



Bolton Conservation Commission

Meeting Minutes



Date:	Wednesday, November 4 th 2020
Time/Location	7:00 p.m. Zoom (remote participation)
Commissioners Present:	Chair Brian Berube, Emily Winner, William Payne, Jeff Bryan (Conservation Administrator, Rebecca Longvall)
Guests:	Jim Geraghty, Kyle MacDonald, Robert Pace, Elizabeth Melanson, Seth Donohoe, Richard Davis,
Next Meeting:	Tuesday, November 17th 2020 7:00pm, Zoom Remote Participation

1. **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**
Kyle MacDonald was present to represent the applicant. The Conservation Administrator read out the DEPfile#112-0693 which has been issued to the proposed project with comments from DEP:
“It does not appear that isolated land subject to flooding was evaluated as part of the ANRAD issued for this property. No discussion was provided in the previous ANRAD application acknowledging the presence of depressions within the vicinity of the existing shed on Lots 2 and 4, that may contain seasonal standing water, hydric soils, and/or wetland vegetation. Since the applicant intends to fill much of the existing volume of these depressions, calculations (accounting for seasonal high ground water, surface runoff, minus the volume of any recently deposited fill) should be provided confirming that these areas do not qualify as Isolated Land Subject to Flooding. The applicant should also evaluate whether filling the depression on Lot 4 will elevate seasonal flooding in the remaining portions of the eastern depression, and consequently impact adjacent residences, driveways or yards.”
Chair Brian and Vice Chair Emily provided an update following their site visit. Brian has questions about depressional areas as well. There were concerns expressed related to the proposed flood compensation area. The excavation would cause the flow to change due to the future ponding that would occur. This does not seem to be a suitable location due to the other resource areas at the location. Emily echoed Brian’s concerns and added the mature trees proposed to be removed within the buffer along the proposed roadway. Emily has concerns with the wetland delineation in general. When the ANRAD was issued and being discussed it was not disclosed that the individual conducting the wetland delineation was also the developer and property owner. Emily would like to see a third party out to delineate the wetlands and other resource areas. Jeff inquired about the assessment done on site by a third party. Conservation Administrator clarified the assessment had been specific to a vernal pool assessment and nothing further related to the wetland resource areas under the bylaw and wetlands protection act. Also clarifying that vernal pools may be within a wetland resource area but under the bylaw can exist separately. Chair Brian inquired that the depressional areas were not included and documented on the ANRAD or ORAD.
Kyle MacDonald responded to the commissions concerns. He clarified that the applicant is not looking to bring the area below grade but to the floodplain elevation. Their engineers are running calculations to review the depressional areas to see if they meet criteria related to subject to flooding. Kyle stated there may be a question on the wetland lines, the ORAD is what the plan is based on. He stated it is binding related to the wetland’s delineation. Brian stated that the delineation does not include all information related to wetland resource areas under the bylaw. The Conservation Administrator summarizes that there are outstanding questions from the commission. The area proposed to be excavated may be impacted and cause consistent ponding within this area therefore impacting the flow of the brook. The Commission would like information under both the wetlands protection act and bylaw definitions and performance standards. Brian inquires about when the “fill” within the area of proposed excavation has been changed as the area has mature trees and other vegetative cover, seeming to be natural rather than a recently altered area. Kyle stated they are flexible and open to discussion on the location of this compensatory flood storage. Brian noted this may be a no disturb area therefore the area would not be allowed within this area under our bylaw and wetlands protection act. The Conservation Administrator summarizes that the engineer should also be reviewing alternative areas to propose for compensatory flood storage. The name of the engineer is Scott Hayes of Foresite Engineering. Emily echoed Brian’s concerns as well. Jim Geraghty of 21 Century Mill Road inquired about Lot 2, and Lot 4 plans inquiring about the note on the plans that restricts wells from being within 100’ of property line. The wells however are located less than 100’ the property lines. The Conservation Administrator confirmed and stated she would follow up with the Board of Health and Planning to see the relation to this project. Richard Davis echoed Jim’s concerns. Richard also stated concerns about wetland locations specific to the depressional areas. Conservation Administrator stated the applicant should have a wetland scientist review the site as well to ensure compliance with the local bylaw. Kyle stated he will send the submittal of calculations and information related to the depressional areas. No

	<p>further comments from the public. Applicant's representative stated that it is appropriate to continue until the next public meeting.</p> <p>Chair Brian made a motion to continue the public hearing until Tuesday, November 17th 2020 at 7:00pm for the proposed project to be located at Map 3D Parcel 75. Jeff seconded; all unanimously agree.</p> <p>Roll call vote to continue: BB, EW, WP, JB unanimous, YAY</p>	
2.	<p>Request for Determination of Applicability – 725 Main Street – <i>resurfacing of driveway located at existing single-family home</i> William Candido is proposing to resurface the existing single-family home driveway to reduce the amount of water impacting the basement. The proposal is to top coat with asphalt. The Chair inquired about the existing material. There is a mixture of old asphalt driveway and gravel. Paving company will be taking care of all work. Conservation Administrator inquired whether or not there will be any excavation the applicant stated it was only top coating the existing driveway. The Chair inquired about the pitch of the driveway and potential increased runoff. Emily notes that the existing infrastructure of the raised septic acting as a berm between the driveway and resource area. No public to comment on this agenda items. Brian notes that pervious material is preferred but in this case is impacting the existing infrastructure, the basement. Brian inquired if the paving company could provide the information about materials and pitch. Conservation Administrator highlighted that the commission has the ability to condition items related to their jurisdiction. Chair Brian inquired about the what the conditions would sound like and proposed a couple items.</p>	<p>Chair Brian makes a motion to close the public hearing for the Request for Determination of Applicability for 725 Main Street. Emily Seconded, all unanimously agree.</p> <p>Roll call vote on motion to continue: BB, EW, WP, JB unanimous, YAY</p> <p>Chair Brian makes a motion to issue a Negative Three Determination for 725 Main Street with the condition: Final coated driveway shall not directly discharge into the resource area nor cause any adverse impacts to the resource area upon completion.. Emily seconded; all unanimously agree.</p> <p>Roll call vote on motion to continue: BB, EW, WP, JB unanimous, YAY</p>

3.	<p>Request for Certificate of Compliance – 460 Main Street, Map 4.D Parcel 28</p> <p>Applicant David Kane and representative Alf Berry present.</p> <p>Conservation Administrator stated she and Jeff were out on site to review the site specific to the discrepancy between the 2009 and 2020 plans. The 2020 plans were submitted for the As-built. Jeff stated there does seem to be an oversight on the drawings that were presented and it should match up. Everything looks like it was done but the resource area line is not matching the 2009, this should be resolved to be sure it is right.</p> <p>Conservation Administrator stated the property owner was present and had explained to the property owner that the commission believes the work has been completed however that there is a concern with the variation in the delineation from 2009 (original plan) compared to the 2020 (As-Built plan). The applicant and property owner stated there is about a 9' discrepancy. The property owner asked their representative to speak to the accuracy of this first plan from 2009. Alf Berry stated the issue with the 2009 plan is that it is not stamped by a professional, it is a design plan not an as-built, it does not represent in reality what is on the ground. Alf Berry stated the As-Built represents reality on the plan today. The prior plan presented by a petroleum company does not have a lot of information on the plan of who did it, who completed the wetland delineation, nothing. Mr. Kane hired professionals at great expense to make something is not a reality. Highlighting that they cannot create the plan again as it differs from what is on the ground today. The Conservation Administrator stated she appreciates that information and acknowledge that they may have been the case. The current discrepancy is that it was approved by the commission in the past prior to her time. The new plan shows the structures and there is no question related to those items along with the required information related to those structures. The only item the commission needs clarification on is the resource area extend. She clarified the difference between what is required under the request for certificate of compliance verses the notice of intent submitted previously. She highlights that the commission has the ability to approve, request more information or require a third-party review carried out by a wetland scientist. The discrepancy is not related to who carried out the delineation, the discrepancy is related to the difference in resource area extent between the two plans. There is a question as to why the As-built submitted was not solely related to the project area, where the submittal includes multiple parcels and a much larger extent on the plans. David inquired about the 2009 plan resource area line being unrealistic. Conservation Administrator pointed out location of discrepancy. Emily inquired about who delineated the wetlands. Scott Goddard delineated the wetlands from Goddard Consulting. David stated that the other parcels are owned by multiple property owners. The Conservation Administrator highlights the needs to focus on the project area as to not prematurely approve a resource area extent to which has not been properly reviewed by the commission. Emily stated we are looking for you to zoom into the project area to approve that delineation only and not beyond the project area. Alf Berry refers to the deed stating there is more acreage than the prior parcel. Conservation Administrator clarifies that it is typical that the project area includes the detail, does the parcel lines, for orientation purposes but not detail outside of project area. Therefore, not changing the parcel acreage by any means, but just showing the project area seeking the request. The Commission requests a submittal of revised plans to show the project area only referencing that the lot has since changed in size. Chair Brian clarifies that the revised plan is necessary to submit only showing the extent of the project area. All commission members are comfortable therefore Brian notes that they will take no action but place on the agenda for the next Conservation Commission meeting on November 17th 2020. Conservation Administrator stated that the new plans will need to be submitted by noon on Thursday November 12th 2020 both hard copy and electronic.</p>
4.	<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>

5.	<p>Enforcement Order – 258 Keyes Farm road/Moderator Way</p> <p>Release of Cease and Desist</p> <p>Seth Donohoe present to provide update to the commission regarding action items required under the cease and desist. Seth and Conservation Administrator conducted a site visit as required by the commission. Robert Pace was also present. Conservation Administrator conducted the release of the cease and desist after completion of work as authorized by the conservation commission.</p>
4.	<p>Minutes – Chair Brian made a motion to accept the minutes as drafted from the September 29th 2020 and October 6th 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</p>
5.	<p>Chair Brian made a motion to approve the activities proposed for Tom Denney Nature Camp to be located at Bower Springs Camp 2021 as drafted and submitted with the condition that the nature camp coordinates with the commission when they determine their conservation project for this camp year – 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>Roll Call: BB, EW, WP, JB. All approve.</p>
6.	<p>Horse Crossings and Trails:</p> <p>Elizabeth Melanson (170 Annie Moore) was present with Becky Kalangher (Bay State Trail Riders), and Bob Hatch (Hubbardston Open Space Committee) to provide information to the commission about constructing bridges and utilizing infrastructure that would accommodate horses along with creating a multiuse trail. Elizabeth stated that many crossings are not built to support the weight of a horse. They also shared slides related to their discussion. The other concern is the footing on bridges being slippery to multiple users. She inquired about the ability to take an inventory of the bridges/infrastructure to see if it is appropriate for horses. Additionally, what is the soundness of the infrastructure inclusive of footing. The group shared their experiences and their proposed resolutions to mitigate. The Conservation Administrator inquired about whether or not there was funding or other resource opportunities through partnerships to improve upon these trails and associated infrastructure. Becky stated that there are opportunities to encourage multiuse trails through their resources but also encouraged the use of scouts. They have funded the materials for the scout project after providing oversight on the bridge plans.</p>
7.	<p>Volunteer Land Steward position – accepting applications</p>
	<p>MVP Update:</p> <p>First Core Team Meeting held this week</p> <p>First apple (seed team) agriculture/turf stakeholder meeting this week:</p> <p>Team looking for names and contacts to expand upon stakeholder group.</p> <p>Team will be finalizing the project website with data viewer.</p>

	<p>Conservation Area Updates:</p> <p>Bower Springs loam tailings have been installed along trail with delineating pond trail with downed logs to encourage traffic over the loam tailings and reduce traffic towards the pond beyond the downed logs. Signage has been placed along the trail head to relay this information.</p> <p>TerraCorps member will be working to improve our Invasive Species Management Program. This will be on the Conservation Commission page of the Town Website.</p> <p>After Speaking with Board of Health staff it is important to highlight the new order:</p> <p>Masks & Face-Coverings: <u>Governor's COVID-19 Order #55</u> (issued November 2, 2020, effective November 6, 12:01 AM) Revised order requiring all persons to wear face-coverings in all public places, even where they are able to maintain 6 feet of distance from others. Allows for an exception for residents who cannot wear a face-covering due to a medical or disabling condition, but allows employers to require employees to provide proof of such a condition. Allows schools to require that students participating in in-person learning provide proof of such a medical or disabling condition.</p> <p>Conservation properties are public places, therefore under this order all persons are required to wear face coverings on the trails and conservation properties. This includes even when you are able to maintain 6 feet distance from others. The current understanding of the Conservation Administrator is that the Board of Health is the local authority on this matter.</p> <p>The Conservation Commission would like to extend a thank you for a member who has resigned but in good health. Thank you for your time and efforts protecting our natural resources and managing our open space properties throughout the Town of Bolton.</p>
11.	<p>Chair Brian made a motion to close the public meeting of the Conservation Commission Wednesday, November 4th 2020. Jeff seconded; all unanimously approve.</p> <p>Roll Call Vote on motion: BB, EW, WP, JB unanimous, YAY</p>