



# Bolton Conservation Commission

## Meeting Minutes



<b>Date:</b>	Tuesday, May 3 <sup>rd</sup> 2022
<b>Time/Location</b>	7:00 p.m. Zoom (remote participation)
<b>Commissioners Present:</b>	Chair Brian Berube, Emily Winner, William Payne, Lori Stephenson, Gillian Glassanos, Paal Branvold (Conservation Agent, Rebecca Longvall)
<b>Guests:</b>	Tim Hess (Studio Insitu), Craig Bouvaird (711 Main), Tom Schutz (Goddard Consulting), Tony Schutze, Peter Nesbeitt
<b>Next Meeting:</b>	Tuesday, May 17 <sup>th</sup> 2022 7:00pm via Zoom

- 1. Request for Determination of Applicability – 711/713 Main Street** – *proposed two story addition and renovations*  
*Tim Hess of Studio Insitu present to provide a summary of the proposed project. The proposed project is referred to as “Phase I” consisting of 1) removing the existing bulkhead, 2) install raingardens to accommodate and capture rainwater from the roofline, 3) add second story above the existing footprint of the first floor, 4) Gutter system installation to capture runoff and replace balcony, 5) Rebuild pergol/porch structure and include gutters, these proposed addition and renovations shall also be accompanied by appropriate erosion and sediment controls. The Conservation Commission expressed concerns related to the proximity to resource areas, limit of work, review of delineation, and requested a site visit. The commission also requested the applicant to present the total square footage already altered within Riverfront area, and the proposed additional square footage proposed to be altered. Applicant Craig Bouvaird was present to provide insights on the property and proposed project. Tim and Craig were amenable to a continuation to coordinate a site visit with their wetland scientist and the commission before the next meeting.*  
*Tim inquired about a demolition permit for the barn, the Commission expressed that is not on the agenda for this evening. He further inquired regarding a letter from the building inspector that the agent received on Monday. She stated she would be happy to put it on the agenda for the upcoming meeting to be discussed. The Commission polled to relay that the applicant should file a Notice of Intent separately for the demolition of the barn due to the condition and the proximity to resource area; directly over the perennial stream. Tim also brought up future project goals of changing impervious areas to pervious, the Commission expressed that is not on the agenda for this evening and therefore cannot be considered as part of this filing/hearing process at this time. Commission members also relayed why not make the barn part of this Phase I project. The Conservation Agent reiterated the purpose of an RDA and that the commission has the ability to determine that an NOI is still necessary, at which time the applicant could incorporate the barn demolition into that Notice of Intent. The applicant confirmed they were comfortable with the RDA as submitted at this time. The commission requested the site visit and a continuation.*  
**Chair Brian made a motion to continue the public hearing specific to the request for the Request for Determination of Applicability for 711 713 Main Street until May 17<sup>th</sup> 2022 at 7:00pm. Lori seconded; all unanimously AYE.**  
**Roll call vote: BB, GG, WP, EW, LS, PB**

**2. Abbreviated Notice of Resource Area Delineation – 580 Main Street – 112-0701**

*Tom Schutz of Goddard Consulting, representing the applicant provided a summary of the site visit earlier in the day where commission members and the Conservation Agent were present. Commission members inquired about the beaver dam, ponded areas, perennial stream channel(s). Tom noted the Stormwater areas stating they were non jurisdictional and referenced depfile#112-0701 project. The Conservation Agent clarified for the applicant's representative and those present, the commission explicitly did not establish jurisdiction or extent of jurisdiction on these areas under the filing. The purpose for that NOI was to address a violation and issued enforcement order. The order allows for access to the weirs and maintenance of those weirs constructed prior to 1996. The Order of Conditions issued under that file number explicitly establishes this area as a created wetland for stormwater (directly from the property owners) and incorporated into the document, again in three specific lines of this document it explicitly states*

*“No Resource Area boundaries shown on plans submitted with this Notice of Intent that may fall under the jurisdiction of the conservation commission, shall be defined as part of this permit.*

*No Resource Areas and their extent on site are confirmed as part of this permit.*

*The property owner shall submit an Abbreviated Notice of Resource Area Delineation for consideration, to the conservation commission every three years to ensure the most up to date delineation exists.” it further explicitly establishes areas needing further review, and items highlighted on site needing further justification to the commission. Therefore, the commission has yet to determine and delineate jurisdictional areas and will do so as part of this ANRAD filing.*

*Conservation Agent further at the Chair's consent read into record the DEPfile# 112-0707 regarding this ANRAD process and associated comments from DEP. Commission members clarified the importance of ensuring an accurate delineation and implications on jurisdiction on site. Commission members requested a peer review/outside consultant as permitted under Massachusetts General Law Chapter 44 Section 53G , and authorize the conservation agent to coordinate this effort for the commission for the peer review of the Abbreviated Notice of Resource Area Delineation for 580 Main Street Bolton Massachusetts, specifically the south west and south east portions of the site as discussed this evening including but not limited to; Bordering vegetated wetlands, bordering land subject to flooding, mean annual high water, riverfront areas. The cost of said peer review shall be required of the applicant pursuant to affordances under MGL Ch 44 Sec. 53G. A memorandum will be sent to the applicant relaying this requirement by the commission. The applicant's representative authorized the continuation until the next meeting of the conservation commission and peer review.*

**Chair Brian made a motion to continue the ANRAD under the Wetland Protection Act Chapter 131 Section 40 and associated regulations and under the Wetland Bylaw Chapter 233 for 580 Main Street until May 17<sup>th</sup> 2022 at 7:15pm. Emily Seconded; all unanimously AYE**

**Roll Call: BB, GG, EW, LS, WP, PB**

*\*Conservation Agent will coordinate with the applicant regarding request for payment and peer reviewer\**

3.	<p><b>Notice of Intent – Vaughn Hills Conservation Area – DEPfile# 112-0710</b></p> <p><i>Conservation Agent provided a summary of the proposed work to replace and/or repair crossings. She provided a summary of the Volunteer Bolton Trails Committee presentation regarding locations and materials proposed. The Conservation Agent clarified that not all areas may be suitable for the FRP material proposed as it is not an accessible route due to width and terrain. No trees are proposed for removal as part of this proposal. Tony Schutze was present to inquire about the width of the crossing with a railing and if it would accommodate a horse. Conservation Agent specified that the Volunteer Bolton Trails Committee had equestrian use in mind when proposing these repairs/replacements. The Conservation Commission does not specify use throughout Conservation Properties beyond “passive recreation” as required, unless otherwise noted that there are further restrictions or allowances on a particular conservation restriction that is explicit in the deed. Tony also inquired about use of a route through private property around the beaver pond. The Conservation Agent relayed the commission cannot carry out work on private land unless private property owners provide written permission prior. All orders of conditions establish that all other permissions, authorizations and permits are required prior to start of work for this exact reason. The Commission inquired about footings, materials, and where items would be manufactured.</i></p> <p><b>Chair Brian made a motion to close the public hearing specific to the replacement and repair of crossings located within the Vaughn Hills Conservation Area as specified within the Notice of Intent. Emily Seconded, all unanimously AYE.</b></p> <p><b>Roll call vote: BB, GG, WP, EW, LS, PB</b></p> <p><b>Chair Brian made a motion to issue an Order of Conditions as drafted with the following amendments:</b></p> <ol style="list-style-type: none"> <li><b>1) Materials to be used shall be wood or Fiberglass Reinforced Polymer System as requested.</b></li> <li><b>2) Any required footings shall be helical pilings or posts as requested by DEP via correspondence with agent.</b></li> <li><b>3) Materials shall be manufactured off site and transported on to site within project area.</b></li> </ol> <p><b>Emily Seconded, all unanimously AYE.</b></p> <p><b>Roll call vote: BB, EW, WP, GG, LS, PB</b></p>
4.	<p><b>Notice of Intent – Annie Moore Conservation Area – DEPfile# 112-0708</b></p> <p><i>Conservation Agent provided a summary of the proposed work to replace and/or repair crossings. She provided a summary of the Volunteer Bolton Trails Committee presentation regarding locations and materials proposed. The Conservation Agent clarified that not all areas may be suitable for the FRP material proposed as it is not an accessible route due to width and terrain. The Commission inquired about footings, materials, and where items would be manufactured.</i></p> <p><b>Chair Brian made a motion to close the public hearing specific to the replacement and repair of crossings located within the Annie Moore Conservation Area as specified within the Notice of Intent. Emily Seconded, all unanimously AYE.</b></p> <p><b>Roll call vote: BB, GG, WP, EW, LS, PB</b></p> <p><b>Chair Brian made a motion to issue an Order of Conditions as drafted with the following amendments:</b></p> <ol style="list-style-type: none"> <li><b>1) Materials to be used shall be wood or Fiberglass Reinforced Polymer System as requested.</b></li> <li><b>2) Any required footings shall be helical pilings or posts as requested by DEP via correspondence with agent.</b></li> <li><b>3) Materials shall be manufactured off site and transported on to site within project area.</b></li> </ol> <p><b>Emily Seconded, all unanimously AYE.</b></p> <p><b>Roll call vote: BB, EW, WP, GG, LS, PB</b></p>

5.	<p><b>Notice of Intent – Vinger Venable Conservation Area – DEPfile# 112-0709</b>  <i>Conservation Agent provided a summary of the proposed work to replace and/or repair crossings. She provided a summary of the Volunteer Bolton Trails Committee presentation regarding locations and materials proposed. The Conservation Agent clarified that not all areas may be suitable for the FRP material proposed as it is not an accessible route due to width and terrain. No trees are proposed for removal as part of this proposal. Tony Schutze was present to inquire about why the crossing was needing to be replaced. The Conservation Agent relayed the commission cannot carry out work on private land unless private property owners provide written permission prior. All orders of conditions establish that all other permissions, authorizations and permits are required prior to start of work for this exact reason. She also expressed the request at this location is to add an additional crossing about 100' from the existing crossing to accommodate other users (with equestrian use in mind). The Commission inquired about footings, materials, and where items would be manufactured, the location of the existing route. There shall not be new additional crossing and subject trail segment, rather the existing crossing may be repaired and replaced as necessary.</i></p> <p><b>Chair Brian made a motion to close the public hearing specific to the replacement and repair of crossing within the existing footprint of the existing crossing and trail located within the Vinger Venable Conservation Area. Paal Seconded, all unanimously AYE.</b></p> <p><b>Roll call vote: BB, GG, WP, EW, LS, PB</b></p> <p><b>Chair Brian made a motion to issue an Order of Conditions as drafted with the following amendments:</b></p> <ol style="list-style-type: none"> <li>1) <b>Materials to be used shall be wood or Fiberglass Reinforced Polymer System as requested.</b></li> <li>2) <b>Any required footings shall be helical pilings or posts as requested by DEP via correspondence with agent.</b></li> <li>3) <b>Materials shall be manufactured off site and transported on to site within project area.</b></li> <li>4) <b>The current trail location/route shall be maintained and an additional crossing shall not be constructed in a new location.</b></li> </ol> <p><b>EW Seconded, all unanimously AYE.</b></p> <p><b>Roll call vote: BB, EW, WP, GG, LS, PB</b></p>
6.	<p><b>Request for Certificate of Compliance – 580 Main Street – DEPfile# 112-0701</b>  <i>Conservation Agent provided a summary of the completed work, report from Scott Smyers (Oxbow Associates). Jeffrey O'Neill was present as the applicant.</i></p> <p><b>Chair Brian made a motion to issue the Certificate of Compliance as drafted with ongoing conditions regarding the Operation and Maintenance permitted for the property located at 580 Main Street and work associated with DEPfile# 112-0701. Lori Seconded, all unanimously AYE.</b></p> <p><b>Roll call vote: BB, GG, WP, EW, LS, PB</b></p>
7.	<p><b>Minutes – Chair Brian made a motion to approve the minutes for the public meeting of April 19<sup>th</sup> 2022 of the Conservation Commission. William Seconded, all unanimously AYE.</b></p> <p><b>Roll call vote: BB, GG, WP, EW, LS, PB</b></p>

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

**Trail Work Day: May 5<sup>th</sup> 2022** *Century Mill Estates Open Space from Century Mill Road*

**Guided Trail Walk** *Tuesday May 24<sup>th</sup> 2022 at 12pm Vaughn Hills Conservation Area*

**Update** *Enforcement related to John Powers Lane*

*Conservation Agent provided update from 3 John Powers Lane hired wetland resource specialist David Burke. She further reiterated the work regarding the fence, according to the contract submitted to the commission as proof working toward compliance, shall begin the first week of May. Therefore, it is anticipated by the May 12<sup>th</sup> 2022 submittal deadline for information to be considered at the next meeting there should be a substantial update on alterations removed from jurisdictional areas. The Commission further requires the property owner or their contracted party to submit an update by Thursday May 12<sup>th</sup> 2022 by 12pm. An update shall be submitted showing substantial work towards compliance by Thursday, May 12<sup>th</sup> 2022 by 12pm to the Conservation Agent.*

**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](mailto:rlongvall@townofbolton.com)

9. **Chair Emily made a motion to adjourn the public meeting of the Conservation Commission Tuesday, May 3<sup>rd</sup> 2022 at 9:45pm. William seconded; all unanimously AYE.**  
**Roll Call Vote: BB, GG, WP, EW, PB, LS, AYE**