



Bolton Conservation Commission

Meeting Minutes



Date:	Tuesday, September 19th 2023
Time/Location	7:00 p.m. Zoom (remote participation)
Commissioners Present:	Chair Brian Berube, James Geraghty, Paal Brandvold
Guests:	Tom Schutz (Goddard Consulting), Pamela Duggan, Timothy Driscoll (Cedar Grove Contracting, Inc.), Tim Hess (Studio InSitu), Nick King (Studio InSitu), Daniel Carr (Stamski and McNary), David Crossman (B & C Associates), Kelly Cardoza (Avalon Consulting Group), Paul McManus (EcoTec, Inc.), Frank McPartland (Dillis and Roy), Steve Alden (The International).
Next Meeting:	Tuesday, October 3rd 2023 7:00pm via Zoom

- 1. Notice of Intent – 0 Butternut Lane – Map 6.E Parcel 37 - DEP#112-0734 - Tom Schutz from Goddard Consulting** was present, along with the applicant and landowner, Pamela Duggan. Tom noted that the agenda incorrectly listed the applicants of the project as Robert and Patricia Lupo, who are Pamela Duggan's parents. They had originally submitted an application in 2021, but withdrew it. Pamela resubmitted the application and is proposing the construction of a single-family house, septic system, driveway, and well outside of the buffer zone to BVW. The project is inclusive of a retaining wall with associated grading. Tom noted that the lot is currently an undeveloped horse paddock lot, with some shrubs and grasses that are consistent with agricultural fields. He notes that there are no wetlands on the actual site. However, there is a pond down to the south right, below the lot, which is also a flood zone. However, there's no floods on the site currently. North of the lot is a perennial stream, located within a FEMA Flood Zone. The site does not fall within the flood zone. The 200' riverfront area encroaches onto the northern part of the site, however, no work is proposed in that area. The 75' buffer zone and the 100' buffer zone of the pond encroach onto the property. Tom states that the proposed plan contains no impervious surfaces in the buffer zone, other than the current retaining wall. The only work within the buffer zone or riverfront area is a small amount of grading, and the retaining wall, which he states are both necessary in order to keep all of the other impervious surfaces out of the buffer zone. Tom Schutz noted that the retaining wall would be about 6' tall at the tallest point. The limit of work around the site will be bordered with staked haybales, which will act as erosion control. The site will contain naturalized field as it currently stands on the site today. Lawn is to be developed within the limit of work. Chair Brian notes that he remembers the previous filing and can see how there have been improvements made from the previous filing by moving the limit of work outside of the buffer zones. Chair Brian states that he would like to arrange a site visit before making a decision. **Chair Brian made a motion to continue the public hearing for the 0 Butternut Lane project until the October 3rd 2023 meeting of the conservation commission at 7:00pm via Zoom. Jim Seconded; all unanimously AYE. Roll Call: JG, PB, BB, AYE**
- 2. Minutes – Chair Brian made a motion to approve minutes from the August 15th 2023 and September 5th, 2023 meetings. James seconded, all AYE. Roll call vote: JG, PB, BB, AYE.**

3.	<p>Continued Request for Determination of Applicability – 76 East End Road - Map 5.E Parcel 88 - Submitted by Timothy Driscoll for the proposed building of a new deck. Timothy Driscoll of Cedar Grove Contracting, Inc. was present. Chair Brian discussed the site visit that took place, which he and Jim Geraghty attended. The deck is to be built over the existing lawn, abutting the house. The backyard is lawn maintained by a fence, and beyond the fence is a stream. Chair Brian stated that he thought the limit of the project seemed to be in line with other things the Commission had accepted before, and was not going to have a major impact on the wetland or the resource area. Chair Brian mentioned that between the fence and the river, there is a small section of maintained lawn which has naturalized. He suggested that the applicant review the original Order of Conditions to determine whether it is required to allow the area beyond the fence to naturalize, and to not continue to mow. He clarified that he is unsure of whether that is the case, but is something to have the current homeowner look into.</p> <p>Chair Brian made a motion to close the public hearing for 76 East End Road. Paal seconded, all unanimously, AYE. Roll Call: JG, PB, BB, AYE</p> <p>Chair Brian made a motion for a negative three determination for the Request for Determination of Applicability for 76 East End Road, with the conditions that the fence in the back yard also serves as the limit of work for this particular project, and that the stockpiling of materials be kept out of the resource area to the greatest extent practicable. James seconded, all unanimously AYE. Roll Call: JG, PB, BB, AYE</p>
4.	<p>Enforcement Order Update - 100 East End Road, 3 John Powers Lane, Century Mill Estates Chair Brian states that there are no current updates. 100 East End Road and 3 John Powers Lane were both moving toward compliance. The Commission is waiting for the growing season before visiting the sites.</p>
5.	<p>FY24 Budget - Chair Brian gives a reminder to Commissioners to review the FY24 budget if they have not done so already, which was previously sent out by the Conservation Agent.</p>
6.	<p>Discussion regarding DRAFT Bylaw Regulation Revisions - Chair Brian made a recommendation to Committee members and to the public to look through the revisions if they have not already, which can be found in Town Hall Conservation Department or online under “current projects” on the Conservation webpage.</p>
7.	<p>Conservation Land updates</p> <p>Forest Legacy Project - has been fully funded.</p> <p>Bolton Trails Connectivity Improvement Project: Ongoing.</p> <p>Trail Stewardship Authorized Projects: Vaughn Hill Woodside Drive Trail Head – removal of post, sand trail sign, repaint trail sign, install water bars utilizing material from site as previously approved locations. Vaughn Hill - re-route steep section with restoration work to include switchback Ongoing Bowers Spring Flanagan Road Trail Head – Invasive Species removal, maintenance of Norway spruce line/removal of invasives and encroachments, maintenance of tree islands within field areas. Welch Pond – Trail extension to Sawyer Road BTC Extension – Trail from Horse Ring Field to Berlin Road</p> <p>Opportunity: Volunteer Land Steward position – available Conservation Commission – available Open Space and Recreation Plan Update Wildlife photography contest to assist with town wildlife inventory. Open Space and Recreation Plan Survey open for responses until October 1st 2023. 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>

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| 8. | <p>Continued Notice of Intent – 711/713 Main Street – DEPfile#112-0735. Nick King and Tim Hess of InSitu Architects, Daniel Carr of Stamski and McNary, and David Crossman of B & C Associates were present. Chair Brian noted that in the last meeting, this project was being characterized as a Riverfront Redeveloped project, and that he has been in contact with Town and Conservation Agents from other towns to see how the law is interpreted. He also noted that the DEP had submitted comments on this project. Tim Hess noted that they had received DEP's comments, but did not have enough time to respond in a way that could meet the Thursday noon deadline. Chair Brian noted that he would like to schedule a site visit. David Crossman noted that the DEP comments stated that the lawn on the property was not considered a degraded area, whereas he sees the lawn as degraded area because it is not something that is naturally occurring in nature. He noted that he would need to ask the Commission how they feel about the lawn that's been planted. David also mentioned the DEP's comments regarding the pavement material in the parking area. Tim Hess noted that their intent is to use a pervious material on the parking lot called "turf grid," which is a highly durable plastic grid that stabilizes a growth medium. Daniel Carr clarified that the parking area they are discussing is the parking spaces on town land along the access road to the Town Common, where there is currently grass. Their plan is to change it to turf grid, which would allow people to park on it. Underneath the turf grid would be various layers of different sized gravel to filter and store runoff that falls onto parking space. Daniel Carr clarified that they only plan to use the turf grid, and do not plan to pave over the parking spaces as suggested in the comments from DEP. David Crossman noted that they are not increasing the amount of area that's being changed on the site, and by providing filters underneath, they are providing the stormwater. He noted that there has been no new development on the site since 1996, and that the site was fully developed prior to the Rivers Act. He further noted that they are allowed to not exceed the previous developed total; they can meet that or improve it by reducing it. They are reducing it a little, and improving that which is remaining. David noted this area is about 10,500 sq. ft. This is over the threshold for a brand new development, but as a "redevelopment," they are going to be below that. David noted that regarding DEP's comments about the barn, shading wouldn't have that much of an impact. They can provide shade tolerant vegetation, and are planning to clean up the area because there is a lot of the debris from the fallen down walls of foundation. He stated that they can provide a planting schedule and monitor for invasives. He questioned what types of monitoring reports would be needed, and how long would the Commission want the monitoring to last. Regarding the stormwater, he noted that they are not saying it's an improvement to the site to meet the "improving the site requirements," but rather they are saying there was zero stormwater previously, and they are now meeting the stormwater requirements. David further noted that they plan to put together a more defined landscaping plan for the next meeting, which will show how they're protecting the septic tank and the pump. They are not proposing to plant right on top of all the septic features. Tim Hess provided more details about the turf grid. He noted it is plastic in a vertical orientation with open cells, and their purpose is to stabilize the growth medium. It is not a horizontal plane of plastic. David Crossman noted that he included calculations in the report given during the last meeting, describing the maximum square footage that they could redevelop on the lot. There was 10,500 square feet of developed area in the lot prior to the Rivers Act. They are proposing to reduce that as much as they can, while improving the conditions that exist at the site. Chair Brian noted that a site visit will be scheduled prior to the next meeting, and that the parties should put together the planting plan, as well as their official answers to the DEP questions. Chair Brian made a motion to continue the public hearing for 711/713 Main Street until Tuesday, October 3rd 2023 at 7:10pm. Paal seconded, all unanimously, AYE. Roll call vote: JG, PB, BB, AYE.</p> |
| 9. | <p>Continued Notice of Intent – 580 Main Street - Map 4.C, Parcel 24 - Submitted by Jeffrey O'Neill on behalf of the property owner Bolton Office Park, LLC. No applicant or representative appeared at the hearing. The Commission is waiting for DEP comments and File No. Chair Brian made a motion to continue the public hearing for the 580 Main Street project until Tuesday, October 3rd 2023 at 7:20pm via Zoom. James seconded, all unanimously, AYE. Roll Call: JG, PB, BB, AYE</p> |

- 10. Administrative Review– 159 Ballville Road Map 4.A Parcel 5.0** - submitted by Kelly Cardoza of Avalon Consulting on behalf of the property owner Escalante - The International LLC, for proposed changes to the plans for renovation of the Pines Golf Course permitted under Order of Conditions No. 112-0724. Kelly Cardoza, Paul McManus of EcoTec, Inc., and Frank McPartland of Dillis and Roy were present, along with Steve Alden, the general manager at The International. Kelly noted that the Order was issued April 19, 2023, and the golf course is currently undergoing construction. The order was prepared to reduce the size of a 145-acre golf course down to 80 acres. The architect has identified a couple of areas where they would like to make changes. A letter was submitted as required under Special Condition 6 of the Order, which orders the applicant to ask the Conservation Commission in writing if those changes are substantial enough to require a new filing. Kelly noted that she had spoken with the Town Administrator and that he had indicated that the general feeling of the Conservation Commission was that they were asking for too many changes. Kelly further noted that she understood the Commission's thoughts, and she and Paul McManus met with the Club and encouraged them to limit their request to items that they need right now to keep the construction going, as well as to those that have a clear reduction in impact from what was originally proposed. They reduced their list to three items. First on the list was a modification to means and methods. The approved plans and narrative had included the removal of a concrete block wall, and installation of a cofferdam. They've now realized the blocks are not cemented together, so they would like to remove them by hand rather than have an excavator take them out. They would like to put in a turbidity curtain rather than putting in the cofferdam and dewatering. With the turbidity curtain, the blocks could then be removed by hand, put into a cart, and taken to an area outside the jurisdiction of the Conservation Commission for either reuse on site or disposal off site. They are asking the Commission to allow them to proceed without the requirement for the cofferdam, and to allow them to use a turbidity curtain instead. Paul McManus added that the turbidity curtain can be placed within a foot or two of the wall, and it is a weighted fabric designed to hang in the water and go to the bottom. He further noted that the cofferdam has a much bigger footprint than the turbidity curtain. Frank McPartland noted that there's not a specific detail for the turbidity curtain on the plan. It is a floating silt fence with flotation devices at the top, and the bottom is weighted. Chair Brian asked if once the wall was removed, if the pond was going to form a natural edge. Kelly replied that they would go back to exactly what was shown on the plans, which was a 3 to 1 slope and a series of natural plantings. Chair Brian noted that he appreciates that it would be hand removal rather than machinery, and that he has seen the turbidity curtains proposed, and it seems fine for what they are proposing to do. Paal noted that the turbidity curtain looks okay to him. Kelly began discussing the second proposed change and/or modification on Page C1.3 of the revised plans. Originally in the approved plans they had asked to do horizontal directional drilling because they didn't think they had enough ground cover. However, after construction began, they found there was 24" of cover. They plan to remove the irrigation pipe that is there. They are now asking to create an open trench to install a pipe rather than do horizontal directional drilling. There will be no grading changes from what was already approved by the Commission. Kelly further noted that the letter she had sent stated it would be a 3" pipe, but it's actually a 6" pipe. Because there is 24" of cover in the area, there would be about 18" of cover over the pipe once installed. They would like to complete this work in September or October if approved. Frank noted that they have erosion controls installed at the causeway, and the pipe would be installed within that limit of work. Paul noted that there are additional erosion controls and sediment traps within the limit of work, in addition to what they initially proposed. Kelly began discussing the third proposed change to run a water line. They had originally proposed that there would be a connection for the Clubhouse and other associated buildings to the Clinton public water supply, which would allow them to abandon Well 4. The DEP identified a number of concerns that they had about Well 3, particularly its age. The Club would like to connect the maintenance facility to the public water supply, allowing them to abandon Well 3. Kelly further noted that the original plan showed there would be a horizontal bore, which will remain. They would like to run the water line through an area that used to be a paved car path, which they are already removing, so there would be no change in grading. There is already erosion control in that area. There would be a new 4" pipe installed below the turf. Kelly noted that the proposal of the block wall removal, and the installation of the irrigation pipe produce a reduction of impact; and in the case of the water line, there would be no additional impact because the waterline would be underneath an area that is already being graded. Chair Brian noted that when discussing connecting to public water supplies and deadheading wells, his initial thoughts are that he prefers to see it as a new Notice of Intent, not as a field amendment. Kelly noted that The DEP conducted a sanitary survey. The process of connecting to the public water supply is a multi-year process, and they have been in contact with Clinton and the MWRA about doing so. They would like to put

the pipes in the ground now while they are currently performing construction on the golf course. Kelly further noted that since Well 3 is the oldest well on the property, they would like to connect it to the public water supply. They are proposing to extend the waterline. Kelly noted that within the Conservation Commission's jurisdiction, the water line would be about 200', but in total, the full length would be between 1000'-1400'. It would be used for drinking water, not irrigation water. The International uses about 18,000 gallons of water a day, and this particular water line would supply about 300 gallons of that 18,000 for the maintenance facility. Chair Brian noted that his concern was not with the amount of water going through, but with the disturbance of running the additional pipe, and including it as a field amendment instead of a separate filing. Kelly began discussing two additional proposed changes, the first being the removal of 5 additional trees at Hole 17. The removal of four trees was approved in the original Order. The 5 additional trees range in size from 11" to 28" DBH. They propose to cut the trees and leave the stumps to reduce the amount of impact to the ground. Tree limbs would be chipped into a truck, and transferred outside the area. The vegetation surrounding the stumps would not be removed, the area would be weed whacked once annually in the fall, and the area would not be irrigated. Chair Brian noted that he is comfortable with that as a field modification, as they are re-greening a lot of other areas. Kelly noted that the second additional proposed change is on Hole 15. It is currently maintained as turf, and they are proposing to replant it as turf grasses and irrigate it. No grading changes are proposed. Chair Brian and Jim Geraghty noted that they are comfortable with that as a proposed change. Kelly noted that she would submit a letter confirming which changes were administratively approved at the meeting. Chair Brian asked that Kelly also include a note in the letter mentioning the change from the 3" pipe to the 6" pipe. **Chair Brian made a roll call vote to approve the proposed field amendments for the renovation of the Pines Golf Course at The International, which were laid out in the letter from Avalon Consulting, of September 7, 2023, including the modification to means and methods of the block wall removal and renaturalization at Pond G; the modification to means and methods for the irrigation installation on Hole 14; the additional tree removal on Hole 17; the modification to limit of work on Hole 15; and the Commission does not agree to the addition of the public water supply line under the paved car path near Hole 1. Roll call vote: JG, BB, AYE. [PB, Abstain].**

11. Administrative Review– 472 Sugar Road - Map 6.D, Parcel 77.0 - *No applicant or representative appeared at the hearing. Chair Brian noted that he thought a construction schedule had been submitted for approval, as ordered by the Order of Conditions, but would confirm with the Town Hall at a later time.*

12. Chair Brian made a motion to adjourn the Tuesday, September 19th 2023 meeting of the Conservation Commission at 8:36 pm. Paal seconded, all unanimously, AYE. Roll call vote: JG, PB, BB, AYE.