upland Resource Area and relevant bylaw performance standards on site. Matt Marro Addresses questions sufficiently. Conservation Agent highlights no-disturb area and inquires whether the applicant was proposing to incorporate native vegetation as mitigation on site vs maintaining as lawn. Johnathan Keep of Manor Rd. suggests removing the driveway, moving leach field out of no-disturb. Conservation Agent clarifies her suggestion to the commission and applicant to remove the northern driveway, and revegetate with native plantings at a rate of 2:1 at a success rate of 75% over two growing seasons to act as mitigation for the encroachment into the 25' no disturb. The removal of the cess pool within the 25' no-disturb is also appropriate mitigation.
Chair James made a motion to close the public hearing for the 31 Manor Road project. Paal seconded, Roll call vote: JG, PB, AYE [LS, BB, Abstain].
Conservation Agent will draft Order of Conditions for next meeting.

- 4. Continued Notice of Intent – 711/713 Main Street – Map Parcel – DEPfile#112-0 – Nick King and Tim Hess of InSitu Architects** were present along with property owner Craig Bovaird. Conservation Agent reminds commission the applicant has submitted revised documents, supplemental documents, there are still no comments or file number from DEP at this time. Tim Hess provides a summary and overview of revised plans noting; the new septic to be located within the “courtyard”, stormwater basin infrastructure on site including infiltration trenches, arborist written report regarding trees on site, preservation of the two trees on Town Common within proposed parking area, removed water wheel and daylighting of stream. Tim noted the civil engineer is not present to provide detail/address questions on the stormwater. Chair Brian inquired about the stream daylight location previously included but not removed, he further inquired about the barn being re-built over the stream channel. He then highlighted the riverfront area performance standards noting they do not seem to be meeting. Conservation Agent clarified this statement noting the applicant in their NOI establishes there is 11,595 SF of Riverfront Area on site with proposed alterations totaling 7,436 SF within the inner riparian (110’ RFA). The regulations note the commission MAY [but are not required] allow up to 5,000 SF or 10% whichever is greater. The Commission may in this case consider 5,000sf or 10% (1,159.50 sf) whichever is greater. The proposed altered area is 7,436 SF therefore this does not meet the standard allowed to be considered by the commission to authorize. This total altered area to be considered for authorization would have to be reduced by at least 2,436 sf. Chair Brian notes the applicant will need to show how they are in compliance with this standard or reduce the sf of their project to meet the standard or the commission will not be able to consider the project. Conservation Agent further notes in the narrative supplementing the NOI, mitigation is highlighted only as erosion and sediment controls during construction. [Mitigation is defined in the WPA 10.04 as rectifying an adverse impact by repairing, rehabilitating or restoring the affected resource area or compensating for an adverse impact by enhancing or providing replacement resource areas] This needs to be incorporated into the project as currently mitigation per the definition of the WPA is not expressed in the narrative.

Chair Brian made a motion to continue the public hearing for the 711/713 Main St. until August 15th 2023 at 7:45pm. Paal seconded, all unanimously, AYE. Roll call vote: JG, LS, BB, PB, AYE.
- 5. Continued Notice of Intent – 0 S. Bolton Road – Map 2.C Parcel 23 – DEPfile#112-0720** construction of a subdivision roadway and stormwater infrastructure. The Applicant’s representative was present, Richard (Chip) Nylen. Conservation Agent provided a summary of the procedures to date. Chip Nylen expressed a third party has become interested in purchasing the property and he therefore requests on their behalf the commission retain flexibility within the condition relaying land conveyance to include a potential consideration for a Conservation Restriction or conveyance of land in fee to the Conservation Commission. The Conservation Agent relayed to the commission the preference would be to hold the land in fee/convey the land to the town through its conservation commission. However, it is at the discretion of the conservation commission to leave the language flexible to include either option. Her one suggestion was to require the property owner to pay all fees and costs associated with a CR or conveyance of land. Chip expressed he was comfortable with the flexibility and that all costs associated will fall on the applicant in fee or CR overland at their expense not the towns. **Chair Brian made a motion to close the public hearing for the 0 S. Bolton Rd. DEPfile# 112-0720. James seconded, all unanimously, AYE. Roll call vote: JG, LS, BB, PB, AYE.**

Chair Brian made a motion to issue an order of conditions as drafted with the additional condition as amended and discussed at this evening’s meeting. Paal seconded; all unanimously AYE. Roll call vote: JG, LS, BB, PB, AYE.
- 6. Request for Certificate of Compliance – Woods at Farm Road** Conservation Agent has attended multiple site visits with the applicant’s representative relative to wetland jurisdictional items. The fence has been relocated to the appropriate location of the previously approved boulder wall that will deter entrance into jurisdictional areas except by public safety. **Chair Brian made a motion to issue a Certificate of Compliance with Ongoing conditions as drafted. Lori seconded; all unanimously AYE. Roll call vote: JG, LS, BB, PB, AYE.**

7.	<p>Conservation Land updates</p> <p>Bolton Trails Connectivity Improvement Project: <i>Continue coordination, confirm volunteers interested in activity days, Limit of work has been flagged in field at Vaughn Hills Conservation Area crossings, Annie Moore will be flagged in field, Media package/toolkit created for ease of advertisement of work parties and related volunteer opportunities.</i></p> <p>Trail Stewardship Authorized Projects: 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> Vaughn Hill - <i>re-route steep section with restoration work to include switchback</i> 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> Welch Pond – <i>Trail extension to Sawyer Road</i> BTC Extension – <i>trail from horse ring field to berlin road</i></p> <p>Opportunity: Volunteer Land Steward position – <i>available</i> Conservation Commission – <i>available</i> Open Space and Recreation Plan Update <i>Wildlife photography contest to assist with town wildlife inventory. Open Space and Recreation Plan Survey open for responses until October 1st 2023.</i> Wildlife Inventory link HERE OSRP Survey link HERE</p> <p>For all inquiries regarding these opportunities please contact the Conservation Agent, call 978-779-3304 or email rbucciaglia@townofbolton.com</p>
8.	<p>Minutes – Chair Brian made a motion to approve minutes from the last meeting of July 11th 2023. James seconded, all AYE. Roll call vote: JG, LS, BB, PB, AYE.</p>
9.	<p>Geocache request – Conservation Commission voted to authorize placement of geocache at Vaughn Hills conservation area. Roll call vote: JG, LS, BB, PB, AYE.</p>
10.	<p><i>Budget discussion for start of FY24 tabled until next meeting.</i></p>
11.	<p>Reorganization – Nomination of Brian to Chair and James to Vice Chair Paal and Lori seconded; all unanimously AYE. Roll call vote: JG, LS, BB, PB, AYE.</p>
12.	<p>Chair Brian made a motion to adjourn the July 25th 2023 meeting of the Conservation Commission at 9:15pm. Paal seconded, all unanimously, AYE. Roll call vote: JG, LS, BB, PB, AYE.</p>