



Bolton Conservation Commission

Meeting Minutes



Date:	Tuesday, October 20 th 2020
Time/Location	7:00 p.m. Zoom (remote participation)
Commissioners Present:	Chair Brian Berube, Emily Winner, William Payne, Kip McNamara, Jeff Bryan (Conservation Administrator, Rebecca Longvall)
Guests:	
Next Meeting:	Wednesday, November 4 th 2020 7:00pm, Zoom Remote Participation

Agenda Items

	Agenda Item	Action
1.	Continued Notice of Intent – Century Mill Road Map 3D Parcel 75 – <i>proposed construction of three single family homes and widen and pave an existing gravel driveway</i> The Conservation Administrator stated the property has been staked out per the local wetland bylaw requirements. The site visits have been scheduled for Wednesday October 21 st 2020 at 3pm and October 22 nd at 11am. The applicant's representative has requested a continuation until the next public meeting of the conservation commission via email and phone call prior to tonight's meeting.	Chair Brian made a motion to continue the public hearing until November 4 th 2020 at 7:00pm for the proposed project to be located at Map 3D Parcel 75. Jeff seconded; all unanimously agree. Roll call vote to continue: BB, EW, KM, WP, JB unanimous, YAY
2.	Notice of Intent – 265 Sawyer Road – <i>proposed inground pool</i> The conservation administrator provided a summary of the updated and revised plans specific to the outstanding items. Board of Health is comfortable with the location of the reserve trenches. No comments from the commission regarding the proposed work. There are no comments from the public regarding the proposed work. The final plans dated October 8 th 2020 with a revision date of 10/7/2020. DEP number 112-0691	Chair Brian makes a motion to close the public hearing for the Notice of Intent regarding 265 Sawyer Road. Bill Seconded, all unanimously agree. Roll call vote on motion to continue: BB, EW, WP, JB, KM unanimous, YAY Chair Brian makes a motion to issue an Order of Conditions for 265 Sawyer Road as drafted and submitted dated October 8 th 2020. Emily seconded, all unanimously agree. Roll call vote on motion to continue: BB, EW, WP, JB, KM unanimous, YAY
3.	Minutes – Chair Brian made a motion to accept the minutes as drafted from the September 29 th 2020 and October 6 th 2020 public meeting of the conservation commission. Jeff seconded; all unanimously agree. Roll call vote on motion to continue: BB, KM, EW, WP, JB unanimous, YAY	

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4.	<p>Boundary marking – There is interest and will be a focus on post all conservation properties with conservation boundary markers.</p> <p>To note this came to light through inquiries related to if the properties have been posted to relay information related to the fact that hunting is prohibited on the conservation and town owned public properties. Every year the entrances to the conservation areas are posted explicitly with the bylaw language and regulations to establish there is no hunting on conservation lands.</p> <p>It would be beneficial if individuals are looking for volunteer opportunities and are comfortable reading surveyed plans to assist with this project of marking the conservation property boundaries.</p> <p>Commission member Jeff inquired whether or not the trails committee utilized gps for the new trail guides that are now printed. The Conservation Administrator stated no only the trails and some of the stone walls were included in new gps data sets. The guide utilizes the most up to date records accessible by the town which is the assessors parcel data for the town of Bolton.</p>	
5.	<p>Bower Springs –</p> <p>Tom Denney Nature Camp – activities for camp 2021; will be voted on at the next public meeting.</p> <p>Discuss conservation project opportunities to assist and work on existing projects to restore and maintain the conservation property in order to decrease any long-term impacts to the wildlife habitat and natural resources.</p> <p>Parking Area -</p>	

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6.	<p>Request for Certificate of Compliance – 460 Main Street – <i>regarding the work conditioned for repair and replacement of drain with a box culvert, repair to island and sidewalks.</i></p> <p>No public present to comment on or represent the plans.</p> <p>Conservation Administrator provides summary of As-built being submitted. She also summarized the fact that there is a large discrepancy in the location of resource areas on site. She expressed the differences between the two to the conservation commission. If there has been a significant change in the resource area as the recently submitted As-built establishes, then it would be warranted for the commission to review this site again.</p> <p>The Conservation Administrator did inquire as to the difference between the two and there was some confusion as the representative sent a design plan and not this plan from 2009. She has since sent the 2009 plan again to ensure they were aware. She has yet to receive clarification other than further inquiries from the representative. There is no question related to the infrastructure locations on site at this time. The letter accompanying the As-built submitted does not reference the wetland resource area. The question and concerns are related to the discrepancy in location of the resource areas on site.</p> <p>Chair Brian stated a site visit would be necessary to ensure that the resource areas are shown accurately on site. Emily agreed. Jeff asked a question related to the plans inquiring about clarification on the plan shown. Jeff inquires about the end result that we are looking for. Conservation Administrator states we are looking for confirming that the resource areas are shown accurately within the As-built.</p> <p>Chair Brian requested a site visit and will continue the discussion to the next meeting.</p>	<p>Discussion continued regarding item 460 Main Street Request for Certificate of Compliance until the next meeting of the Conservation commission on November 4th 2020.</p>
7.	<p>Continued Notice of Intent – Lot 3 Long Hill Road, Map 4.D Parcel 102 – construction of a single-family house, well, driveway septic system and site grading</p> <p>Conservation Administrator provides update of plans revision date of 10/14/2020 and the narrative relaying material related to the tree removal.</p> <p>Roll call vote on motion to continue: BB, EW, WP, JB, KM unanimous, YAY</p>	<p>Chair Brian makes a motion to issue an order of conditions for Lot 3 Long Hill Road, Map 4.D Parcel 102 construction of a single-family house, well, driveway septic system and site grading as drafted specific to the plans and narrative submitted for this meeting. Emily seconded; all unanimously approve.</p>
8.	<p>Request for Determination of Applicability – 79 Nashaway Road – <i>proposed removal of vegetation, add fill to gravel, and minimal grading in the side yard of the existing single-family home.</i></p> <p>Tabled vote until next meeting</p>	<p>November 4th 2020</p>

9. **Enforcement Order – 258 Keyes Farm road/Moderator Way
Cease and Desist**

Conservation Administrator provides summary of the cease and desist issued October 1st 2020. The Conservation Administrator relayed that Planning board has also issued a cease and desist and has since released the cease and desist.

Seth Donohoe provided a summary of prior site visit items that are ongoing in being addressed. Seth provided a summary of the response letter submitted to the conservation commission prior to the Public meeting of the conservation commission this evening. One item specifically was related to the chevron of wattles along slope 3 to address the erosion occurring along the slope causing a sediment deposit at the toe of the slope. Seth noted that item one on the cease and desist is being addressed although they are a couple hundred feet from the wetland resource area. The requests from the planning board also requested a plan to be reviewed. Seth respectfully asked that the item be removed from the cease and desist. Item two has been addressed regarding the earthen material that was dumped beyond the silt fence. The property owner has since removed the material. Item four and five related to erosion and sediment controls regarding their replacement and inspections. Seth stated there is a weekly inspection by the site contractor, since the October 1st meeting the contractor repaired erosion barriers. Seth would like to meet with the commission to confirm where the erosion and sediment controls need to be replaced specifically. He also stated that the majority of the lots were outside of buffer zone and lawns at the edge of wetlands. The properties have been hydroseeded to assist in stabilizing the property. Item six related to coming into compliance and seven requiring the applicant to be present at the public meeting this evening. Seth established that the cease and desist is holding up finishing the roadway and the developer would like to work with the commission in accomplishing this work in a timely manner.

Conservation Administrator circled back to the erosion control item acknowledging the amount of erosion and sediment controls on site. She noted there were multiple locations that needed repair and replacement due to the way they had deteriorated or had been covered and overcome with sediment. These had not been replaced at the time the cease and desist was issued. The cease and desist directly references language from the Order of Conditions. The commission would like to bring this into compliance in order to continue finalizing the roadway however attention needed to be paid to address these items. If the commission would like to release the cease and desist as a whole or remove specific items within the cease and desist, she asks that they are explicitly stated during the meeting this evening in a motion. Chair Brian noted that a confirmation of the work being completed should be approved by the conservation administrator. Chair Brian requested to circle back to item two. Conservation Administrator provided clarification on item two regarding the review of the plans required under the cease and desist. She clarified that the applicant has also asked Nitche engineering to review regarding the order of conditions. Chair Brian noted the importance of the review by a representative from the conservation commission specific to the conservation administrator reviewing the plans to be submitted regarding lots 1,2, and 4. The Conservation Administrator stated it sounds that the conservation commission would request a site visit to confirm the work has been completed by the Conservation Administrator and the applicant. Bob Pace, applicant interjected that Ducharme and Dillis has recently been commissioned to review the project weekly to ensure if there is a breach it is addressed, and to be assured that they have eyes all over it.

Chair Brian inquired if there needs to be a vote this evening. Conservation Administrator summarized the conversation where the applicant is requesting that if possible, the commission consider removing any items that they are able to from the cease and desist. The commission could state that their agent will review the site and confirm compliance after authorizing the agent to remove items from the cease and desist. Bob Pace stated that what they would like is for the conservation commission to remove the cease and desist because they are up against, as Seth said, the planning board has already released the cease and desist so they may work on the roadway specifically to get the drainage done this year. Bob stated they do not have a lot of time to work on catch basins and repair stormwater, they respectfully jumped to attention on this. Bob referenced

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<p>number item five that they did not commit the violation but did clean it. The Conservation Administrator interjected Bob as the applicant is still responsible for the project as a whole. Additionally, he stated delaying getting the road finished would be counter intuitive. Rather, they need to get the stormwater system working and have a functioning system in spring. Conservation Administrator relayed that the commission seems to want confirmation of the corrective actions being completed, she stated she has availability tomorrow and is willing to conduct a site visit first thing in the morning. Bob relayed the problem being the catch basins are scheduled to be raised tomorrow and asked to lift the cease and desist for tomorrow then re issue if necessary. The crew will be out at 7am. The Conservation Administrator stated she will visit the site first thing in the morning. If the commission authorizes the administrator to release the cease and desist contingent upon everything being completed there will be no issues. Bob stating 9am is not reasonable regarding a time. The Conservation Administrator stated that she will be out earlier than her office hours to visit the site. Jeff inquired about the number of storm drains needing to be raised. Seth stated the issues are related to the storm drains currently being bypassed some basins are receiving more flow than they are supposed to receive. If Mr. Pace is allowed to bring the road up to grade and top coat, this would allow each location of the stormwater system to receive what they were designed for. They are trying to prevent the washout from occurring over the winter. Brian shared his final thoughts being to have the conservation administrator go out, after being empowered by the commission to lift the cease and desist if completed after her generosity of suggesting to visit the site. Also that there is an issue with the work being scheduled while the cease and desist was in place noting that many projects occur without a cease and desist ever having been issued. There was a reason for it to be issued and does not want to lift this evening without confirmation by the conservation administrator. Jeff inquired how long the project would take. Bob confirmed that in a day would be completed. Brian inquired when the work was scheduled, Bob confirmed that the cease and desist order was in place prior to the work being scheduled. Jeff inquired how the cease and desist affects the order. Conservation Administrator summarizes the purpose and why the work cannot be done until it is lifted due to it not being included within the corrective actions. She also expressed the ability to remove the cease and desist, reinstate the cease and desist, or remove items from the cease and desist. Bob interjected that they are wanting to work on the drainage system comparing to the use of haybales. Emily stated she agrees with Brian to confirm work is done in compliance. She highlighted the reactivity vs need to be proactive and no reason to try to put blame on the commission related to the fact that there is now a delay of work. Kip stated he is ready to vote.</p> <p>Brian made a motion to vote to empower our conservation agent Rebecca Longvall to make a determination of whether or not the cease and desist should be lifted at her discretion.</p> <p>Jeff obtains, Bill, Emily, Kip, and Bill all Aye in favor. The majority votes in favor.</p> <p>Seth inquired about clarifying the scope of the review tomorrow. Brian reminded the applicant that area outside of the jurisdictional area becomes jurisdictional if it causes adverse impacts or has the ability to cause adverse impacts to the resource area.</p>	

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10.	<p>CMMCP proactive measures on Conservation properties only</p> <p>Scott Powell and Tim Deschamps were present to brainstorm with the commission areas of concern or priority areas that may be assisted in maintenance through this program.</p> <p>The upper pond and sediment of Fyfeshire Dam Conservation Area was highlighted. In the restoration and improvement of stream flow through removal of sediment deposits would create a healthier ecosystem that would hopefully naturally address reducing the breeding mosquito population.</p> <p>Scott gave a summary of the program and the town joining the program. Due to the town joining late last season, we are looking for proactive measures that may be addressed. Scott also gave a summary of a proactive project of removing a tire dumping area in town as an example.</p> <p>Emily stated priority areas should be related to areas community members congregate such as adjacent sports fields.</p> <p>Rebecca, Scott and Tim will collaborate on areas that may be of concern and reach out to other users who may have knowledge of concerning areas.</p> <p>Tim has also had his team working on areas in the conservation properties that may be beneficial to be proactive on. CMMCP noted they are looking to work with the Town specifically conservation to see how they can be of benefit to them, noting they do have a beaver program.</p> <p>Scott noted the controversy over the spraying stating that is a last resort, the objective is to reduce the risk of disease carrying mosquitos. Are there things from a conservation perspective that would be helpful and beneficial?</p> <p>Brian stated the trails committee may have a good idea of areas of concern as well. Brian deferred to Rebecca in order to provide contact with the Trails Committee and noting locations of concern on the conservation property. Scott noted this may be addressed over multiple years depending on the project and how supportive the commission is about approaching some of these projects. A follow up meeting will be scheduled once we have identified locations and potential projects. Tim stated the beaver program is related to new locations not currently existing flow devices and managed areas. Conservation Administrator inquired about if CMMCP has a separate allowance or is it through the regular process of board of health and conservation commission. One location noted were the Forbush Mill Field Soccer fields and inquired about what may be done on the land behind the fields. Emily is not comfortable treating the water to deal with mosquito larvae and would prefer to utilize proactive measures to decrease the need to use such treatment. Scott agreed, understanding the sensitivity and concerns. High priority areas would be areas of higher community congregation with wetland resource areas along the perimeter to overall reduce the need for treatment beyond the proactive measures. Next steps are Tim and Scott will work in coordination with Rebecca about specific thoughts and recommendations with a specific focus on the priority areas Emily highlighted.</p>	

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11.	<p>Municipal Vulnerability Preparedness Program Action Grant Update:</p> <p>Kickoff meeting tomorrow Wednesday October 21st 2020</p> <p>After meeting with project team, we wanted to highlight to the community that there is a great community engagement aspect ingrained into the MVP program. There is a difference between Action and Planning Grant. The Action grant, the phase we are in now will involve community engagement but as it is the more technical side there will be less large open community workshop like meetings as there were during the planning phase. Each leader in the partner towns; Harvard – Christopher Ryan, Devens – Neil Angus and Peter Lowitt, Bolton – Rebecca Longvall will be reaching out to various community members, commissions, and boards to gather specific information. We will be hosting core team meetings and stakeholder meetings will be selecting community members who will best represent specific (we being the regional team) subject matter that we are trying to learn more about. Those findings will then be shared with the community as well with associated comment periods. Highlighting we are now in the assessment stage vs the previous planning stage. Now that we have the community input from the planning stage, we are now utilizing that information to continue efforts toward climate adaptation and resiliency through the assessment stage related to carbon sequestration, forests, wetlands and soil health. There will be a project website created with an associated data viewed to continuously engage the community as we progress through this portion of the MVP program. To note, community members may be receiving information about upcoming meetings, or inquiries related to the assessment from our regional team.</p>	
10.	<p>Conservation Management and Maintenance Items:</p> <p>Bower Springs Conservation Area – continuing loam tailings along the trail to reduce erosion. Community members are asked to please not move branches along the trail. The goal is to naturally delineate the designated trail to reduce erosion and to allow the areas outside the trail to revegetate.</p> <p>The rail ties along the parking area have improved parking in a more organized manner however individuals are still parking in “no parking” areas. There is a need to somehow communicate this but not obstruct the area for public safety access.</p> <p>Emily inquired about if there was signage. The Conservation Administrator stated they will be posting explicit signage and sharing a news and announcement regarding the request to not move branches to deter community members from removing or altering the location of the delineation of the trail.</p> <p>Jeff noted the Trail Guide is out and printed; 20 pages more than the last guide. The Bolton Conservation Trust is selling the trail guides and will be coordinating with the Town Clerk on the hopes of selling them at Town Hall. If you would like a copy please contact the Bolton Conservation Trust.</p>	
11.	<p>Chair Brian made a motion to close the public meeting of the Conservation Commission on October 20th 2020. Jeff seconded; all unanimously approve.</p> <p>Roll Call Vote on motion: BB, EW, WP, KM, JB unanimous, YAY</p>	