



Bolton Conservation Commission

Meeting Minutes



Date:	Tuesday, December 15 th 2020
Time/Location	7:00 p.m. Zoom (remote participation)
Commissioners Present:	Chair Brian Berube, Emily Winner, William Payne, (Conservation Administrator, Rebecca Longvall)
Guests:	Scott Goddard, Kyle MacDonald, Scott Hayes, Jim Gerghaty, Richard Davis Seth Donohoe of Dillis and Roy, Adam Costa, Bob Pace, David Russell, Brian Falk, Robin and Joe Picariello, Bob Martel, Josh Myer, Keith Silver, Anastasia ,
Next Meeting:	Tuesday, January 5th 2021 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**
Scott Goddard representing 21 Century Mill Road LLC provided a summary of the project and information submitted thus far: Kyle MacDonald the applicant's representative and Scott Hayes of Foresite Engineering. Scott summarized that the colored plan submitted was for clarity of presentation of information only not new information. Scott Goddard stated the discussion at the last meeting was a question in response to a DEP comment inquiring about whether any of the depressional areas on site meet isolated land subject to flooding or other jurisdictional areas under the WPA and Bylaw. Foresite Engineering through Scott Hayes submitted supplemental documentation inclusive of drainage calculations to show that any small ponding area is substantially less than the requisite volume for isolated land subject to flooding under the Wetlands Protection Act. There is a more strict definition under the Bolton Wetland Bylaw, he submitted calculations that under a 100yr storm the requisite volume was not satisfied as well. The next meeting following a couple storm events and photos presented, allowed for further assessment on site and direct observation of water to identify the photo locations. Scott Hayes again, assessed the volume of puddled areas to balance out his model to balance out his voracity of the model. Scott Hayes was present to provide some clarification on where the photos were taken and the adjustments that he made based on direct field observation. Scott directed the Conservation Administrator along the projected plan during the meeting to show photo location 1) Scott summarized this area is floodplain and not surprisingly puddled, 2) in flood plain small depressional areas that do flood in rain events, no work is proposed within these first two photo locations. There is additional flood storage area proposed. Other images lot 2 and lot 3 within excavated depressional areas exhibited the southern tip of lot 2 depression of just a couple sq ft and a few inches of water neither location demonstrates requirements of the required definition after being calibrated to the model. Scott Hayes summarized his calculations of what he did to establish that the conditions do not meet the definition of the WPA and Bylaw. Scott stated it looks like it was a borrow pit and previously excavated not a natural formation. The area itself is flat without a large watershed. The topography is very flat and slightly lower than the rest of the larger depressional undulating area. The pooling water fills for 3-4" then disperses water from the 310-floodplain elevation which is not connected then the depressional areas drop down to 309, close to 18,000-20,000 sq ft. spread over a large area minimal pooling will occur except within micro areas at a tenth of a foot contour to pick up the low areas. When the depressional areas fill and breach the area, this is dispersed over a large area. In meeting the definition of 1,000 sq ft of 6", there just isn't enough watershed given the extent of the size of the depression to fill to meet the definition, he doesn't see that happening. Similarly, on lot 3 which is not as large there are micro areas that pool first collecting the water, then breaches to larger overall depressional area the watershed size and ground water does not allow for the depressional area to fill during the 100yr storm. Scott Goddard summarized that according to the submitted information none of the proposed single-family homes are proposed within a resource area. All structures are proposed outside buffer zone and floodplain. All was pulled out on lot 3 as requested, mitigation is not required but is allocated for such through additional flood storage. There is minor work in buffer zone to move shed out of buffer zone, minor grading around septic system, lot 3 and lot 4 to install well with no grade changes. The driveway is proposed to improve the stormwater system to change from a compacted surface to a subsurface pervious asphalt. This project the applicant's representative believes is a net improvement and work within resource area has been kept to a minimum. The applicant's representative states they feel they have address all of the outstanding questions of the conservation commission. The Conservation Administrator notifies they Chair that a Commission member Bill has a comment. Bill asks if she is able to share the slides unfortunately due to a technical difficulty, she is unable but Bill is able to summarize the information. Bill stated he has a lot of questions regarding the analysis that was done including the results. Bill looked up the weather report for Worcester Airport December 1st and November 30th 2020 precipitation was 2.38" noting this is Worcester not Bolton but close enough. This was the 17hr rain event per the note Scott submitted. A 1 yr rain event is 2.64" and a 100yr. rain event is 7". What we are talking about is a 1.7 – 2.3", he questions the results in the foresite report summary. For the one year in

depression A and Depression B, it shows 2.64" 24 rain fall peak depth of 0" for both depressions. If we did see water and you did not measure a depth of at least 8" that's still greater than 0 going from an extreme of 0 to an infinite. There is obviously water there therefore greater than a 0" peak or avg depth. 100yr we didn't come close so I cannot comment on that. There were images showing for depression at on December 1st from rain event November 30th. If you look at the adjacent structures in water dropping from the day prior. Your estimate for depression B overall size was 853sq ft something less than 1,000sq ft that is required by the Bolton bylaw. Simple calculations of the area that you have the 853' come up with a radius of 16.5' the area of a circle for a simplification at this point. The radius we would need to get to the 1,000 sq ft would be about 17.8' which is about 1' 3". Then taking a look at the images the water has at least dropped by that amount if not close to it. That ponding area you measured was 8" and should be 9" for the 2/3 of max to be close to what your average which would bring you close to the 1000 sq. ft. He questions the analysis of the 1yr rain event there was something obviously greater than 0 peak and average. He questions the overall size whether it is 853sq ft 3-4 days after a rain event vs. 1000' during the rain event.

Scott Goddard stated he will address this. The calculations have to combine surface water runoff and groundwater contributions. The groundwater contributions are best seen by observation, scott stated this has been monitored for years. What you are seeing is a groundwater contribution combined. Minimal direct runoff as the water soaks into the surface and surcharges ground water, multiple variables go into models. They have direct observation to confirm further extrapolated calculations. The numbers don't lie and on the ground observations, calculations are based on this real data.

Bill stated the data submitted stated 0" peak and inquired what this then means.

Scott stated it is relative to direct surface runoff. The small watershed with highly coarse material means there is little to no runoff. A larger watershed with less permeability means there is less surface area to contribute to these locations. Surrounded on all sides by wetlands where the water natural wants to run to.

What was not seen is 1000 sq ft of 6" because large areas would need a tremendous amount of water.

Bill stated that by your own observations your close to the 1000' square feet. The difference between the two is about a foot, that is what it dropped over 2 days and 10 hours after the rain event stopped.

Scott stated the area has been observed repeatedly and the area is consistent and does not fluctuate by the amount you are stating. Bill asked can you tell the difference between 850 and 1,000 sq ft.

Conservation administrator summarized that it sounds as though Bill would like a peer review of the depressional areas. Brian shares concerns about calculations and on the ground observations as commission members and abutters have been monitoring for years and witnessing larger quantities of water pooling at these locations. Brian stated how many years does it have to be natural before we stop saying "its not natural" this has been part of the topography for years. Conservation administrator stated that the area was excavated in 2016 without permitting. The area should look fairly disturbed due to this area. Brian stated the ANRAD within the NOI document was done by Goddard Consulting, they did not let us know there was a financial implication during the time the ANRAD was issued. At that time the commission would have called for a third-party review which they did not do because they were never told. The ANRAD should be done by a third party due to the concerns of the commission. Chair Brian wants to request a third-party review and a new ANRAD. Scott Goddard stated the ANRAD that was done is bound by all parties. Brian stopped the applicant and inquired if anything he stated was incorrect and the answer is the commission was not informed as is required by their professional requirements and potentially given incorrect information. Brian requested town counsel review the implications of the ANRAD specific to this project. The Conservation Administrator stated at the very least the commission can still vote to review the depressional areas as they were not included on the ORAD.

The applicant agreed to a continuation of the meeting.

The Chair made a motion to authorize a third-party review of the two depressional areas associated with the notice of intent submitted for Century Mill Road Map 3D Parcel 75. Emily seconded, roll call vote BB, EW, WP, all unanimously agree.

	<p>Chair Brian made a motion to continue the public hearing until Tuesday, January 5th 2021 at 7:30pm for the proposed project to be located at Map 3D Parcel 75. Emily seconded; all unanimously agree. Roll call vote to continue: BB, EW, WP, unanimous, YAY</p> <p>The Conservation Administrator reminded Scott Goddard to submit a request for continuation in writing for record. Scott confirmed.</p>
2.	<p>ANRAD – 460 Main Street Map Parcel</p> <p>The Commission opened the public hearing and requested a site visit be scheduled if weather permits prior to the next public meeting.</p> <p>The applicant's representative Nicole Hayes, PWS with Goddard Consulting was present and provided a summary that the wetland resource area on site to be confirmed. The resource area on site are boarding vegetated wetland. She inquired if the commission has been on site to confirm the boundaries. If not she requested the commission schedule a site visit and include her.</p> <p>The Conservation Administrator stated she will work to schedule a site visit but noted the predicted whether this week specific to a foot of snow. The representative and the commission will try to coordinate a site visit when site conditions and time allows.</p> <p>She requested a continuation until the next public meeting of the conservation commission.</p> <p>Chair Brian made a motion to continue the public hearing until Tuesday, January 5th 2021 at 8:00pm for the proposed project to be located at 460 Main Street. Emily seconded; all unanimously agree. Roll call vote to continue: BB, EW, WP, unanimous, YAY</p>

3. **Notice of Intent – Still River Road, Map and Parcel 8.B Lots 32 & 33 (formerly 8.B-32).** - proposed “Still River Commons” the construction of four (4) single-family dwellings, access driveway, and supporting infrastructure subject to a Comprehensive Permit under the M.G.L. Chapter 40B.
- Chair Brian opens the public hearing under the Wetlands Protection Act and Bolton Bylaw Chapter 233. Seth Donohoe of Dillis&RoyCivilDesign Group, provided a summary of the project history including the Comprehensive permit process and current project before the commission. Seth noted the applicant Robert Pace and his council Adam Costa were also present. The project location exits on the northerly end of still river road and the northerly side of the parcel is the Havard/Bolton town line. The site is located to the east of still river road. It is a 6.6 acre parcel, maintained as field area. The site is currently identified as lot 8.B 32 & 33. The existing conditions are field area surrounded by wooded area and a bordering vegetated wetland. Seth highlighted the project has been through a Comprehensive permitting process in excess of two years where the applicant’s representatives have had the opportunity to meet on site with the Conservation Administrator and some commission members, the site has been subject to peer review as part of the comprehensive permitting process. The site in 2018 entered into comprehensive permitting process, at that time it was proposed to be 8unit single family home dwellings. Since, the Town and applicant had entered into a settlement regarding the comprehensive permit before the Zoning Board of Appeals. The comments received throughout the process were respected and the applicant’s representatives tried to incorporate items into the design and that is what is before the commission today. The project area is subject to NHESP (Natural Heritage Endangered Species Program) review and have completed permitting with NHESP. This review was included in the NOI application. It was decided to permanently project 5.58 acres of the property. Over 83% of the property will be permanently protected, site plans represent 1acre footprint of project, there is a much larger area that will be permanently protected. The Board of Health recently approved the septic design. Comprehensive permit covers the local Wetland Bylaw therefore they are seeking only approval under the Wetlands Protection Act at this time. The site layout is what was approved under the Comprehensive permit plan. This has since been recorded at the Worcester registry of deeds. Throughout the project the site will be surrounded by a line of silt fence and straw bales. The site will be demarcated during construction. Sheet 6 of the plans establishes the specific project site erosion and sediment control plan inclusive of both temporary and permanent stabilization of areas as well as defines the construction access to the site. The site does have upland access to still river road and all alterations have been set up to avoid any alteration to bordering vegetated wetlands. Seth turns floor to Attorney Costa for a brief statement. Attorney Costa added the unique attribute of the Comprehensive Permitting Law. An application is made to the Zoning Board of Appeals in leu of separate applications under local bylaws, rules, regulations, and policies. The applicant submitted an application a couple years ago to the Zoning Board of Appeals that incorporated local permits from for example conservation, board of health, and so they obtained the Comprehensive permit after an initial denial. They ultimately were make substantial modifications to the project and reached a settlement with the town after reducing the size of the project. Much of the review of wetlands for example occurred during the comprehensive process as they were obligated to in order to satisfy the zoning board of appeals, in order for them to act on the waiver requests made with respect to wetlands bylaw and to do so in an informed manner they wanted a review of wetlands and the environmental attributes of the site. Four separate rounds of review by Horsley and Witten Group focused on stormwater, wetlands and addressing comments and concerns. Then the applicant attempted to modify the project. They are now before the Conservation Commission despite having the Comprehensive Permit in hand they cannot waive state requirements under Chapter 40B. The Wetlands Protection Act is a state Law and therefore the ZBA has no jurisdiction even under Chapter 40B. Seth added briefly the summary of protections of the 8 interests of the Wetlands Protection Act. One in particular is the protection of rare wildlife, as this has been a major concern shown through comments. Their letter specifically states that it does meet requirements of that one interest of the act.
- Chair Brian opens comments from the Commission. Brian noted that there is an open existing order of conditions on this site and requested in the interest of keeping it clean administratively the commission

typically requires applicant's to close out existing orders prior to considering new projects on the site. The two may be able to run concurrently but the old must be closed prior to the new being closed and issued. The Conservation Administrator confirmed that there is still an outstanding OOC.

Attorney Costa addressed the statement as well that they do not want to give up a right without knowing there is a subsequent right. It is the intent of the applicant to build the present proposed project. They would expect any proviso or condition of approval that would allow relinquishing existing OOC once the other is issued.

Chair inquired if Conservation Administrator had comments or questions. She does have questions related to the point of bringing up the existing OOC and making them aware prior to a point where it creates a standstill at the end of a public hearing process.

Attorney Costa will confirm with applicant but they would not want to relinquish moments before the vote for the new OOC to be issued. As what if there was an appeal of the issued OOC and decides to proceed with existing. The applicant does not wish to complicate the process however suggests the trigger would be prior to work starts the old order would be relinquished after the appeal period has passed. The commission will confirm with council regarding the timing.

The Conservation Administrator stated she appreciates the process and work that was done during the Comprehensive Permitting process including review by Horsley and Witten. There is an outstanding item, which is the perennial stream (intermittent as shown on plans). There were stream stats run at the location of the culvert. However, during the drought on the ground observation proved that it was running during a drought upstream and continuing through (as far as she could see to the tree line). The Ecotec summary noted that they were unable to located the channel due to the beaver activity. This location is important as it may potentially have implications on the project area specific to the stream channel. Seth clarified that Ecotec completely delineated the property and reflagged the property as well. The stream is supported by stream states and the USGS maps. To overcome the intermittent stream, it would need to meet criteria that it does not meet. The former perennial stream has been obliterated by beaver activity. There is a beaver deceiver under still river road and the area is inundated. In this circumstance Horsley and Witten stated that historical maps are to be considered in locating the stream. Seth stated they have had historical maps provided to them and they have taken all of those into consideration and they've shown the former location in the most conservative place on the site. The Conservation Administrator stated that she would think the commission would be interested in a peer review. Of concern is the perennial stream or rather stream location if not the whole site. That stream, she is very familiar with not on the site, but at the rear of the site and upstream it connects into one of our largest conservation areas where it is well defined and continues to be defined continuing down stream into this property where it shows "intermittent stream" on this site. Her concern is that the stream is not properly defined. If the commission moves to have a peer review, while they are there, review the whole delineation. The main concern is the North eastern portion of the site where if you review various maps including usgs maps. The stream forks in various ways, the concern is we are not properly capturing the stream channel location adjacent to the project area, from the culvert under still river road to the rear of the property. On a sensitive site such as this, that we fully understand the resource areas on site prior to issuing any decision in order for the commission to be fully aware and informed about the property. Seth clarified that the intermittent stream channel was survey located up to the point where it is inaccessible. Even if that were to be deemed perennial, it would not have implications from the 200' riverfront area on the proposed project area. He understands the need for the commission to understand what is there, Seth is noting the 200' riverfront area would not infringe on the area that at this time is proposed to be altered. Conservation Administrator made a comment that she appreciates Seth's statement regarding the approach to located the stream and associated offsets. The concern is still existing that we do not know where the channel actually is, yet we are being told it will not impact the project area. She appreciates the information; however, this is an outstanding concern and feels this has not been properly addressed. The commission has the ability to confirm Seth's statement that the location of the stream and associated riverfront area implications on the project area.

Chair Brian opens the hearing to public comment: Josh Myler of 440 Still River in Bolton wishes to second the comment that it is difficult to state that it will not be within 200' if you do not know where it currently is and asks for review to confirm the location. Robin Picariello of 305 Vaughn Hill Road agreeing with the stated concern. Also what are the implications to the surrounding areas where the resource areas currently exist. Bob Martel of 302 Vaughn Hill Road, reminded the commission of information provided about the 2010 flood conditions and photos of the area at that time as a useful reference for the conditions this property can see over a period of time. Chair Brian asked if they were submitted to ZBA. Conservation Administrator inquired if the resident could re-submit to the Conservation Commission as it is a separate public hearing process and she will also speak with Erica, Town Planner about submitted materials. Josh Myler inquired the amount of fill on the plan to be added within the septic area as it seemed there was a significant embankment that will be added. The difference between current and proposed. Seth addressed the comment the vicinity of the septic system is 235 existing grade, the top of the system is 239 the slope generally follows this until it meets existing grade again, this is required by title V regarding breakout grading. Josh asked what the 100yr floodplain is for the area. Seth stated as established by FEMA at elevation of 229 at this site substantially lower than the septic system. Seth clarified that the stream at the eastern portion of the site which was located and established via instrument survey, the other northern portion of the stream was established utilizing the protocol described previously using historical maps. Anastacia stated the project is better than before, but shares concerns with resource area delineations and will resubmit photos of flooding. Joe Picariello 305 Vaughn Hill Road inquiring about Cold Water Fisheries survey on property, the periodic flooding between properties and the extent. The Conservation Administrator stated she will reach out for in writing and a map of where they surveyed and what they discovered. Keith Silver inquired about the implications of beaver activity and whether an increase in activity will exacerbate the water table there due to the impact on water levels. The Conservation Administrator stated that the beaver deceiver and culvert is actually located in the Town of Harvard. There may be opportunity to inquire about assistance with such maintenance however the culvert is maintained by the Harvard Department of Public Works. Seth stated the designs have to be based on accurate existing conditions. Soil testing is included in this process with the Board of Health. The staining in the soil shows how high it can come up, that becomes historically the highest point. The portions of the site being developed are significantly upgradient from the area in question. The culvert may flood, but there is no plan at this time to take over the maintenance if that is what is being asked. Brian clarified the question, is there resiliency built into the plan for increased beaver activity. Seth stated the significant area to be stored on the property, the altered area is limited to just over 1 acre. It would take a substantial amount of water to raise the water significantly in that area. The abutters should be aware that all stormwater runoff is designed to be contained on site with no increased water to abutting properties. If still river road floods, it would take significant amounts of water to raise the water within the wetland even by an inch.

Emily Winner brought attention to the concerns about the stream. In general, she understands the layout has been improved to minimize the impacts of the original design. As someone who serves on the concom and makes it a priority to stay out of the 100' buffer, sitting looking at a plan with four single family homes on a site that is 100% within the buffer and is in disbelief that the commission is even considering this. Chair Brian reviewed conditions that ZBA imposed. Brian has concerns with the stream and needs to be reviewed. The abutters have pointed out that the stream should be perennial not intermittent as there are multiple on the ground observations of this stream running year-round. The site is important environmentally and should have a review to understand what kind of incursions into the buffer are being made. Brian would like to poll the commission related to a hiring a peer review consultant.

Chair Brian made a motion to hire a third-party reviewer for the proposed still river road map and parcel 8.B lots 32 & 33. WP, EW, BB all unanimously agree.

Chair Brian inquires to the applicant if they are willing to continue to the next public meeting.

Attorney Costa respectfully requests to interject. He understands the will of the commission is to have a peer review. They anticipated that there be a peer review of an aspect or two of the projects. There does not seem to be an objection, the applicant would rather not but understands if that is the will of the commission so be

it. What they would like to avoid and what their client is not prepared to pay for is a whole sale second review of what has already been reviewed in four separate letters over a 6-month period when they were before the Zoning Board of Appeals. They would like to think, will the board be 1) attempting to use Horsley and Witten group again so that there is some consistency as having to not reinvent the wheel 2) the commission provide specific direction on the stream being the focus of the review vs taking a second review at the client's expense at what was reviewed previously.

Chair Brian stated if you need a survey and need a second opinion by a doctor, you don't go to the same doctor. He understands what they are saying but having Horsley and Witten rewrite what was already written does not help as much as having a fresh pair of eyes and a second opinion by someone focusing on wetlands verses the entire project. As far as limiting the full scope of work, he is unsure why if hiring someone to review specific areas they should review the whole thing. He will poll the commission to see their feelings. Attorney Costa stated he appreciates the analogy, but understanding peer review and use of 44 53G and requiring an applicant to fund the peer review. That is your second opinion, that is employed by the developer that has a vested interest in approval of the project. The engagement of a peer review is to ensure what it is being told is accurate. The town has been told that once at the expense of his client by Horsley and Witten Group. The commission is essentially asking for a third opinion on his client's dime and if they're willing to pay for it then so be it but he looks to his client to address this. The Conservation Administrator asks Chair Brian if she may respectfully interject. She respects everything Attorney Costa has stated and reminding the commission of his experience with municipal boards and use of 44 53G. The Horsley and Witten Group although during the Comprehensive Permitting process, it was reviewed regarding the wetlands because the Comprehensive permitting process and the Zoning Board of Appeals interest in environmental impact. That was not behalf of the conservation commission. Now the commission is saying during that process there was information that the commission would have asked further clarification on and would have ensured that their peer review had extensively gone over those areas and areas specific to wetland resource areas. That is the important note here, the conservation commission did not hire the peer review, they did not hire that peer review. The ZBA through the Comprehensive permitting process did at that time. The commission at this time is requesting to carry out the same process, through Chapter 44 Section 53G, that is what she means by process. This is to ensure that the commission has proper information and extent of information they need to make an accurate and will informed decision. It sounds like just from the feedback we've received this evening that they do not feel they can make a proper well-informed decision without that. She appreciates the extensive amount of work already into this project, the commission still needs information about what is on the site and how it may or may not adversely impact the resource areas in the interests protected under the act. It was previously reviewed in relation to the bylaw not the wetlands protection act. The commission has the right to have the peer review look at the project in that light. They are fully capable of requesting that. Bob Pace respectfully interjects that they have also hired Ecotec, this isn't the third review this is the fourth review. They've had Horsley and Witten, Seth and Ecotec all saying the same thing. This is not a surprise, but this, they entered into an agreement with the town after downsizing the project. If the commission wants another review, the scope needs to be limited or the commission pay for it for a change. Chair Brian stated as was noted at the beginning of the hearing that as part of the Comprehensive permit process the applicant gets to go before ZBA and basically look past all of our wetland bylaws. The same wetland bylaws that himself, and every other private citizen of the town have to live by however this project can throw those out the window through the 40B process. They cannot get past the Wetlands protection act through that process which is why they are before us. The commission is requesting a peer review because there are a lot of questions including questions about intermittent and perennial streams on the property. The commission is well within their rights to request the review and the abutters comments are taken into consideration as well. Brian is still planning to request peer review by someone other than Horsley and Witten. Bob Pace interjects with stating call it a fourth party review. Chair Brian states that the commission is requesting a review. Seth stated there are stream stats that were submitted with the package. Seth stated the applicant entered into the permitting process with an open order of

	<p>conditions, and take another look at the resource area with results that were not beneficial to the applicant with adjusting the project in accordance. Seth notes the history of the project. Chair Brian states he does not have one particular question that cannot be answered without a peer review. He states that he is polling the commission to see if they are interested. Attorney Costa stated that the commission is fully within rights to request review and define the scope. The applicant is fully within its rights to not fund the review, not saying that is what is occurring, but just to be clear they cannot commit without the applicant's confirmation that the applicant will be willing to fund another third-party review without restriction at potentially substantial cost of a project that has been reviewed previously. The Conservation Administrator stated she appreciates that information and stated that there is an appeal process if the applicant does not agree with the requirement if the commission wishes to require the peer review this evening and votes as such. No further comment from the commission. The public does not have further comment. Emily Winner inquired where the requirement to reduce to four units. This directive did not come from the commission. The Conservation Administrator confirmed that this directive came from the Comprehensive Permitting Process. Emily stated the commission has reviewed projects on single family home properties to minimize the footprint or rework the layout to get out of the 100' buffer. On this plan we have 4 single family homes proposed just outside the 25' buffer. She understands that it has been reduced from 8 to 4 but would like to see a third-party review of stream. However, this still does not overcome her concern about the extent of work within the buffer with four homes and a septic bringing the grade up 5', everything is within the 100' buffer. This is difficult to get by from a regulation stand point. Bob Martel 302 Vaughn Hill Road, echoing comments from commission and important that the images and evidence from residents become integrated into the process. He is unsure if these were considered during Horsley and Witten's review but it is important as it is real evidence and real conditions. Attorney Costa stated the location of the structures is due to the waivers under the ZBA and are now before the commission under the state act verses the bylaw under the ZBA and sought waivers within those resource areas under current bylaws. He cannot sway the commission to vote to accept the proposed plan but the waivers allow placement within the areas as they are proposed. Attorney Costa stating the legal permissions under zoning and local wetland law are granted to place the structures. Chair Brian stated the commission has the right to request a peer review. He cares about the location of the structures and the protection of the wetland resource areas under the jurisdiction. He also highlights the environmental sensitivity and appreciates the information on legal allowances. Council weighed in confirming language of the peer review authorization.</p> <p>The applicant allowed for the continuation of the public hearing to January 5th 2020.</p> <p>Chair Brian made a motion to authorize the peer review of the Notice of Intent submitted for the proposed project of Still River Road, Map and Parcel 8.B Lots 32 & 33 (formerly 8.B-32). Emily seconded, all unanimously agree. Roll call: BB, EW, WP.</p> <p>Chair Brian made a motion to continue the public hearing until Tuesday, January 5th 2021 at 8:15pm for the proposed project to be located at Still River Road, Map and Parcel 8.B Lots 32 & 33 (formerly 8.B-32). Roll Call: BB, EW, WP</p>
	<p>Request for Release of Funds – Houghton Farm Lane <i>Certificate of Compliance has been issued and recorded at the Worcester Registry of Deeds.</i> <i>They are requesting for the release of the remaining funds.</i></p> <p>Chair Brian made a motion to release the funds to Houghton Farm Lane after they receive their certificate of compliance Emily seconded; all unanimously agree. Roll call vote on motion to continue: BB, EW, WP, unanimous, YAY</p>
4.	<p>Minutes – Chair Brian made a motion to accept the minutes as drafted from the December 1st 2020 public meetings of the conservation commission. Emily seconded; all unanimously agree. Roll call vote on motion to continue: BB, EW, WP, unanimous, YAY</p>

5.	Conservation Area Updates: Danger Keep off Ice signs posted along the Bower Springs ponds. Storm damage from past storms and will most likely see more after the predicted storm.
6.	Chair Brian made a motion to close the public meeting of the Conservation Commission Tuesday, December 15th 2020. Jeff seconded; all unanimously approve. Roll Call Vote on motion: BB, EW, WP, unanimous, YAY