



Bolton Conservation Commission

Meeting Minutes



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| Date: | Tuesday, June 7 th 2022 |
| Time/Location | 7:00 p.m. Zoom (remote participation) |
| Commissioners Present: | Chair Brian Berube, Paal Branvold, Lori Stephenson, Gillian Glassanos, (Conservation Agent, Rebecca Longvall) |
| Guests: | Tim Hess (Studio Insitu), Craig Bouvaird (711 Main), Peter & Ina Chien (John Powers Lane), Carol Hehir (John Powers Lane), Mitchell Cahan, Lynn Dischler (Bolton Local), Lisa Shepple (Parks and Recreation) |
| Next Meeting: | Tuesday, June 21 st 2022 7:00pm via Zoom |

- 1. Request for Determination of Applicability – 711/713 Main Street –** Chair Brian provided an update. The applicant had physically marked the extent of proposed alterations in the field and commission members visited the site on their own time. Tim Hess of Studio Insitu and property owner Craig Bovaird were present. Commission members inquired about the size of the rain garden, capacity to infiltrate or retain stormwater, and emergency overflow. Tim stated the rate and volume that the raingardens are designed for along with an additional rain barrel like structure that will capture stormwater on site to be used for landscaping. The overflow area was not yet defined on the plans. The commission further expressed concern about the raingarden being designed for a “frequent light rain” as expressed by the applicant’s representative, understanding current observed and projected precipitation trends the stormwater infrastructure including the raingarden shall be designed to accommodate more than “light rain” and rather our seemingly more typical short, high volume, extreme rain events. The Commission was further concerned about impacts from those rain events that have been occurring more frequently, associated erosion, and impact as the current overflow would be directed toward the resource area due to site limitations. Tim highlighted the gardens could act as overflow and create a slightly lower elevation to allow the area to infiltrate. Commission members inquired about stockpiling materials, Limit of work, and any machinery and pattern of travel across the resource area. Tim stated the stockpiling shall occur to the North of the building and he is not clear on means and methods at this time. The Commission suggested he reach out to contractors to understand whether machinery was necessary or not for the proposed work. Conservation Agent read the following Riverfront Area totals into the record as provided by Nick King of Studio Insitu via email correspondence: “1. The total square footage of Riverfront Area on site--- a. Inner 100’= 9,625 sf, b. Outer 100’=1,970 sf. There is no area on the lot outside of the Riverfront Area. 2. Existing alteration is tough to say, but my estimate is below. Practically the entire lot had been previously altered. I said the tiny strip of land on the lot behind the fence was unaltered, along with a small section of the northern corner of the lot. a. Inner 100’=9,093 sf, b. Outer 100’=1,922 sf. 3. Proposed alteration (this is just work on the first phase, only the renovation of the ‘right’ building (if looking at the site from Main Street). All proposed work is within previously altered area. a. Inner 100’=1,107 sf, b. Outer 100’= 951 sf” She reiterated the commission’s concerns and the purpose of the RDA form along with the commission needing to determine whether or not this constitutes redevelopment, etc. Chair requested updated plans with more detail to explicitly incorporate erosion controls, runoff attenuation within the rain gardens with overflow as discussed at this meeting, Limit of Work, and to keep work outside of the 25’ no-disturb area on site. Chair Brian polled the commission who were comfortable continuing with the RDA process for this project but require the plans as described. The applicant was agreeable to 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 June 21st 2022 at 7:30pm. Paal seconded; all unanimously AYE. Roll call vote: BB, GG, PB, LS

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| 2. | <p>Abbreviated Notice of Resource Area Delineation – 580 Main Street – 112-0707</p> <p><i>Conservation Agent provided a summary to the commission that the peer review funds from the applicant have been received and contracts are being finalized with the peer reviewer. The applicant has made a request to continue until June 21st 2022 for the peer review to be conducted.</i></p> <p>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 June 21st 2022 at 7:45pm. Gillian Seconded; all unanimously AYE</p> <p>Roll Call: BB, GG, LS, PB</p> |
| 3. | <p>Minutes – Chair Brian made a motion to approve the minutes for the public meeting of April 5th 2022, May 17th 2022 of the Conservation Commission. Lori Seconded, all AYE, Paal Abstain.</p> <p>Roll call vote: BB, GG, LS AYE, PB Abstain</p> |
| 4. | <p>Re-organization of Commission <i>Chair Brian nominated Gillian Glassanos for Vice Chair until June 30th. Lori seconded, all unanimously AYE.</i></p> <p>Roll call vote: BB, GG, LS, PB AYE</p> |
| 5. | <p>Request for Determination of Applicability - Pollinator Learning Garden at Pond Park</p> <p><i>Brian recused himself from the hearing item.</i></p> <p><i>Lynn Dischler and Lisa Sheppple were present to address questions of the commission and provide a summary. Conservation agent further expressed jurisdictional areas on site and a summary from last meeting. The Pollinator Learning Garden to be installed at pond park will be towards the outer portion of the floodplain that is currently maintained as lawn and periodically flooded for skating in the winter. No fill or additional soils will be brought in, no soils will be removed from the site, rather composted in place. Only native herbaceous and shrubs shall be planted within the garden area and a possible temporary fence may be necessary to allow the plantings to establish. Signage will also be installed to provide information on the public and afford a learning opportunity about the nature-based solution. Mulch may be utilized to stunt weed growth within the garden as necessary. A portion of the project shall also include invasive species management. The Commission suggested Facultative species or species that may adapt well to higher water levels when the floodplain is faced with accommodating higher volume precipitation.</i></p> <p>Vice Chair Gillian made a motion to close the public hearing under the Wetland Protection Act Chapter 131 Section 40 and associated regulations and under the Wetland Bylaw Chapter 233 for Pollinator Garden at Pond Park. Lori seconded; all unanimously AYE.</p> <p>Roll Call: GG, LS, PB</p> <p>Vice Chair Gillian made a motion to issue a negative 3 determination with the following conditions:</p> <ol style="list-style-type: none">1) Only native species shall be planted within the pollinator garden limit of work.2) No permanent fences shall be erected.3) No wetland species shall be disturbed, removed, or altered.4) Invasive species removal shall occur within the upland areas only. <p>for the proposed Pollinator Garden at Pond Park. Lori seconded; all unanimously AYE.</p> <p>Roll Call: GG, LS, PB</p> |
| 6. | <p>Request for Certificate of Compliance – 703 Main Street</p> <p><i>Conservation Agent conducted a site visit and provided a summary to the commission.</i></p> <p>Chair Brian made a motion to issue a Certificate of Compliance under the Wetland Protection Act Chapter 131 Section 40 and associated regulations and under the Wetland Bylaw Chapter 233 for 703 Main Street. Gillian seconded; all unanimously AYE.</p> <p>Roll Call: GG, LS, PB, BB</p> |
| 7. | <p>Vote <i>Chair Brian provided a summary of the OSRP and the importance of having an updated plan. Conservation Agent reiterated and additionally stated that the Action Plan within the document directs her projects and actions over the course of 7 years as well.</i></p> <p>Chair Brian made a motion to authorize and support the formation of an Open Space and Recreation Steering Committee for the sole purpose of updating the Open Space and Recreation Plan. Gillian seconded; all unanimously AYE.</p> <p>Roll Call: GG, LS, PB, BB</p> |

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| 8. | <p>Discussion <i>Conservation Agent provided a summary of a request from the volunteers of the Bolton Trails Committee to utilize wood chips at the location of goose pond path trail where there is a steep slope (as discussed and depicted in submitted images). Andrew Schaubhut and Gordon Taylor of the Bolton Trails Committee were present to address questions from the commission.</i></p> <p>Chair Brian polled the commission to authorize use of woodchips in the area annotated on the images submitted to the commission and discussed at this evening’s meeting on goose pond path trail. All AYE</p> <p>Roll Call Vote: BB, GG, PB, LS</p> |
| 9. | <p>Events on Conservation Land Policy/Permit <i>Conservation Agent provided the commission with an updated draft. Also incorporating shared resources from other towns and their policies. This will be tabled until next meeting to gain insight from other Town Staff.</i></p> <p>Request from Photographer to utilize conservation land. Tabled until next meeting.</p> |

10. Conservation Property Updates: Maintenance and management items

Guided Trail Walk Tuesday May 24th 2022 at 3pm Vaughn Hills Conservation Area from woodside drive

Update Enforcement related to John Powers Lane

Conservation Agent provided update from 3 John Powers Lane and from wetland resource specialist David Burke. The fence has been removed from the resource area and the pathway is in the process of being removed. She highlighted remaining items that are being addressed by the applicant being overseeding the pathway, providing erosion and sediment controls to control erosion and sediments migrating into the resource areas from the current fenced area. She reiterated the ask of the commission this evening is to 1) establish a timeline/deadlines for remaining actions to bring property into compliance, 2) establish whether or not the commission will still require the removal of the concrete footing with remaining metal post from resource area, 3) establish timeline for the seed mix from New England Wetland Plants to be planted. Conservation Agent read the Site Visit report of June 6th 2022 and related action items into the record. Commission members inquired about the location of the posts within the resource area. The applicant and resource specialist at the site visit expressed concerns about potential further impacts to the resource area if the concrete footings and metal post are removed. Conservation Agent expressed concern related to "fill" being left within the resource area in the form of concrete and metal post. Commission members expressed the ability of the applicant to remove the footings with posts that remain within the resource area either by manual removal with shovels and prybar or mechanical removal by pulling out with a small backhoe or similar equipment that shall remain on the pathway to the largest extent possible. Carol Hehir of 3 John Powers Lane provided comment regarding that there was no intention on doing anything negative to the conservation of the property. She highlighted her report of abutting neighbors and concerns related to potential violations on their properties. Conservation Agent stated she has followed up on these reports and will be addressing relative items as necessary. Mitchell Cahan of 3 John Powers Lane echoed Carol's statement and why the other concerns have not been placed on the agenda. The Chair clarified it is not on the agenda and does not always rise to that action. Mitchell expressed concerns related to stormwater runoff and associated drainage that he is reported are caused by the direct abutters located at 5 John Powers Lane and 4 John Powers Lane. He has concerns about the entire development and runoff related to alterations that may cause runoff to be focused on their hill/lot. Mitchell stated concerns related to the 4-8 fence concrete and metal posts if removed, vs just letting them remain and become filled over. Chair Brian inquired about what a reasonable timeline would be for the action items relayed this evening. Conservation Agent stated about a month would be appropriate for the raking of the pathway to reduce compaction of soil, seeding, removal of gravel material, and removal of posts with footings. Commission member inquired about the method for removal and what may be used as fill within the open post hole. Chair Brian suggested clean fill or naturalize area around it. Conservation Agent stated her concerns related to the concept of leaving fill within a resource area, this is an introduced material within a resource area. The Commission would be considering allowing alteration and fill within a resource area (if not requiring removal of the footings and post), she relayed that the commission requires all other sites to have clean fill without concrete, brick, metals, glass etc. Commission member inquired about the ability to remove with a small back hoe or chain, and relayed no issue with a small or mini back hoe or similar equipment to pull right out. She further suggested to carry out the work in dry weather to reduce the impact. Chair Brian highlighted that the commission does not allow this, and should not allow the material to remain within the resource area. Therefore, he would encourage the removal of the posts and footings. Commission members agree. Chair Brian stated the action items suggested within the site visit report and described this evening are appropriate.

Chair Brian authorized related activities and required the set timeline for the removal of the post holes and concrete footing, raked material, removal of gravel, removal of sediment, erosion controls installed, and seeding, as described within the site visit report. The timeline in which remaining action items identified shall be completed (6 weeks from today) shall be July 21st 2022. Lori inquired about the seed mix and when to plant, Chair Brian stated if everything is moving forward 6 weeks from now, and want to hold off until spring for the seeding due to potential expressed best practices from New England Wetland Plants Inc. due to species of seed utilized, the commission may entertain an extension to fall for the seeding portion only. All Commission members Authorize and Agree. Mitchell Cahan inquired further if the commission had any comment relative to this comment regarding the entire subdivision and related drainage infrastructure. Chair Brian stated that is not on the

agenda at this time therefore it cannot be discussed at tonight's agenda. Chair Brian stated he would follow up with the Conservation Agent. Mitchell requested that it be placed on the agenda if it is determined to be eligible as an agenda item. Chair Brian noted that they notify everyone as agendas are posted. Conservation Agent stated if the Chair so chooses, she will add to an upcoming agenda relative to an update on jurisdictional items. She further expressed if they were interested there is additional information about the subdivision on the town website under the planning department, who may be able to provide further information regarding the subdivision as a whole from her jurisdiction. Mitchell expressed concerns related to conservation jurisdiction and related regulations to never be altered even if something is closed out. Conservation Agent again highlighted and clarified that the comment about the documents available on the town website was noted for additional information for the applicant and unrelated to the commission's jurisdiction.

Bowers Spring – two barrels are in place at bowers for an additional week to see progress on dog waste issue.

MVP Program

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

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

Event: Project Open House (outdoors) Wednesday, **June 8th 2022 from 6-8pm** at Central Park in Clinton.

*If raining we will be inside the Museum of Russian Icons. This is a stop in event, children's activities will be part of this event, food will be available.

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

11. **Chair Emily made a motion to adjourn the public meeting of the Conservation Commission Tuesday, June 7th 2022. Lori seconded; all unanimously AYE. Roll Call Vote: BB, GG, PB, LS, AYE**