



Bolton Conservation Commission

Meeting Minutes



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| Date: | Tuesday, April 5 th 2022 |
| Time/Location | 7:00 p.m. Zoom (remote participation) |
| Commissioners Present: | Chair Brian Berube, William Payne, Gillian Glassanos, Lori Stephenson, Paal Branvold (Conservation Agent, Rebecca Longvall) |
| Guests: | Tracie & Mitchell Cahan (John Powers), Carol , David Burke, Randy Heglin (DPW), Peter Nesbeitt, Lacey Heffel |
| Next Meeting: | Tuesday, April 19 th 2022 7:00pm via Zoom |

- 1. Still River Road – Request for Determination of Applicability – culvert repair and installation of drop inlets all within Right of way associated with Route 100 Still River Road about 300’ then second location about 700’ from the Lancaster Town Line.**
Randy Heglin Director of Department of Public Works was present to provide a summary of the proposed work and review of the site. He also received a letter from NHESP stating the work was straight forward and not within an area of concern.
Chair Brian made a motion to close the public hearing regarding the RDA for Still River Road. Lori seconded, all unanimously, AYE.
Roll call vote: BB, WP, GG, LS, PB
Chair Brian made a motion to issue a negative 3 determination with the condition that the work will be inspected by the conservation agent pre and post construction. Lori Seconded, all unanimously AYE.
Roll call vote: BB, WP, GG, LS, PB
- 2. Enforcement Order – Forbush Mill Road (Crossing 1)**
Chair Brian made a motion to ratify the issued enforcement order for the temporary repair of roadway and remove debris from inlet side of culvert. Gillian Seconded, all unanimously AYE.
Roll call vote: BB, WP, GG, LS, PB
- 3. Minutes – Chair Brian made a motion to approve the minutes for the Public Meeting of the Conservation Commission March 15th 2022. William seconded, all approve except Paal due to being a new member and not present at the last meeting.**
Roll call vote: BB, WP, GG, LS, AYE, Paal Abstain
- 4. Notice of Intent – Lot 6 Meadow Road – DEPfile#112-0704**
The applicant’s representative Ryan Proctor and Jack Maloney of Dillis and Roy were present. The Chair provided a site visit summary. Ryan Proctor provided a summary of stormwater checklist and information requested by DEP, submitted to both the Commission and DEP CERO. The Commission expressed concern related to mitigation measures, runoff directed away from the vernal pool, and phasing of the project being constructed.
Chair Brian made a motion to close the public hearing for the Notice of Intent regarding the proposed project located at Lot 6 Meadow Road, Dep file# 112-0704. Gillian seconded, all unanimously, AYE.
Roll Call Vote: BB, WP, EW, GG, LS, AYE
Deliberation tabled until April 5th 2022

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| 5. | <p>Abbreviated Notice of Resource Area Delineation – 580 Main Street <i>Tom Schutz of Goddard Consulting was present on behalf of the applicant to provide a summary of submittal information and resource areas delineated on site. He highlighted the perennial stream, associated riparian areas, bordering vegetated wetlands, bank, isolated land subject to flooding, ponds related to stormwater. The Commission requested information or annotation specifying the Bylaw jurisdictional resource areas be incorporated into the plans. The Commission inquired about the created wetlands specific to the pond at the south east of the existing parking area. The applicant’s representative highlighted the most recent Order of Conditions 112-0701 referencing these areas. The Conservation Agent noted the purpose of that OOC was due the area not continuously being maintained and a recent violation occurred. This violation therefore directed the maintenance plan to be filed under the OOC referenced in this ANRAD describing the “ponds”. The Commission requested a site visit which the applicant’s representative was amendable to. The applicant’s representative was amendable to a continuation of the public hearing.</i></p> <p>Chair Brian made a motion to continue the public hearing under the Wetland Protection Act Chapter 131 Section 40 and associated regulations and under the Wetland Bylaw Chapter 233 for the ANRAD of 580 Main Street until April 19th 2022 at 7:30pm. William Seconded; all unanimously AYE Roll Call: BB, EW, LS, GG, WP</p> |
| 6. | <p>Request for Determination of Applicability – 189 Barehill Road – <i>Conservation Agent provided some history on the permit and the hydrologic connection discovery. The property owners were present to provide information on the proposed work and the existing site conditions. The limit of work is over a gravel and lawn area then around the single-family home is pasture land. The Commission inquired about the proximity to resource areas.</i></p> <p>Chair Brian made a motion to close the public hearing regarding the RDA for 189 Barehill Road. Lori seconded, all unanimously, AYE. Roll call vote: BB, WP, GG, LS, PB Chair Brian made a motion to issue a negative 3 determination with the conditions that 1) stockpiling of materials shall be limited to the driveway away from jurisdictional areas on site 2) construction shall take place at minimum outside of 95’ from the hydrologic connection. Gillian Seconded, all unanimously AYE. Roll call vote: BB, WP, GG, LS, PB</p> |
| 7. | <p>Vote - Notice of Intent – Lot 5 Meadow Road – DEP#112-0703 Chair Brian made a motion to issue the Order of Conditions as drafted and final revision of plan deliberated on at this meeting for the Notice of Intent regarding the proposed project located at Lot 5 Meadow Road, Dep file# 112-0703. William seconded, all AYE, Paal Abstain. Roll Call Vote: BB, WP, GG, LS, AYE PB Abstain</p> |
| 8. | <p>Vote - Notice of Intent – Lot 6 Meadow Road – DEP#112-0704 Chair Brian made a motion to issue the Order of Conditions as drafted and final revision of plan deliberated on at this meeting for the Notice of Intent regarding the proposed project located at Lot 6Meadow Road, Dep file# 112-0704. Lori seconded, all AYE, Paal Abstain. Roll Call Vote: BB, WP, GG, LS, AYE PB Abstain</p> |

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| 9. | <p>Update on Enforcement Order and related Actions – 3 John Powers Lane (Lot 4) - enforcement order issued for encroachment into Town owned open space and through multiple resource areas under the Wetland Protection Act and Local Wetland Bylaw.</p> <p>Conservation Agent provided an update on submittals received by March 31st 2022 (the given deadline) being the document regarding contracted work between David Burke Wetland Resource Specialist and the property owners Mitchell and Tracie Cahan of 3 John Powers Lane dated March 31st 2022 and received within the deadline provided. Conservation Agent reiterated while the fence removal and reinstalment outside of the commission’s jurisdictional area is being contracted by the property owner, other work listed in the document provided to the commission dated march 31st 2022 may initiate work to come into compliance. These items include removal of fill material, survey of vegetation to be restored among other items. The Commission inquired what the anticipated timeframe will be for completion of work. The Wetland Specialist reiterated work can begin on the items under the enforcement order and the property owner stated they will be meeting with Patriot Fence April 6th 2022. The Wetland Specialist noted the importance to have the relocation of the fence surveyed prior and marked in the field. The applicant stated the fence survey has been done. The Conservation Agent reiterated, that the current location of the fence (which shall be removed) in violation has been surveyed and on record with the commission. The area outside of the commission’s jurisdiction where the fence shall be relocated to, has yet to be received by the commission and should be surveyed prior if not yet completed. The agent and Wetland Specialist reiterated the existing stone wall as a helpful physical benchmark. The Wetland Specialist summarized his letter and reiterated action items which can occur concurrently as the property owners work to contract a fence company to remove the fence from jurisdictional resource areas under the Local Wetland Bylaw and Wetlands Protection Act.</p> <p>The Chair took a roll call vote to 1) require the property owner to submit the proof of contracted work with the fence company by noon on April 14th 2022 (per the local wetland bylaw regulations) which shall include a timeline by the Fence Company on anticipated completion, 2) authorize work to continue per the document provided by David Burke Wetland Resource Specialist dated March 31st 2022 under the enforcement order. An update shall be provided at the next Conservation Commission meeting on April 19th 2022 and review of materials submitted to date working toward coming into compliance. All were in agreement.</p> <p>Carol Hehir (3 john powers lane) inquired about jurisdictional area inspections throughout the development.</p> |
| 10. | <p>Vote – Consider issuance of Fines for expired order of conditions for Century Mill Estates 112-0526</p> <p>The Commission discussed the issuance of fines associated with the enforcement order of Century Mill Estates 112-0526 due to lack of response to notices of violation, enforcement order, and outstanding work in noncompliance on site. The Commission determined it is necessary to issue fines at this time. The Commission tabled the vote until next meeting to allocate more time for members to review the expired Order of Conditions.</p> <p>Commission members expressed the long-standing project, with continued violations, continued states of noncompliance and related difficulty contacting the applicant. There is no Wetland Scientist on record at this time supporting the project, outstanding items have been requested by the applicant to provide information on in detail. No new information has been received. The applicant due to the expired order now shall file a new Notice of Intent for all work in order to come back into compliance as stated within the Enforcement Order.</p> |

11. **Conservation Property Updates:** Maintenance and management items

Discussion - Bowers Spring Conservation Area – review of Earthen Dam Assessment by GZA; maintenance and management priorities - *conservation agent waiting estimated cost of project related items*

Earth Day Week and Arbor Day Events:

- Week long (April 18th – 22nd) Trail/Town Wide Clean up
- Friday, April 22nd 1pm STEM & reading at Bolton Public Library
- Thursday, April 21st Trail Work Day
- Tuesday, April 19th 12pm Guided Trail Walk Powder house Conservation Area

MVP Program

Current FY21-FY22: Nashua River Communities Resilient Lands Management Project

<https://climateresilient.wixsite.com/nashuariver>

Opportunity: Volunteer Land Steward position

For all inquiries regarding this position please contact the Conservation Agent, call 978-779-3304 or email rlongvall@townofbolton.com

MVP Program

Current FY21-FY22: Nashua River Communities Resilient Lands Management Project

Community members interested in learning more or interested in participating in this project please contact the Conservation Agent.

<https://climateresilient.wixsite.com/nashuariver>

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12. **Chair Brian made a motion to adjourn the public meeting of the Conservation Commission Tuesday, April 5th 2022. Paal seconded; all unanimously AYE. Roll Call Vote: WP, BB, GG, PB, LS, AYE**