



Bolton Conservation Commission

Meeting Minutes



Date:	Tuesday, February 1 st 2022
Time/Location	7:00 p.m. Zoom (remote participation)
Commissioners Present:	Chair Brian Berube, William Payne, Gillian Glassanos, (Conservation Agent, Rebecca Longvall)
Guests:	Seth Donohoe (Dillis & Roy), Richard Davis, Rachel Watsky, Dean Charter, Paal Brandvold, Bob Martel, Scott Hayes, Jim Geraghty
Next Meeting:	Tuesday, February 15 th 2022 7:00pm via Zoom

- 1. Request for Extension OOC Still River Road – DEP File# 112-0636**
The applicant's representative provided an overview and explicitly clarified that the OOC extension is for the single-family home associated with DEP file #112-0636. Additionally, the representative also highlighted that this project and parcel are subject to NHESP conditions. He further highlighted the current site conditions; installed erosion controls, limit of work, grading, supplemental erosion controls stockpiled on site, DEP# sign in place, and the well installation has been completed. The Conservation Agent highlighted the Wetland Bylaw only allows for extensions to be considered for a one-year period. Commission members inquired about the original permitting of the project and provided a summary to those who were not yet on the commission. Members inquired further to clarify components on the plan in association with the project including septic placement and the split rail fence. The meeting item was opened to public comment, Bob Martel of Vaughn hill was present to inquire about construction hours on site. The conservation agent suggested he contact the building department as there are no restrictions explicitly incorporated into the OOC therefore the commission does not have jurisdiction over the day of the week or day specific to timing outside of what is included in the OOC and NHESP conditions.
Chair Brian made a motion to issue an extension for up to one year for the Wetland Bylaw and WPA OOC associated with DEP file# 112 - 0636 for the construction of a single-family house, well, driveway, and septic system. Gillian seconded, all unanimously, AYE.
Roll Call Vote: BB, WP, GG AYE
- 2. Minutes –** Chair Brian made a motion to accept the minutes as drafted for the public meeting of January 18th 2022. Gillian second; all unanimously approve. **Roll Call Vote: BB, WP, GG AYE**
- 3. Vote - Notice of Intent – Taggart Forestland (off of Forbush Mill Road) – Trail Head improvements: installation of 1-2 gravel parking spaces along southern side of Forbush Mill Road and installation of a new trail crossing for passive recreation access into the property**
Conservation Agent provided a summary of the proposed project and drafted conditions to the conservation commission. There was no one from the public to comment.
Chair Brian made a motion to issue an Order of Conditions under the WPA and Wetland Bylaw for DEP file #112-0702. Gillian Seconded; all unanimously AYE.
Roll Call Vote: BB, WP, GG AYE.
- 4. Notice of Intent – Lot 5 Meadow Road – proposed construction of single-family home and shared driveway**
The applicant's representative requested a continuation via email prior to the public meeting. Applicant is awaiting DEP comments and associated file number.
Chair Brian made a motion to continue the public hearing until February 15th 2022 at 7:30pm. Gillian Seconded; All unanimously AYE. Roll Call Vote: BB, WP, GG AYE

5.	<p>Notice of Intent – Lot 6 Meadow Road – <i>proposed construction of single-family home and shared driveway</i> <i>The applicant's representative requested a continuation via email prior to the public meeting. Applicant is awaiting DEP comments and associated file number.</i></p> <p>Chair Brian made a motion to continue the public hearing until February 15th 2022 at 7:35pm. William Seconded; All unanimously AYE. Roll Call Vote: BB, WP, GG AYE</p>
6.	<p>Chair called for a recess for 8 Minutes due to wait time between public hearing schedule.</p>

7. Continued Notice of Intent – Century Mill Road Map 3D Parcel 75 – *proposed construction of three single family homes and widen and pave an existing gravel driveway*

Scott Hayes, Dean Charter, and Rachel Watsky were present to represent the applicant. Conservation Agent provided a summary of the site visit held January 26th 2022 with both commission and applicants' representatives present, comments relayed as a follow up to the applicant's team and comments relayed back to the conservation office from the applicant's team. She reiterated that DEP has requested a 401-water quality certification (401 WQC) and highlighted that the commission does not have a practice of closing the public hearing prior to receiving information that would address DEP comments. Rachel Watsky took point then deferred to Scott Hayes and Dean Charter to fill in details as necessary. Rachel provided additional summary including the tree wardens written comments indicating he was overall in agreement with the trees but did have questions about stormwater and transpiration rates, the site walk was held and the addition of three trees at the arborists request on site due to their health relative to the limit of work (LOW) implications, the applicant incorporated these into the associated revised plan. Conservation agent stated the trees by the roadway will require public shade tree hearing and Rachel highlighted that this is a common inclusion in conditions where work must be in compliance with other boards and communities and may require additional permitting. Conservation agent had provided a comment related to additional information of transportation rates relative to the performance standards of resource areas on site. She also highlighted DEP's comment related to the 401 WQC. Rachel provided comments back to the conservation office in preparation for the meeting this evening. Rachel provided the revised site plan was included with 3 additional trees marked in the field during the site visit, they highlighted standard condition that does not remove the applicants responsibility to apply for additional necessary permits, review of graphic sent by agent agreeing that there are impacts from tree removal but that the graphic highlights where to preserve large trees where possible in this instance the common driveway requirements from the planning board make the preservation of these trees within the driveway limit of work not possible, the applicant is attempting to propose mitigation to the extent feasible, these plantings incorporate white pine which is fairly fast growing. She highlighted Dean Charter's outreach to Massachusetts Urban and Community Forestry Coordinator and her guidance to run the MyTree calculation on trees proposed to be removed. The Calculation results were summarized as well specific to runoff avoided. The calculations indicated that the overall runoff avoided after the removal on an annual basis was not incorporated permeable pavement, mitigation plantings, additionally she highlighted the stormwater calculations being less runoff than pre construction conditions as previously reviewed by the peer reviewer and Scott Hayes. She stated that in regards to the 401 WQC issues raised by DEP, the applicant has proposed grading to direct any runoff away from neighboring properties, proposed infiltration of roof runoff, the stormwater on project was reviewed by the commission's peer reviewer who had provided comments back, any requirement related to 401 or federal level the applicant will be addressing, the need of this certification is outside of the commission's jurisdiction except for the condition that the applicant's responsibility to seek other necessary required permits. She confirmed that the applicant will file all necessary and required permits. Rachel confirmed all materials have been submitted to DEP Central Regional Office as of Monday afternoon, January 31st 2022 as requested by the Conservation Agent. Chair Brian asked the commission if they had any additional questions then opened questions to the Conservation Agent. The Conservation Agent inquired about the date of when the information was submitted to DEP, noted the calculations provided by the applicant were specific to runoff avoided only, the applicant has since provided additional information from the MyTree calculation, she further inquired did the stormwater calculations that Scott Hayes and engineers had utilized include the rainfall interception rates. The conservation agent did highlight the effort made by the representatives' arborist to identify services and function of the trees to be removed in relation to the performance standards within the jurisdictional areas of the conservation commission. Scott Hayes stated they are two different comparison points and not necessarily directly comparable due to the period of time MyTree being annually and the stormwater being over higher potential runoff situations for heavier rainfall events. The properties of the model utilizing runoff curve numbers which change pre and post based on surface cover changes of the site. When reviewing a wooded site there is a lower curve number or less runoff than under post condition of lawn or pavement which would have a larger curve number or more runoff which is factored into the vegetative cover and ability of land itself to infiltrate. The impacts are reviewed from a 24hr. storm (large instance in time) which dumps a lot of rain which will produce the most water in any given situation and were managing how that water runs off. Then working to maximize the infiltration on site, porous asphalt system, roof infiltration system etc so that the rate of runoff or volume has not increased from the site based on what rainfalls on the site given the surface cover changes. Conservation Agent summarized that the applicant is therefore focusing maximizing infiltration on site and thereby reducing runoff overall and containing the runoff on site. Those calculations have aspects from the vegetative cover but not necessarily specific to interception of rainfall and transpiration. Scott stated the infiltration of the surface capacity is modeled into the curve number which takes into account the canopy, underlying vegetation, moisture content, soil type, all of these aspects impact

the lands capacity to take water on when it rains, the stormwater calculations try to show what doesn't take. Then the rate of runoff that does not take by the found is modeled to be captured within proposed stormwater systems. He also highlighted the transpiration rates are annual capacity of a tree to take in gallons vs the stormwater calculations in a frequency storm and the two are not time correlated for comparison purposes. Transpiration is an annual calculation; stormwater calculations look at a 24hr period and how stormwater is managed. Chair Brian opens the public hearing for public comment. Jim Geraghty of Century Mill Road was present to provide a summary of the tree count of removal within buffer zone totaling 41 to his count, he inquired about the tree removal and how many is too many and how many can the applicant mitigate. The Chair highlighted that the commission has to base the project off of the Order of Resource Area Delineation that was previously issued by the conservation commission as it has yet to expire. The Conservation Agent addressed the resident's inquiry by summarizing a portion of the regulations and highlighting that the commission does not have direct jurisdiction over the tree removals at face value rather the performance standards of that resource area, AURA, 100' buffer, etc and function that is contributed by the trees within the jurisdictional areas. The transpiration rates and function of the vegetative cover to supplement the performance standard of the bylaw to accommodate stormwater, runoff, and provide other values listed inclusive of interception of rainfall that evaporates before it every becomes runoff. The Commission considers whether or not a resource area is adversely impacted, alteration, does the project propose mitigation necessary. The commission also has to review this relative to already having been altered or not. Additionally, that the regulations are available online and publicly accessible. Chair Brian stated mitigation is required when alterations are proposed to jurisdictional areas. Jim further inquired whether or not the trees removed for construction were incorporated into the MyTree calculations. Only trees within the buffer zones, and AURA were marked on site. Trees outside of these areas were not incorporated. Scott clarified that the stormwater calculations include all project area including areas outside of the buffer zones and AURA. Richard Davis was present to inquire about what performance standards and associated metrics are utilized by the commission to assess the loss of a function toward the performance standard of the trees. Conservation Agent reiterated that the bylaw and regulations along with the wetlands protection act and regulations are available to the public online. Throughout these documents there is language that allows the commission to request information to assess the performance standards that exist or may be altered by any proposed project within the commission's jurisdictional area. There is not, unless otherwise noted a specific process, the commission has the ability to request additional information to assess items in association with those performance standards. There is not a defined list of required metrics as each site is different that is why there is not a particular number. Rachel also highlighted the point of the wetlands protection act and local bylaw is to give guidelines in making its determination, not providing a large checklist that the commission goes by as there may be different zones and functions. Richard requested clarification on whether or not there would be more runoff from the site post construction. Chair Brian clarified the difference between storm events and calculations, Scott also weighed in to state that the development increases runoff post construction prior to mitigation measures which is why the stormwater mitigation measures are incorporated into the design to incorporate management on site of this runoff. Richard inquired about the Pond vs Danforth Brook. Conservation Agent through the Chair reiterated once again referred to the bylaw and regulations, reach out to DEP, or the conservation office. The Commission has already stated that the ORAD was issued for this property, the commission is therefore bond by that until it expires at which time a second look may be requested. The tolling period associated with the recent state of emergency extended the ORAD. The commission understands the concern about who conducted the delineation and associated details. The ORAD was issued regardless and that is what the project must be considered with. She further highlighted that these areas of concern of the abutters still fall into the jurisdiction of the conservation commission. When the ORAD expires questions about the delineation may be taken up at that time. Richard highlighted questions about the ORAD and frustration with the permitting process, submittals, excavation on two rear lots along with questions about the delineation pond vs. brook highlighting concerns about ethical considerations by the engineer. Chair Brian reiterated the Conservation Agent's statements. Conservation Agent also stated that an engineer would have to be working with the information they are given as well, when an ORAD is issued that is the site conditions that the engineer utilizes within their calculations. This ORAD was recorded at the registry of deeds, and until it is expired, all parties are bound by this delineation for at least what had been included in the ORAD. Jim Geraghty commented that the applicant was found to be a wetland scientist, the property owner, and knew what he was doing when he filed the delineation. Richard highlighted concerns about water being diverted onto his property when the depressions were proposed to be filled. He further highlighted that there has been water in these depressions all year, noting suspecting vernal pools to be located on the property; he stated if everything is above board then he would be comfortable with it. Also, clarification was given on a point that the commission had not signed off on anything rather that the peer reviewer and representatives engineer had agreed with stormwater calculations through the modeling utilized at that time. Chair Brian stated that the commission waits to hear from DEP about comments on new information. He further inquired about if

	<p>the applicant's representatives would be or would not be willing to continue what are the time constraints associated with each. Conservation highlighted the Chair would be mindful to clarify for the applicant what the continuation would be based on, that is if the commission were requesting information related to the 401 WQC comment from DEP and/or DEP comments on recently submitted information. She also highlighted the time periods for each circumstance. Chair stated both 401 WQC and revised plan related information would be what the commission would request from the applicant. The applicant's representative stated the WQC will be assessed with DEP or ACOE after this process is completed. The applicant would be willing to continue based on the revision of plans but not open to waiting for 401 WQC. The Conservation Agent stated she would like clarity on any impacts of the hearing closing before the 401 WQC is received may have on the outcome of that 401WQC process. She asked that if the applicant would be willing to continue to allow DEP to express any comments on recently submitted revised plans AND allow within that timeframe to receive clarify on the commission potentially closing before the 401WQC is sought out by the applicant. Conservation Agent stated she will forward the inquiry to Rachel to ensure that there is no confusion regarding implications of the hearing process and receipt of 401 WQC. Applicant stated they are willing to continue.</p> <p>Chair Brian made a motion to continue the public hearing regarding the NOI Century Mill Road, map 3.D parcel 75 Common driveway project until the next public meeting of the conservation commission on February 15th 2022 at 7:45pm. William seconded; all unanimously AYE. Roll Call Vote: BB, WP, GG AYE</p>
8.	<p>Vote – Annual Report</p> <p>Chair Brian made a motion to approve the Annual Report with amendments as discussed related to the terms of commission members to be updated. Gillian seconded; all unanimously approve.</p>
9.	<p>New Member Interest – The Conservation Commission invited Paal Brandvold of Autumn Lane to introduce himself and provide insights into his experience and interest in joining the Conservation Commission. The Chair thanked Paal for his interest in participating in town matters.</p> <p>Chair Brian made a motion to recommend to the Selectboard the appointment of Paal Brandvold to the Conservation Commission. William seconded; all unanimously recommend.</p> <p>Roll Call Vote: BB, WP, GG AYE</p>
10.	<p>Conservation Property Updates: Maintenance and management items</p> <p>Guided Trail Walk – Houghton Conservation Area Tuesday, February 23rd 2022, 12:00pm starting at trail head (off of Houghton Farm Lane)</p> <p><u>MVP Program</u></p> <p>Current FY21-FY22: Nashua River Communities Resilient Lands Management Project</p> <p><i>Community members interested in learning more or interested in participating in this project please contact the Conservation Agent.</i></p> <p>Opportunity: Volunteer Land Steward position</p> <p>For all inquiries regarding this position please contact the Conservation Agent, call 978-779-3304 or email rlongvall@townofbolton.com</p>
11.	<p>Chair Brian made a motion to adjourn the public meeting of the Conservation Commission Tuesday, February 1st 2022. Gillian seconded; all unanimously AYE.</p> <p>Roll Call Vote: WP, BB, GG, AYE</p>