

**CONSERVATION COMMISSION  
DRAFT MINUTES  
May 21<sup>st</sup> at 7:00pm  
Houghton Building, 697 Main Street**

**PUBLIC HEARINGS AND APPOINTMENTS**

REQUEST FOR A DETERMINATION OF APPLICABILITY (RDA); NOTICE OF INTENT (NOI), ABBREVIATED  
NOTICE OF RESOURCE AREA DELINEATION (ANRAD), ORDER OF CONDITIONS (OOC)

**Present:** (Chair) Brian Berube, Emily Winner, Lori Stephenson, William Payne, Emily Winner, Kip McNamara and Rebecca Longvall (Conservation Administrator)

**Absent:** Jeff Bryan

The Bolton Conservation Commission (“the Commission” hereafter) opened the public hearing regarding **811 Main Street, Bolton, MA**. Peter Petraskous and Chris McKenzie were present on behalf of the applicant regarding a proposed addition to the existing Single-family home and improvement to the crossing associated with an intermittent stream toward the front of the lot inclusive of a wetland replication area. The Conservation Administrator requested at the site visit that the landscaping on the property delineate the 50’ offset from the resource area to establish the existing lawn area. The applicant was amenable and has proposed high bush blueberry and a conservation mix. The applicant’s representative established that the work is proposed to alter 216 square feet of the Adjacent Upland Resource Area which currently exists as lawn. In addition, about 75 square feet are proposed to be altered within the proposed improvement to the crossing area which existing conditions are eroding into the wetland resource area. There is only one tree <12” dbh proposed to be removed, proposed erosion controls consist of wattles and silt fence. The crossing work will be completed during a dry period and plantings completed by November 2019. Commission members inquired about the slight increase of 2 feet of the driveway to reduce erosion, size of crossing material, if the addition has a full basement or a cement slab. The Commission agreed to the following conditions along with others: work on the crossing shall be completed during the dry period, July/August 2019, Plantings shall be completed by November 2019, erosion controls shall consist of wattles and silt fence, 50’ AURA and buffer shall be delineated in perpetuity with high bush blueberry bushes.

Chair Brian made a motion to close the public hearing. William seconded; all unanimously agree.

Chair Brian made a motion to issue an Order of Conditions with the special conditions as discussed. Emily seconded; all unanimously approve.

At the approval of the applicant, the commission continued the public hearings regarding the **Notices of Intent for 21 Century Mill Road, Lot 3, Lot 4 and the Request for Determination for Applicability for Lot 2**. The applicant requested the commission make a decision solely on the status of the two potential vernal pools. The applicant had only presented verbal observations and no accompanying data. The applicant was also requested to provide additional information and a narrative regarding excavation work that had occurred within the two potential vernal pool (PVP) areas and the Adjacent Upland Resource Area as delineated by the applicant. The applicant stated they will provide this information for the next meeting and asked for a

determination on the PVPs. Commission members gave brief summary of their site visit which the applicant was unable to attend. As a result, they requested auger borings and other evidence to define the PVP basin areas. The abutter Richard Davis of 185 Hudson Road inquired if the commission had visited the property in the evening to observe the chorus of amphibians. The Commission also requested information be provided establishing what was removed from the site and to provide new plans displaying the potential vernal pools and the excavation work. There was a question regarding a potential conflict of interest as the applicant divulged that he had financial interest in the project, after inquiry from the chair and abutter. The Commission inquired whether the applicant had collected data over a course of consecutive dates regarding the PVP areas. The applicant had not collected this data. The commission requested a third-party review by a professional of their choosing to assess the two PVP areas and excavated site. Specifically, inquire whether vernal pool species may remain viable through such an alteration/disturbance. The commission will provide the applicant with professional who will be appropriate to work for the commission regarding the review. Therefore, the applicant requested a continuance until the next public meeting.

Chair Brian made a motion to continue the public hearings regarding:

**21 Century Mill Road** to be held at 7:00pm at the Houghton Building on June 4<sup>th</sup> 2019. Kip seconded; all unanimously agree.

**Proposed Lot 3** to be held at 7:05pm at the Houghton Building on May 21<sup>st</sup> 2019. Emily seconded; all unanimously agree.

**Proposed Lot 4** to be held at 7:10pm at the Houghton Building on May 21<sup>st</sup> 2019. William seconded; all unanimously agree.

**RDA for Proposed Lot 2** to be held at 7:15pm at the Houghton Building on May 21<sup>st</sup> 2019. Lori seconded; all unanimously agree.

The Commission reviewed the drafted minutes. Chair Brian made a motion to approve the Meeting **Minutes** as drafted May 7<sup>th</sup> 2019. Emily Seconded, all unanimously approve.

The Commission opened the public hearing regarding the request for determination **regarding 0 S. Bolton Road**. Steve Erickson and James Morin were present. The applicant requested for the commission to establish that the boundary of the isolated resource area on the parcel is correct. It was noted by the Conservation Administrator that this is not established as a full delineation of the commission's jurisdiction on the entirety of the property but rather solely for the boundaries of the isolated area. The applicant has stated they will be submitting a full Notice of Intent for the project which will include any offsets from other resource areas on site. Mr. Fournier of 31 Spectacle hill road was present to establish his and other abutter concerns regarding the project. The commission clarified this was solely for the isolated basin and that the applicant must file with the commission for their proposed project.

Chair Brian made a motion to close the public hearing May 21<sup>st</sup> 2019. Emily seconded; all unanimously agree.

The Chair made a motion to continue the public hearing regarding **626 Main street** until June 4<sup>th</sup> 7:30pm as they are still awaiting feedback from their MESA filing. Kip Seconded, all unanimously agree.

The Commission opened the public hearing regarding the request for determination of applicability filed on behalf of the applicant by Circle B/Hammerdown construction for the proposed 26' x 48' x 8' post-frame pavilion (open-sided) with truss roof design on screw piles on the property located at **356 Main Street**. Bruce Slater and Tom Brown were present. The proposed work area is existing lawn. The concrete slab is proposed as a flooring not related to the pavilion structural material. The proposed erosion control consists of staked wattles along the limit of work. Any stockpiles temporary or permanent in nature shall be placed outside 100' from the resource area.

Chair Brian makes a motion to close the public hearing. Kip seconded; all unanimously agree. Chair Brian makes a motion to issue a Negative 3 Determination with the ongoing conditions as discussed. Emily Seconded; all unanimously approve.

The applicants of a previously issued Order of Conditions have attended the public meeting (as part of their OOC) to establish how the contracted party will be accessing and what materials are proposed for the replacement of their retaining wall at the property located at **40/42 Hudson Road**. Mr. and Mrs. Loring were present to present this to the commission and seek any feedback. The commission had no further issues with the project as proposed but to review their order of conditions prior to construction.

The Bolton Conservation Commission entertained the motion to issue a Certificate of Compliance for the constructed projected referenced under **DEP#112-0641**, now having been established as **91 Century Mill Road**.

Chair Brian made a motion to continue until the next meeting June 4<sup>th</sup> 2019 at 7:40pm in the Houghton Building. William seconded; all unanimously approve.

Chair Brian made a motion to issue an Order of conditions for the proposed project referenced under **DEP#112-680** regarding the proposed re-construction of a garage and improvement of associated drainage structure. \_\_\_\_ Seconded; all unanimously approve.

The Commission voted on their request for the town to act on the right of first refusal regarding the property currently in **Chapter 61A program**, presently proposed to be sold as residential property. The property located at **Green Road Assessor's Map 6.C – 38.1 and 6.C – 53.1**. The commission inquired the interests of the Open Space and Recreation Plan, Public access availability, and closeness to other conservation properties. After some discussion, the commission took a vote Yay for the town to pass on their right of first refusal, Nay for the town to act on their right of first refusal. There were 5 votes for and 1 opposed.

The Bolton Conservation Commission voted unanimously to impose reasonable fees for the employment of an outside consultant, to be engaged by the Conservation Commission, for specific expert services deemed necessary by the commission at this public meeting on May 7<sup>th</sup> 2019 in order to come to a decision on whether the wetland replication area has been completed in compliance with the Order of Conditions referenced on the plans associated with DEP#112-620 regarding the project located at **147 LongHill Road Common Driveway**. These reasonable fees shall be the responsibility of the applicant who will be notified in writing of the consultant, the amount of fee to be charged and a request for payment of fee in its entirety. This request is pursuant to The Bolton Wetland Bylaw Chapter 233 and associated regulations 4.03 Consulting

Fees. Kevin, abutter of the project located at 147 Long Hill Road was present to inquire about the timeline for the project.

The Chair made a motion to accept the three suggested consultants; EcoTec, Horsley and Witten Group and Hancock Associates as discussed and send them to the applicant to contract the work regarding the assessment of the resource areas. All unanimously approved.

Commission member, William is drafted a **letter of support for Sudbury**. The commission sees it fit to send to show support from the Bolton Conservation Commission.

Chair Brian makes a motion close the Public Meeting of the Conservation Commission of May 21st 2019. Emily seconded, all unanimously approve.

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