



Bolton Conservation Commission Meeting Minutes



Date:	Tuesday, November 7th 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, Seth Donohoe (Dillis & Roy), David Russell, Tim Hess (Studio InSitu), Jonathan Mechlin, and Bruce Slater
Next Meeting:	Tuesday, November 21st 2023 7:00pm via Zoom

- Continued Notice of Intent – 0 Butternut Lane – Map 6.E Parcel 37 - DEP File #112-0734 - submitted by Goddard Consulting, LLC on behalf of Pamela Duggan. Tom Schutz of Goddard Consulting and property owner, Pamela Duggan, were present. Chair Brian noted that Goddard Consulting has submitted a revised plan, as requested by the Commission. Tom Schutz noted that the plan was amended to show areas of lawn and areas to be naturalized. The plan also gives a breakdown of areas of naturalization vs. the impact. They are impacting a total of 3,000 sq. ft., with no impervious impacts and will all be either lawn, grading, or retaining wall. They will be naturalizing a total of 11,204 sq. ft. Compared to the pervious buffer zone impact, they will be naturalizing 3.74 times more area on site than what will be impacted. Chair Brian noted that the areas that are to be naturalized will be intermittently mowed on the same mowing schedule as the abutting Town land parcels. He also noted that there had been discussion regarding memorializing the line between lawn area and naturalized area. James inquired about turning a section of the proposed naturalized area on the plan to lawn to create a walking path to the abutting property. Tom Schutz showed the Commission where the limit of lawn was adjusted on the revised plan to allow for crossing over between properties. Tom Schutz noted that the conservation seed mix they'll be using is the New England Wildlife and Conservation seed mix from the New England Wetland Plants, which will be consistent with the area's surrounding plants. Chair Brian made a motion to close the public hearing for 0 Butternut Lane. Paal seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.**
Chair Brian made a motion to issue an Order of Conditions for 0 Butternut Lane with the conditions that 1.) the line between maintained lawn and naturalized area be memorialized with some form of demarcation, be it split rail fence, solid fence, 2' diameter boulders, or conservation markers; 2.) the naturalized land outside of the maintained lawn be subject to intermittent mowing consistent with the mowing schedule of abutting properties; and 3.) a regionally appropriate conservation seed mix be used to overseed the naturalized areas. James seconded, all unanimously, AYE. Roll Call: PB, JG, BB, AYE

2. **Request for Determination of Applicability - 115 Wilder Road – Map 5.B Parcel 34 - Submitted by Dillis & Roy Civil Design Group, Inc. on behalf of the applicant, David Russell.** Seth Donohoe of Dillis & Roy, and David Russell were present. Seth Donohoe shared MassMapper's current orthophoto of the property on his screen. The property's driveway is connected to a larger common driveway. They are proposing to replace the existing gravel surface of the driveway with a paved surface, starting from where it leaves the common driveway up to the residence. There is about 3,200 sq. ft. of driveway they are proposing to replace. It is expected that the construction activity will be completed in 1-2 days. Seth noted that the current driveway has been subject to some erosion, with some of the gravel going towards the offsite wetland area. Chair Brian inquired whether this property was part of the larger development in that area. He noted that it was his understanding that when all of the houses were built, the pervious gravel driveways were part of the overall calculations for the entire housing development, and that the gravel driveways were part of the approval for the entire development as to how much land was going to be able to be disturbed in each site. Seth noted that this would be an in-kind replacement and he believes the resection would be on solely the common driveway, not the areas of driveway that branch off into individual lots. Chair Brian inquired whether they considered using pervious pavement. Seth confirmed they are proposing regular impervious pavement because pervious pavement requires ongoing maintenance. Paal inquired about whether other houses off the common driveway have paved driveways. Seth noted that another house on the map has a paved apron at their entrance, but he cannot comment otherwise as he has not recently driven up the common driveway. Paal noted that if the Commission approves this project, it will set the precedent that all other driveways could be approved, and inquired how that may impact the overall development. Seth noted that not all of the other driveways would be within 100' of the wetlands, so there are portions outside of the buffer zones. The bottom half of the driveway is located within the buffer zone of the BVW. James inquired whether a stormwater calculation was done when the properties were being built up, and whether all the driveways going up to the houses were included in that calculation, as opposed to just the common driveway. Chair Brian noted that he would like to do some research, as he is not sure whether there are any ongoing conditions. Seth believes that his office participated in the original permitting of the overall development, and he offered to give the Commission an executive summary of the documents. The applicant, David Russell, noted that there is a lot of silt runoff from the driveway into the wetlands, and potholes created during heavy rain, and that having a paved driveway could help stop the runoff. **Chair Brian made a motion to continue the public hearing for the 115 Wilder Road project until the Tuesday, November 21st 2023 meeting of the conservation commission at 7:00pm via Zoom. James seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.**
3. **Continued Notice of Intent – 711-713 Main Street – DEP File#112-735.** Tim Hess of InSitu Architects, and Craig Bovaird were present. Chair Brian noted that the applicant had submitted a revised plan. The applicant had submitted a letter stating the criteria for a riverfront redevelopment had been met, and the letter was sent to town counsel for review. Town counsel confirmed that the riverfront redevelopment criteria had been met for this project. However, town counsel mentioned that the Commission does not have jurisdiction to condition any work for this project that is proposed on town land until an easement from the town is received. Therefore, the Commission could not currently approve work regarding the parking spaces on town land, nor the bridge that would connect the parking lot to the property. Chair Brian noted that he spoke with the Town Administrator earlier in the day who stated that he had previously told the applicant that this project would need to go before the Select Board as well as a Town meeting. The Commission could then condition the proposed work on Town land once it was first approved by the Town. Tim Hess stated that he would like to move forward with voting on the private property portion of the project, and will go before the Town at a later date for approval for proposed work on town land. Chair Brian noted that if the applicant were to get approval from the Town, the Commission would allow them to submit the current plans as opposed to drawing up new plans. **Chair Brian made a motion to close the public hearing for 711-713 Main Street. Paal seconded, all AYE. Roll call vote: PB, JG, BB, AYE.**
Chair Brian made a motion to issue an Order of Conditions for 711-713 Main Street with the conditions that 1.) invasive species management be listed as an ongoing condition for property maintenance; and 2.) any areas on the submitted plan that are currently Town owned are not covered under this particular Order of Conditions. The Commission does not currently have jurisdiction over that area and cannot agree to any parts of this condition that mentions areas upon town owned land. James seconded, all AYE. Roll Call: PB, JG, BB, AYE

4.	Discussion regarding FY25 Budget - Chair Brian gave a reminder that the FY25 budget is available for review, and that the deadline for review will be coming up within the next couple of months. He requested that the Conservation Administrative Assistant find out the deadline date in order to have a more in depth discussion at the next Conservation Commission meeting.
5.	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.
6.	Minutes – Chair Brian made a motion to approve minutes from the October 17th 2023 meeting. James seconded, all AYE. Roll call vote: PB, JG, BB, AYE.
7.	Review of Plan Amendment - 38 Long Hill Road – Map 4.D Parcel 60 - DEP File #112-687 - submitted by Bruce Slater. Applicant requests a vote to deem an amendment in the Plan as an insubstantial change of the original Order of Conditions. The building contractor Jonathan Mechlin, and Bruce Slater were present. Jonathan noted that the scope of work has not changed at all, the house is exactly the same size and in exactly the same place as in the original plan. The house was well under construction, and last winter they had started on the septic system. Upon preparing the site, they found that the soil testing was highly inaccurate and the reason for this is because 50-60 years ago, the site was a gravel pit and the perimeter areas were reclaimed. So what looks to be quality gravel in the test pits, upon commencing installation, turned out to be false positives. And there is plenty of beautiful gravel but it was 8-9 feet deeper down through a mix of sub and top soil than was anticipated. When this was first discovered, Jonathan immediately brought up the situation to the Conservation Agent and she said that the scope of the project shall not be changed. The field has to be in the same place, but the grading will need to change because it will need to be 8 feet deeper than anticipated, which will move the field further from the buffer zone. Jonathan inquired whether this change would require an amended Order of Conditions or if it could be dealt with by field notes noted within the file upon completion of the work. Chair Brian noted that when there’s a minimal or necessary change, the Commission will allow changes to be made as field amendments, and require that it shows up on the final as-built. Chair Brian made a roll call vote to approve the field amendments for 38 Long Hill Road. Roll call vote: PB, JG, BB, all unanimously AYE.
8.	Conservation Land updates Forest Legacy Project - has been fully funded. Bolton Trails Connectivity Improvement Project: Ongoing. 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 Opportunity: Volunteer Land Steward position – available Conservation Commission – available For all inquiries regarding these opportunities please contact the Conservation Agent, call 978-779-3304 or email rbucciaglia@townofbolton.com
9.	Chair Brian made a motion to adjourn the Tuesday, November 7th 2023 meeting of the Bolton Conservation Commission at 8:05 pm. James seconded, all unanimously, AYE. Roll call vote: PB, JG, BB, AYE.