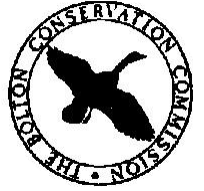




Bolton Conservation Commission

Meeting Minutes



Date:	Tuesday, February 2 nd 2021
Time/Location	7:00 p.m. Zoom (remote participation)
Commissioners Present:	Chair Brian Berube, Emily Winner, William Payne, Lori Stephenson, (Conservation Administrator, Rebecca Longvall)
Guests:	Jim Geraghty, Richard Davis, Phil Codiero, Jim Lambert,
Next Meeting:	Tuesday, February 16 th 2021 7:00pm, Zoom Remote Participation

- 7:00pm 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***

Conservation Administrator provided an update that the funds have been received for the applicant specific to the peer review, she has a follow up meeting with BSC group's engineer later on this week as they work on the peer review.

Kyle MacDonald, the applicant's representative requested via email on February 2nd 2021 a continuation until the commissions next public meeting on February 16th 2021.

Chair Brian made a motion to continue the public hearing until Tuesday, February 16th 2021 at 7:00pm 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, LS; unanimous, Aye

2.	<p>Discussion – Lacrosse Fields off of Main Street</p> <p>Conservation Administrator provided summary. She was notified of infrastructure that had been installed directly within the bordering vegetated wetland and adjacent pond. The infrastructure visible was a small diameter corrugated pipe. She summarized the work that had been approved by the conservation commission and displayed the plans that were approved as part of the determination of applicability that had been issued in association with the project. She stated she reached out to the representative for the project Jason Reese and he stated that it was the outflow to the groundwater from the French drains at the field. He stated it would not be an issue due to the belief it was only ground water. She noted she could not see how the commission would have approved infrastructure directly located within a resource area. It would seem the representative may be able to pull the infrastructure back and out of the resource area to address the issue. Chair Brian inquired if there was flow coming through the pipe. She clarified yes, although it was not a significant velocity but there was flow coming through the pipe when she conducted a site visit. In general, the infrastructure may benefit from being pulled back from the resource area to allow for area to infiltrate and filter across a vegetative cover prior to reaching the bordering vegetated wetlands.</p> <p>The commission continued the discussion after the next hearing item as a representative had entered the meeting. Jason Reese of Nashoba Youth Lacrosse who went through Parks and Recreation and the Commission specific to the improvements to the lacrosse fields. He describes the work that they thought had been clearly expressed where French drains were to be installed the south and easterly side of the plans shown this evening along the field running about 80-100' and across the back of the field to address the pooling on site. An outside party was contracted to conduct the work and it was brought to Jason's attention recently that there is a drainage pipe that is emptying directly into the pond. The Commission stated that this should have not been installed in this location. Jason is looking for feedback from the commission on how to resolve the issue. The Conservation Administrator stated it may be just pulling the infrastructure out of the resource area to allow for further filtration, and noted direct flows are the issue. Jason stated there is a pipe sticking out that is draining directly into the water. Conservation Administrator confirmed that there was a small corrugated pipe sitting within the water. Jason inquired where it should be taken back to. Conservation Administrator stated to the edge maintained/ landscaped area. She highlighted she cannot state exactly how to fix it, but suggested to reach out to the individual who did the work to see if they have a recommendation readily available. Conservation Administrator stated keeping with the bylaw pulling it outside 25', to be clear this is 25' from the resource area for any disturbance. Jason inquired about 25' from the water or wetland vegetation. Jason inquired if the commission would be amendable to the infrastructure being pulled out from the edge of the woods as long as it is 25-30' away from the water? Chair Brian stated that sounds reasonable. Lori stated the velocity shouldn't require riprap. Conservation Administrator corrected herself that she was utilizing that as a reference in the event that they wish to install any granular material, to confirm that any infrastructure would be at least 25' away. Jason inquired if they would be able to cut it back a small amount in the short run, then move the pipe. Then as the ground thaws pull the infrastructure back the full amount around March. Chair Brian stated he would be amendable to that. Lori stated when the ground is frozen it would be going across the surface not seeping through. Conservation Administrator stated it would be important during the interim, to ensure there is not significant erosion and therefore Jason should have someone keep an eye on the site. Conservation Administrator stated she will issue a letter/memo to Jason so he has documentation of what has been approved which can be memorialized through a vote at the next meeting following this public discussion. Chair Brian opened the discussion to the public and saw none.</p>
3.	<p>Minutes – Chair Brian made a motion to accept the minutes as drafted from the January 19th 2021, and January 21st 2021 public meetings of the conservation commission. Bill seconded; all unanimously agree.</p> <p>Roll call vote on motion to continue: BB, EW, WP, LS; unanimous, AYE</p>

4. **7:15pm Request for Determination of Applicability – 580 Main Street, Map 4.C Parcel 24 – proposed well testing site**

Chair Brian opens the public hearing and inquires if there are representatives present and any updates. Phil Cordero from Allen and Major Associates was present to represent the applicant. They are requesting a determination of applicability solely under the Bolton Wetland bylaw for activities that would be otherwise considered exempt under the Wetlands Protection Act for the purposes of testing of the site for site suitability. They are working for an applicant that is looking to assess the property, one of the most paramount items on the property is the use of drinking water. Their request is solely focused on the ability to drill a 6" casing well that will allow them to extract water samples to test for both water quality and quantity. They are aware of the conservation requirements specific to the definition of resource areas; the presumption that all areas upstream of a delineated resource area are considered resource areas with a 25' prohibition zone. They are asking to drill the well casing just outside 25' from the bordering vegetated wetlands that they are working to delineation by a wetland scientist. They note that this area is outside the 25' prohibition area yet inside the 100' from the resource area. The location was chosen based on the ultimate zone 1 radius that would be necessary around this well point if it were to have sustained water capabilities. Once the well is established through DEP no further construction may be located within that well point. It is proposed within a previously disturbed area, has been graded mowed and is within the current owners site plan operations. They have selectively chosen this area that is not new disturbance. In their professional opinion, that they would defer to the commission on, the installation of a drinking water well does not rise to the filing of a full notice of intent as the work is minimally invasive, it can be protected conditionally approved by the commission to make sure erosion measures are in place, and the work in and of itself does not necessarily constitute mitigation. Once the well casing is in place, it will remain there and no further alteration will take place around it. The certified well driller will be on site, they will support the area around the drilling with erosion barriers, they use modular tubular sock barriers, and will erect them around the drill site to make sure there is no transportation to the resource areas, the slurry that comes up with the well casing will be encapsulated within a tubular area as well to ensure it does not move downstream. Upon conclusion of the drilling of the well, typically, they utilize the slurry in the area with a top coating of loam then seed the area to allow the area to revegetate. The long-term forecast for the site if the well is supportive of water withdrawal, they will certainly have a new application before the commission for a Notice of Intent specific to the waterworks infrastructure to be installed. Under the proviso the commission votes for a negative determination, they do want to make the commission aware they will return with a Notice of Intent filing. They also want to alert the commission they will be having Goddard Consulting their wetland scientist perform a delineation and assessment of the property. They reference the plan displayed specific to an inset area that has been delineated by Goddard, they are not request an acceptance of the resource area line at this time rather they had their scientist focus on this area relative to their request before the commission this evening.

Chair Brian opens the discussion to other commission members and the Conservation Administrator. She stated she does not see major issues under the note that it is a testing site. She was able to review the proposed well location test site prior to the snowstorm. Her main inquiry was if there was any ability to move the site further away from the source area and further away from the 25' prohibition area, about 10' referencing the wood line shown in the image. She suggested moving it into the landscaped area adjacent to the pavement without significantly impacting the zone 1 parameters. She inquired about the slurry being captured on site and inquired through the Chair, where this is to be located on site. If it is where it is typically located adjacent to the well site it begs further for the need to move it away from the resource areas. Chair Brian inquired if it would be possible to pull it 10' out to the lawn area. Phil stated they are amenable to accommodate the commission's requests to find a suitable location. The balancing act for them is that the further the well is moved out the radius moved with it, this also relates to the established well have 200' –

	<p>350' of zone 1 radius, this can amount to a significant difference on the site. He referenced to the commission that the image shows tree canopy, however this is not the case on site. They referenced the snapshot of where the well is located on site, there is no canopy above the site. The slurry would fall right outside the well, Phil stated they will seek to move the area more northerly further away from the restricted zone. The commission may have the Conservation Administrator come out on site to review the area prior to construction. Phil clarified that was the long way of him saying yes. Chair Brian stated if it is moved within the mowed lawn he is not overly concerned where this is just a test drill. Conservation Administrator inquired where the existing well location is located on site, and why if there is one, is the existing not sufficient to fulfill the needs of what the future plan for the property is. Phil stated it is relative to quantity, there are two wells on site, depending on how the quantities are on site for any future master plan development on site, they need to determine the maximum water withdrawal is. The two wells that exist on property draw between 7 and 8,000 gallons each in terms of permitted withdrawal. They want to see what this particular well would be capable of, then they would make a determination as to what is the right combination of wells, is it this new well source, is it maintaining the other two wells, can the existing wells' yield be increased, do those need to be brought offline for this new well location, there is a lot of potential combinations to the puzzle solution which is why it is so paramount for us to be able to drill the well and find out what it fact it may offer to address the question the commission just posed. Chair Brian opened the hearing to the public for comment. No comments observed.</p> <p>Chair Brian made a motion to close the public hearing ... Emily seconded; all unanimously approve. Roll Call Vote on motion: BB, EW, LS, WP; unanimous, AYE</p> <p>Chair Brian made a motion to issue a negative three determination regarding the request for determination of applicability for 580 Main Street, Map 4.C Parcel 24 for the proposed well testing site as discussed, this evening with the following conditions:</p> <ol style="list-style-type: none"> 1) Erosion barriers shall be in place and approved before work begins. 2) The slurry from the drilling of the test well, shall be kept within erosion controls and outside the resource areas. 3) The slurry shall be graded out and reseeded on site to allow for the area to naturalize. 4) The applicant shall move the existing proposed well test site location an additional 10' in a Northeasterly direction away from the 25' prohibition area and resource areas under the Wetland Bylaw. <p>Lori seconded; all unanimously approve.</p> <p>Roll Call Vote on motion: BB, EW, LS, WP; unanimous, AYE</p> <p>Conservation Administrator inquired to the applicant's representative to provide the proper mailing address via email for the Determination to be issued to.</p>
5.	<p>Inquiry toward Letter of Support: Emily Winner highlighted there is some legislation has been sitting at the state house since January 2019.</p>

6. **Conservation Property Updates:** Maintenance and management items

1. *Operation and Maintenance (OM) Plan Drafts*

Chair Brian stated he did not see any major concerns. Conservation Administrator pulled Annie Moore OM plan as an example. For the most part, they are all relatively the same except in the case where there is a conservation restriction over the property as well specifically stating additional requirements for the property. A lot of it is memorializing the monitoring effort, mowing, sign replacement. She noted the volunteers and the assistance of others however it will create a more organized schedule of expected work and efforts within the conservation properties. The documents also outline necessary communications for various maintenance efforts, including references to file for orders of conditions (OOC) that would need to be filed to ensure that the OM is incorporated into the OOC documents for any future work. OM plans have been drafted for each of the conservation properties, now it is just finalizing them. Chair Brian stated it would be beneficial to finalize at the next meeting. Conservation Administrator suggested that she can break out in groups of 3 OM plans to be reviewed and approved at one time to ease the burden on the commission. Chair Brian requested that she select 3 and share with the commission this week in hopes of voting at the next meeting.

2. *Letter decision – on legislature specific to 40B “loopholes”*

Conservation Administrator summary from Emily at the last meeting and summarized the current question before the commission. That is, would the commission like to send a letter from the commission as a whole or individually regarding this legislature. Chair Brian stated he would advocate for both, from the commission and if individuals which to reach out to their rep. Emily agreed, that it would be great to have a letter from the commission and if anyone is willing to send a letter individually that would be a bonus. No commission members were opposed to this suggestion. Chair Brian opened the discussion to the public, no comments observed. Conservation Administrator will draft the letter then share it with the commission in their meeting packets.

3. *Taggart Update*

Conservation Administrator stated the LAND grant project agreement contract has been signed by EEA and the town is working to finalize closing. The next steps will be a baseline report. She will be organizing a virtual and in person (socially distanced) event hopefully this spring, when the property is finalized through the process of being acquired by the town.

4. *MVP Action Grant Update*

The Conservation Administrator stated she would encourage anyone to visit the project website (below) or available through the climate adaptation website on the town page. The team has completed site walks with consultant team, report outline, consultants may be visiting site that have unique characteristics for further assessment. The next steps will be finalizing the report, and holding a public meeting to share the information. Chair Brian said thank you for all those community members and team involved.

View project website: <https://climateresilient.wixsite.com/applecountry>

5. **Conservation Property Boundary Marking:**

- a) **Reminder:** please make yourself familiar with the property you are going to explore. Dogs need to be kept under control while on Conservation properties to ensure they stay on trail and out of private property. To also ensure they are not harassing wildlife or negatively impacting the conservation values specific to the purpose of the property preserved. Understand that different conservation properties may be under a Conservation Restriction that may have more restrictions to ensure the conservation values are preserved. When on a conservation restriction, to explore off trail you would still require the private property owner’s permission. The Conservation Administrator will be placing “crossing private property please stay on trail signs” where this has become an issue.
- b) Looking for volunteers who have experience reading maps, utilizing gps and interested in assisting in marking our conservation property boundaries. The first project area will be The Oaks

	<p>Conservation Area. This conservation property will be reviewed and monitored along with updating the marking of the property boundary in March 2021. Should there be any questions by residents along the conservation area associated with the Oaks subdivision they may contact the Conservation Department. There will be a mailing to remind residents of the work, along with placing the item clearly on the agenda until that time to ensure there is proper notice.</p>
7.	<p>Chair Brian made a motion to close the public meeting of the Conservation Commission Tuesday, February 2nd 2021. Lori seconded; all unanimously approve.</p> <p>Roll Call Vote on motion: BB, EW, LS, WP; unanimous, AYE</p>