



Bolton Conservation Commission Meeting Minutes



Date:	Tuesday, October 17th 2023
Time/Location	7:00 p.m. Zoom (remote participation)
Commissioners Present:	Chair Brian Berube, James Geraghty, Paal Brandvold
Guests:	Brandon Ducharme (David E. Ross Associates, Inc.), Matthew Marro (Matthew S. Marro Environmental Consulting), Tim Hess (Studio InSitu), Craig Bovaird, Brandon Carr (DiPrete Engineering), Jeffrey O'Neill
Next Meeting:	Tuesday, November 7th 2023 7:00pm via Zoom

- 1. Request for Determination of Applicability-22 West Berlin Road-Map 4.B Parcel 4 - Brandon Ducharme** from David E. Ross Associates, Inc. was present on behalf of Stephen Daly. Chair Brian opened by discussing the recent site visit, which he, James Geraghty and Paal Brandvold attended. Chair Brian noted that it seemed clear as to why the proposed new septic system, generator, and propane tank needed to be placed closer to the resource area, given that there are other utilities on the other side of the house. He noted he could see that they would be located on what is existing lawn and what will continue to be existing lawn, and that the erosion controls that are in place seem sufficient for what is being proposed. He suggested that the applicant demarcate the erosion control area on a permanent basis, with either a split rail fence, boulders, or conservation markers, so that the land beyond it goes into intermittent mowing associated with the abutting lands. Brandon noted that the plan is to keep maintaining the property as they currently are now. There is some lawn around the cottage, and the remainder is all hay, which they will continue to use on the property. Brandon continued to note that he is not opposed to doing some demarcation of the erosion control areas. Chair Brian also suggested that any stockpiling of materials, and any equipment that is on site be kept outside of the buffer zone to the extent practicable.

Chair Brian made a motion to close the public hearing for the 22 West Berlin Road project. Paal Seconded; all unanimously AYE. Roll Call: PB, JG, BB, AYE.

Chair Brian made a motion to issue a Negative 3 Determination for the Request for Determination of Applicability for 22 West Berlin Road with the conditions that stockpiling of materials or equipment used for the project be kept outside of the buffer zone and resource areas to the extent practicable, and that the area that is currently the erosion control area be permanently demarcated with something of the applicant's choosing, be it split rail fence, conservation markers, 2-ft. diameter boulders, or other barrier to distinguish the area that is to remain lawn with the land that will be part of intermittent mowing and/or haying with abutting lands. Paal seconded; all unanimously AYE. Roll Call: PB, JG, BB, AYE.
- 2. Minutes – Chair Brian made a motion to approve minutes from the October 3rd 2023 meeting. James seconded, all AYE. Roll call vote: PB, JG, BB, AYE.**
- 3. Discussion regarding FY24 Budget - Chair Brian gave a reminder that the FY24 budget is available for review.**

4.	Discussion regarding DRAFT Bylaw Regulation Revisions - Chair Brian gave a reminder to Commissioners to review 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.
5.	Notice of Intent – 0 Butternut Lane – Map 6.E Parcel 37 - DEP#112-0734 - The administrative assistant to the Conservation Agent noted that the applicant had submitted a request for a continuance of the hearing because they are currently waiting for plan updates from their engineer. Chair Brian made a motion to continue the public hearing for the 0 Butternut Lane project until the Tuesday, November 7th 2023 meeting of the conservation commission at 7:00pm via Zoom.
6.	Administrative Review - 31 Manor Road – DEPfile#112-0732 - Matthew Marro was present. Administrative Review for a request to change the name of the applicant on the NOI application. Chair Brian noted that he is an abutter to the 31 Manor Road property, and chose to abstain from the vote. He handed off the discussion to Co-Chair James Geraghty. Matt Marro noted that at the time when the NOI was submitted and an Order of Conditions was issued, it was assumed that James Ackroyd was the sole owner of the property, so when the Order was recorded and the Deed was examined by the Registry, it was found that Mr. Ackroyd’s wife, Lucia Ackroyd, and her partner, Robert Frost, are the owners of the property. He continued to note that the Town Administrator suggested that the Conservation Commission should vote to have the name changed, and that it does not change the project. James Geraghty made a Roll Call Vote for 31 Manor Road to change ownership from James Ackroyd to Lucia Ackroyd and Robert Frost. Roll Call: PB, JG, AYE. [BB, Abstain].
7.	Enforcement Order Update - 100 East End Road, 3 John Powers Lane, Century Mill Estates. Chair Brian noted that there are no updates for 100 East End Road or Century Mill Estates. He noted that a site visit had been performed at 3 John Powers Lane on October 4, 2023. He and James Geraghty attended the visit. He noted that the property owners removed everything that they were supposed to remove. They removed the majority of the crushed stone, and the path is naturalizing. He continued to note that not everything they planted took, but that it looks as though it hit the percentage of naturalization that they were looking for. There is a fence marking the end of the property, and it seems pretty clear that they have been leaving it alone and letting it renaturalize. The administrative assistant to the Conservation Agent noted that she would issue a letter to the property owners that they are now in compliance with the Enforcement Order.
8.	Continued Notice of Intent – 711/713 Main Street – DEP File#112-735. Tim Hess of InSitu Architects was present. Tim Hess had technical difficulties and was unable to speak with the Commission members about the project. Chair Brian gave an overview of the project status. He noted that a site visit had been performed by Commission members on 10/3/23 to review the most recent site plans, and that generally speaking they were comfortable with the plans. Any questions they had have been answered, and that all they were currently waiting on is getting a legal question answered by Town Counsel regarding riverfront redevelopment requirements. He continued to note that the applicants had submitted a letter to the Commission which explained how they planned to overcome some of the legal challenges, but that the Commission would need to speak with Town counsel to confirm that the applicants’ legal interpretations fit with current standards. Chair Brian noted that he spoke with Town counsel and that the applicants’ letter was also submitted to counsel, but that he was still waiting to hear back from counsel with a definitive answer. Chair Brian made a suggestion to either close the meeting and give an answer within 21 days, or to continue the meeting and hold the continuation at a special off-meeting before the next Conservation Committee meeting on November 7, 2023, in order to give time to receive feedback from counsel. Tim Hess typed in the chat that he would like to continue the hearing, and to hold an off-meeting if possible. Chair Brian made a motion to continue the public hearing for 711/713 Main Street until the next posted public hearing at the first available time slot. James seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.

9.	<p>Continued Notice of Intent – 580 Main Street - Map 4.C, Parcel 24 - DEP File#112-0736. <i>Submitted by Jeffrey O'Neill on behalf of the property owner Bolton Office Park, LLC. Brandon Carr of DiPrete Engineering and Jeffrey O'Neill were present. Jeffrey O'Neill noted that they have received the DEP File# 112-0736. Brandon noted that a letter dated 9/26/23 had been submitted to the Conservation Commission which contained their responses to comments from DEP. Chair Brian noted that he did not have any additional conditions listed other than what had been submitted.</i></p> <p>Chair Brian made a motion to close the public hearing for the 580 Main Street project. Paal seconded, all unanimously, AYE. Roll Call: PB, JG, BB, AYE</p> <p>Chair Brian made a motion to issue an Order of Conditions for 580 Main Street as drafted and submitted at the most recent hearing. Paal seconded, all unanimously, AYE. Roll Call: PB, JG, BB, AYE</p>
10.	<p>Request for Determination of Applicability - 95 Century Mill Road - Map 3.D Parcel 34. <i>Submitted by property owner, Lindsay Jarrett. Lindsay Jarrett was present. They are proposing to cut 9 trees around the perimeter of the house. Chair Brian noted that the majority of the trees they are proposing to cut are close to the road, far from the resource area. He mentioned that oftentimes the Conservation Commission will ask to have a percentage of the trees spiked, in this case maybe just one or two, which means they will kill the tree about 7 or 8 feet up and let it die as a snag tree. Lindsay noted that she would be open to having the white pine in the back of the house come down as a snag. She noted that they do not plan to grind any of the other stumps. Paal Brandvold inquired about the size and shape of the 9 trees. Lindsay noted that they are all white pines and oaks, and that the pines are all of similar maturity and the oaks are all double trunked. About 30-40 trees would still remain on the property after the removal of the 9 trees. The trees to the side of the house are in a side yard which is grassed over. Chair Brian noted that Lindsay may need to reach out to the public tree warden and DPW depending on how close to the road the trees in the front of the property are. Lindsay noted that the trees are about 10-15 feet from the road. Given the maps that Lindsay had submitted, the Committee feels comfortable moving forward without having a site visit.</i></p> <p>Chair Brian made a motion to close the public hearing for the 95 Century Mill Road project. Paal seconded, all unanimously, AYE. Roll Call: PB, JG, BB, AYE</p> <p>Chair Brian made a motion to issue a Negative 3 Determination for the Determination of Applicability for 95 Century Mill Road with the condition that the White Pine at the back end of the property furthest from the road be left as a snag, and that the remaining trees that were proposed to be removed not be stump ground. Paal seconded, all unanimously, AYE. Roll Call: PB, JG, BB, AYE</p>
11.	<p>Conservation Land updates</p> <p>Forest Legacy Project - <i>has been fully funded.</i></p> <p>Bolton Trails Connectivity Improvement Project: <i>Ongoing.</i></p> <p>Trail Stewardship Authorized Projects: <i>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.</i> <i>Vaughn Hill - re-route steep section with restoration work to include switchback</i> <i>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.</i> <i>Welch Pond – Trail extension to Sawyer Road</i> <i>BTC Extension – Trail from Horse Ring Field to Berlin Road</i></p> <p>Opportunity: Volunteer Land Steward position – <i>available</i> Conservation Commission – <i>available</i></p> <p>For all inquiries regarding these opportunities please contact the Conservation Agent, call 978-779-3304 or email rbucciaglia@townofbolton.com</p>

12.	Chair Brian made a motion to adjourn the Tuesday, October 17th 2023 meeting of the Bolton Conservation Commission at 7:58 pm. Jim seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.
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