



# Bolton Conservation Commission

## Meeting Minutes



<b>Date:</b>	Tuesday, March 3 <sup>rd</sup> 2021
<b>Time/Location</b>	7:00 p.m. Zoom (remote participation)
<b>Commissioners Present:</b>	Chair Brian Berube, Emily Winner, William Payne, Lori Stephenson (joined at 7:30) (Conservation Agent, Rebecca Longvall)
<b>Guests:</b>	Jim Geraghty, Richard Davis, Matt Watsky, Scott Hayes, Dominic Rinaldi, Lisa Shepple, Ed Sterling, Seth Donohoe, Peter Given
<b>Next Meeting:</b>	<a href="#">Tuesday, March 16<sup>th</sup> 2021 7:00pm, Zoom Remote Participation</a>

**7:00pm Request for Determination of Applicability – 19 Mill Pond Road Map 3D Parcel 75 – proposed single family home and associated driveway**

Property owner Peter Given and Representative Seth Donohoe of Dillis and Roy were present to provide a summary of the proposed project. Lot 19 Mill Pond Road of Century Mill Estates at one time this was the jobsite trailer site. The site has an existing detention basin at the rear then a bordering vegetated wetland beyond that basin. The submittal is for the approval of grading and house placement all outside the 100' buffer zone. The limit of work is approximately 170' from the BVW. The benefits will be to stabilize the prior area that was used for a parking area when used with the jobsite trailer. This area will be loamed and seeded. The temporary construction entrance and protection of the existing basin are included within the proposal consisting of silt sacks and erosion control barrier at the rear of the site. This is a lot with a shared septic system, the system is already constructed on the adjacent lot and therefore substantial earthwork is not necessary for this area related to the septic. All work is over 170' away from BVW. Chair Brian inquired about the history of the project specific to a fuel spill.

Conservation Agent stated that is why Seth was proactive in calling to see if there were concerns/if a filing would be necessary due to the proximity to resource area. The fuel spill has since been addressed and not associated with the current filing. The reasoning for the RDA is to ensure there are erosion control in place, appropriate grading and stabilization on site to ensure there is no another issue where runoff is circumventing the stormwater basin and ending up in the BVW. There has been some work on site to remediate this issue. However, under our bylaw and wetlands protection act areas outside of the explicit jurisdictional area, if they will impact the BVW, become jurisdictional as well. The roadway, infrastructure and lots are under an existing order of conditions. The area proposed is to be considered under an RDA due to the question of jurisdiction. Chair Brian states he would like to conduct a site visit but did not have any other initial questions. A wattle and silt fence is the proposed erosion control barrier confirmed by Seth. Conservation Agent inquired about the landscaping between the erosion control line and the basin. Seth confirmed the limit of work is the erosion control line. Conservation Agent inquired about the vegetation used to stabilize the site upon completion related to the low lying area at the northeastern side of the property. Seth stated they submitted the RDA to hopefully proceed with the building permit. Conservation Agent inquired if the building permit has already been submitted. Property owner confirmed the building permit has not been applied for yet. Conservation agent stated that it is good due diligence to come before the commission first, however, the applicant is able to start the building permit application prior to the commission reaching a final decision. Other departments are clearly involved and may be able to sign off in the meantime. Seth inquired if the Conservation Agent could display an ortho image of the job site in hopes of addressing the questions of the site and perspective to surrounding properties. This is within an existing disturbed area and most properties have lawn extended to the rear of the property. Seth stated they could meet out on site with the property owner if additional landscaping is necessary. Emily stated the landscaping seems to be out of the commission's jurisdiction, however she would review the limits of the erosion control to pull the erosion control further east about 16' along the property line to protect against any potential migration of material carried by runoff. Chair Brian polls the commission to see if a site visit would be necessary then vote at the next meeting. Peter stated ideally, they would like to have an answer this evening to not further set the construction back however he would respect the commission on their decision. Commission members confirmed they would like to conduct a site visit.

The applicant was agreeable to continue the hearing until the next meeting of the conservation commission. Chair Brian tasked the Conservation Agent with scheduling a site visit. Peter stated he will be at the site around 4/425pm tomorrow.

**Chair Brian made a motion to continue the public hearing for 19A Mill Pond Road until Tuesday, March 16<sup>th</sup> 2021 at 7pm. Bill seconded; all unanimously agree. Roll Call: BB, WP, EW, LS.**

2 **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*

Peer Reviewer Dominic Rinaldi of BSC group provided the commission with a summary of his findings from the test pits that were carried out within the two depressional areas. He provided a summary from last meeting and what he was tasked with which was to confirm the soil types through conducting test pits within the depressions on site. He referred to Scott Hayes test pit report. They found almost the exact same soil type in both depressions; relatively thin top soil layer of sandy loam loamy sand underlain by a C horizon of a very gravel stony sandy material. Standing ground water was observed at roughly 20-22” in each, evidence of seasonal high groundwater at 12” deep. Both engineers agreed on the observations. The soils matched with the soil maps, soil A which would drain well. The one item that needed to be clarified was groundwater is very high, at normal levels in the area yet 20’ down in two depressions, and in spring/fall about a foot down. He called DEP CERO to see if the shallow groundwater would dictate changing the groundwater at all. After speaking in detail, the result was to use the soil types that you find, regardless of groundwater. The soils are definitively an A soil therefore the calculations provided in the letter do not change based on the letter provided. As such neither depression provides enough storage based on the calculations under the bylaw and WPA. However, water cannot go into water, therefore the foot plus of soil above gets saturated fairly quickly ponds and holds potentially for a while as there is no outlet, until groundwater recedes or groundwater evaporates which is the ponding observed regardless of whether or not it qualifies as jurisdictional areas. Emily inquired if the Circuit Rider felt comfortable in respect to their comments accompanying the DEP file number previously and the data collected at these depressional areas in question. Dominic stated she felt it best to keep a neutral stance on this matter verses making any definitive statements, rather provide guidance on the way the calculations were done in the presence of high groundwater. There is really no where that there is guidance for run off calculations where you would make that change. Everything is based on the actual soils or the best available information, in this case the test pits. Emily inquired if DEP stated any additional information would be suggested. Dominic stated no, because you do not need a lot of information to make these determinations. There are three pieces as summarized before; topography, what’s on the surface and what the soils are. Bill inquired if there is water a foot below the surface, the calculations are not affected. Dominic confirmed you do not change the calculation. Bill inquired and rephrased because the water is close to the surface and he is trying to understand the calculations, there is ponding present. How can we see ponding, but the ponding observed doesn’t matter? Water at certain points of the year may be 3-6” above the ground surface. Dominic stated based on what was observed in the field and what was provided within the documents from the applicant and himself, was an estimated high groundwater at 12” generally this would mean yes there are times when groundwater is below and above, but it is fairly infrequent because it does not leave evidence. If it were frequent it would leave mottling and staining in the soils which was not observed. It could happen, if there was evidence that it occurred regularly, you could use the groundwater in your ILSF calculations regarding the volume, but the runoff calculations would not change. If standing water was present all the time, it could contribute to the volume portion of the calculations. It can happen but there was not evidence of it occurring regularly. After speaking with DEP, whether or not it is jurisdictional it still ponds, the jurisdiction is based under the WPA on a certain volume of water ponding to a certain average depth. It does not mean that water ponds, it means that volume to that depth does not show within the calculation. Bill stated the images show that observations are fairly close to that, 1,000 sq ft, that is what he keeps questioning. Dominic stated they are fairly large depressions; you would still have to be an average depth across it just to get that volume. Even if water is covering that basin it still may not qualify. Bill inquired if he could talk one on one with him after to understand the calculation. Dominic stated the groundwater is not ignored, for the sake of the calculations groundwater is not relevant but for the sake of what occurs in the field the groundwater is certainly relevant. Bill inquired if he could speak one on one offline, Conservation agent stated it would be better to ensure there are no open meeting law violations to speak during the public meeting. Dominic referred Bill to google TR-55, a hand calculated version about what was done that is fairly well written and easy to understand for a decent starting point. The actual program he uses is hydroCAD. Bill stated he still did not understand but will review. Emily inquired what the drainage was like for type A soil. Dominic stated water will run through type A the fastest out of any soil. It is a

coarser grain like a sand, stony gravelly. Emily inquired in his professional opinion does he think the water observed at various times of year could be groundwater coming up because of high groundwater levels or is that ponding due to runoff? Based on the soil types it seems that the water should drain quickly. Dominic stated there was not any evidence showing water was going above the surface of the ground. What is occurring is the water is draining through the soils fairly quickly, however water is an impervious barrier. Therefore, you do not have that full volume to be occupied by the runoff, the water goes between soil particles. Stormwater comes in and goes down quickly, but hits the groundwater creating an impervious barrier, builds up, saturates the soil in the basin, and anymore water that comes in just has no where to go so it sits on the surface. There is no outlet, its not a basin with an outlet, it just has to sit there and wait until groundwater recedes or it evaporates, which may be why you may see water sitting there for an extended period. Bill inquired if a septic system or leaching field is placed on top of it, how far on top of the water table does that have to be? Dominic stated that falls under title V regulations, there is a required separation of groundwater to the bottom of the leaching system and the Board of Health will check that. If you look at the test pits from out front where the land is higher you are seeing groundwater within the same place. Conservation Agent inquired within the two depressions; both of these areas have water that emerges to the surface from the water being groundwater? Dominic stated there was nothing present to confirm water was coming to the surface, at some point it may occur, but does not happen frequent enough to leave evidence as such. Rather, stormwater runoff is coming in saturating the little soil above groundwater, then building up and sitting on the ground. Dominic stated the soil particles have empty space between them where the water goes, a commonly accepted void ratio is 30-40% of the spaces available for storage, in that 1' of soil you don't actually have the full volume to store stormwater. It fills up quicker before soil is saturated and everything else sits on the ground. Brian inquired within the area observed with three foundations would there be greater ponding with increased impervious surface considering we are assuming it would be seasonal high groundwater. Domonic stated he was unsure as they did not assess the direction of stormwater, if you increase the volume of stormwater then yes, the more ponding. Brian stated it just seemed that everything seems to just sit and saturate within the general area and may increase ponding with increased impervious surfaces. Brian inquired with high groundwater the septic would need to be mounded that drain straight down into the yards that currently pond and flood, increasing the area that already has significant ponding. Emily inquired if stormwater calculations were submitted. Scott Hayes confirmed that yes they were. Matt Wattsky inquired if Scott would like to address the question about the septic systems and mounding becoming a potential problem. Scott Hayes stated the areas tested in 2 and 4 were much higher in elevation and estimated groundwater with permeable soil less than 2" requires a 5' groundwater offset. The septic system is mounded slightly. With respect to ponding of the depressions there is no evidence that seasonal high groundwater reaches the surface. The ponding observed on site he believes is just due to the conditions of the frost and the topsoil being frozen and acting as a temporarily impervious area. Bill stated there are pictures before the frost of the ponding, he stated you cannot make that comment and get away with it. Scott clarified he is stating it contributes to this and he is trying to understand what is occurring on site, some areas pond where top soil is thicker in some areas. The top soil thickness varies which may be a contributing factor along with the general topography. Scott stated he just wanted to stated that the groundwater was not contributing to the ponding of these areas, rather rainfall and snowmelt. Brian inquired what is being proposed to mitigate the rainfall and snowmelt with the proposed infrastructure. Is this going to make ponding worse? Highlighting as Scott stated we are trying to understand where this is coming from just as he and the commission are as well. Therefore, the ponding is occurring, how is it being mitigated? If it is, or if it is not. He would like to know Scott's thoughts on this. Matt Wattsky inquired who was asking the question and asked if the chair wants mr. Hayes to respond. Brian clarified he is in fact the Chair of the commission posing the question and asked was it not clear that is name was up on the screen. Matt Watsky stated he could not see the way his zoom was displayed. It was suggested that he change his settings. Scott stated these areas have been evaluated aggressively to determine jurisdiction through calculations. Through the calculations and observations, they have not been able to correlate the volume necessary to support that these areas are jurisdictional. Construction of a dwelling, if the areas pool more, they are not going beyond the 309 or 310. Scott stated what is trying to be established is are these areas jurisdictional if so do they need to be mitigated, if not, do they need to mitigate them

at all. Brian stated the full OOC is being discussed, these depressional areas may or may not be jurisdictional but the remainder of the site is well within the commission's jurisdiction in its entirety. The question is are those areas increasing the jurisdiction. Matt stated he will try to rephrase the question. Matt stated that each independently the engineer and engineer peer reviewer have come to the conclusion that neither are jurisdictional under the act or the bylaw but you do have a plan that shows compensatory flood storage to mitigate the effect to the extent that it is even jurisdictional. He continued that the applicant could remove those areas but had asked to keep them on the plans. He asked Scott to walk through the storage proposed, volume and placement as the work is within buffer zone. Scott stated they took a conservative approach to use the basin flood elevation of adjacent flood areas assuming all volume within depressions A and B proposed to be altered. Then what was proposed as the mitigation areas as compensatory flood storage that exceeds the flood storage that is proposed to be filled by the applicant regarding activities on lots 2 and 4. The mitigation areas are still shown even in light of lack of supporting evidence within the depressions. He also stated he was not contending the conditions being jurisdictional on the site primarily within the buffer zone, clearly jurisdictional site. Conservation Agent through the Chair provided some clarification on his previous statement in question. She reminded all those present that under our Bylaw The Bolton wetland Bylaw chapter 233, the area 25' from the BVW is a prohibition area or no disturb area. The remaining 75' that make up the buffer under the wetlands protection act, under our bylaw that remaining 75' is an Adjacent Upland Resource Area in itself. What the chairman was trying to establish was that the applicant has shown compensatory flood storage regarding the areas that were in question however your proposing these areas within jurisdiction still, therefore how are you going to mitigate for that disturbance on site as required under our performance standards. Chair Brian stated the compensatory flood storage would benefit from utilizing an area that already floods on site instead of altering the buffer zone/AURA. Buffer zone is protected and important with climate change. Why not leave the buffer zone/AURA undisturbed, pull project to the front and not fill the depressional areas that could serve as flood storage, maybe with just two instead of three? The regulations say not to disturb it, currently the applicant is proposing to alter the area to mitigate another area, then they will have to mitigate the alteration again from the disturbance within the buffer/AURA. Matt stated the areas where he has proposed the compensatory flood storage adjacent to the BVW which is required under DEP's guidelines. Therefore, Scott designed it to meet that standard. It is not designed to comply with any law or rule that is mandatory or under your local bylaw because the areas that the houses are proposed in is non jurisdictional. So there is no requirement to provide compensatory flood storage. The applicant proposed this as something through a belt and suspenders approach, its providing something extra. If the commission is uncomfortable with having those areas graded to provide additional volume the applicant is happy to take them off of the plan. Matt suggested the commission close the hearing and vote to approve the project because the areas that the commission has been so focused on have been determined by the commission's peer reviewer and the applicant's engineer as nonjurisdictional so the project should be allowed to proceed and if the commission does not want the compensatory flood storage to be built then that may be added as a condition to remove them and provide a revised plan. Chair Brian stated submitting a revised plan is fine, it seems to be proven by the letter of the law that the commission cannot call the depressional areas isolated land subject to flooding although questions remain and in reality, maybe. There is still a ton of buffer zone work all of that needs to be mitigated for. The commission has three general items to address when reviewing an application; avoid, minimize, and mitigate. It is up to the applicant to keep or remove the compensatory flood storage in the current proposed location, Chair is stating that is not viewed as appropriate mitigation as it is altering a resource area to provide. The commission doesn't need to close but rather receive an updated plan showing proposed mitigation. Chair Brian stated he would like to see a new plan that shows mitigation that does not tear up buffer zone/AURA. If not mitigation then minimization and avoidance. Matt inquired about what the mitigation would be for. Chair Brian stated any work within the buffer zone/aura. Conservation Agent clarified that the buffer zone is also the Adjacent Upland resource area under the bylaw, its own protected resource area the remaining 75' and the 25' no disturb area. These resource areas are established within the local bylaw chapter 233 and associated regulations which are available online. These Resource areas have their own presumptions and performance standards established within these local bylaw regulations that need to be overcome. While she does appreciate Mr. Wattksy's note about the DEP requirement

for compensatory flood storage, under certain parameters, this is currently proposed within a resource area under our local bylaw therefore what Mr. Chairman is asking for is now that you are trying to mitigate for one thing, you are actually encroaching on another. In fact, he is asking for mitigation for those alterations and pointing out the depressional areas, potentially to the applicant's benefit, may provide that aspect of mitigation if left undisturbed. The commission may also determine that currently the alterations are not properly mitigated on site and therefore they are asking for an updated plan that establishes how the applicant will provide mitigation. She does appreciate that there has been some thought put in under the wetlands protection act but under the bylaw resource area solely based on the AURA not even looking at the other bylaw resources, there is still a concern. It is more restrictive than the wetlands protection act as it is allowed to be and that needs to be considered in this plan. Matt confirmed and stated the two areas were provided without any sense that there was a requirement to do so in an attempt to belay the commissions concerns. He stated there is no regulatory requirement to provide compensatory storage for areas that are not jurisdictional. He stated there are concerns about the driveway that is partially within riverfront area, what has been presented is a redesign of the existing driveway that is to improve it and its function. It provides stormwater management where none exists now and the houses are where they should be appropriately located set off further from any vegetated wetland. The applicant feels they have provided a plan that is mindful of the areas protected under the bylaw including the buffer zone. He stated there is an existing bit of work within the riverfront area is to improve upon the current conditions. Matt stated he is hearing loud and clear that the commission is not fans of the compensatory flood storage areas as proposed seeing as there is no regulatory trigger. Brian reiterated he would like to see a plan establishing mitigation for the areas as discussed. He inquired if the images were considered and these areas already flood. The concern is stormwater displacement into adjacent properties based on field observations. Brian stated he could close tonight but he does not feel he could vote without seeing the mitigation plan. Conservation Agent clarified that if the commission were to close this evening, they would not be allowed to consider any new information submitted after the close of the public hearing. Therefore they would only have to go off of what has been submitted up until this date. It would seem the commission at this time feels it is necessary for the applicant to provide the mitigation plan to the commission. If the applicant were to refuse a continuation, or request the commission close. Then the commission would only have the information that has been submitted thus far. It is important to point out also that the commission has been so focused on these depressional areas because they were the biggest unaddressed question through a prior filing that had never been addressed by the applicant as was requested. During this public hearing process yes, the commission is happy that the applicant has been willing to work with them on the peer review of these areas. Now, the Chair is asking for and to show these mitigation areas that are within their jurisdiction and mitigating areas within the local bylaw. They appreciate the information thus far but clearly they are requesting additional information that will assist them in making a well informed decision for this project. She would hate to see that not occur if they are lacking information. Matt stated he understood, and inquired about what is required to be mitigated. Conservation Agent stated the concerns are where the water will contribute to when the depressional area is filled, also although she appreciated the amount of work associated with the driveway, that is not maintaining the driveway, that is not infrastructure within the same footprint and rather a significant increase in terms of the infrastructure and disturbance within that area. The Commission is looking at the tree removal and all permanent alterations and structures proposed within the adjacent upland resource area and other jurisdictional areas. If he were to review the commission's bylaw under the adjacent upland resource area the performance standards allow for temporary and limited alterations if the commission determines that it does not impact the resource areas, not a permanent structure. The Chair is highlighting the depressional areas still as the applicant may want to utilize those areas as the mitigation required to offset what they are proposing within the adjacent upland resource area. There is significant alterations proposed within the adjacent upland resource area which is required to be mitigated. If mitigation is not proposed then the commission will have difficulty looking at our bylaw language to weigh out if the proposed project is appropriate for the site or not. Matt stated he will agree to a continuation for the public hearing and take the commissions guidance back to the client and see what they can do. Emily stated she agreed that the compensatory flood storage needs to be taken out of the buffer zone. It has been over a year and these depressional areas have finally been addressed. She would like to go back and review

the stormwater calculations. Emily stated within regard to the driveway, Scott stated no trees were proposed to be removed, but when the commission was out on site they observed multiple mature trees would need to be removed to accommodate the proposed alterations trees to be removed have been marked on the plan as of a recent update to the plans. Although from a drainage and material improvement of the driveway, she does not see the removal over multiple mature trees within the buffer as an improvement to the overall site. Rather this is a detriment to the natural resources and climate. Jim Geraghty was present and inquired about the soil types and calculation implications. The soil if classified differently would classify as an isolated land subject to flooding. He inquired further that there was soil tests carried out on site but of course there would be sandy soils because this area was dug up with machinery two years ago, there are images of this. There is no way to conclude what the soil was two years ago. Matt Watsky stated Scott Hayes is not present, therefore they are not in a position to deal with the technical aspects and the discussion has gone on longer than his availability. However, as Matt understands it there is a well-defined top soil and there is a well-defined B and C underneath, he understanding there is an argument of the work carried out there, however this work did not scrape away everything because all the topsoil is still there and even the vernal pool assessment that was carried out by the commission's peer reviewer found organic soils and it had vegetation that was established. The whole area has not been scraped clear of top soil given the technical reports that have been provided to the commission in this case. Jim Geraghty stated he fundamentally disagrees, there were bulldozers in there, there are pictures, you cannot deny the facts and the photos, the applicant had dug up these areas. Matt interjected that the applicant removed debris on site, they didn't scrape away and remove soils. Jim stated he would suggest Matt go back and take a look at the photos. Conservation Agent made a note of order of questions needing to go through the Chair, but did appreciate Jim's concerns. She then inquired if Dominic could speak to the soils on site. He stated he could not speak to what occurred two-three years ago on site. He did state both he and Scott Hayes have taken the states soil evaluation courses and many soil test pits observed over the course of his career, there is a methodology to define fill or naturally occurring soil. In the test pits, the material that is there now is not a fill material. Richard Davis inquired about the peer reviewer's idea that water within these depressional areas is not a regular condition. Therefore, he would like to know the definition of "regular condition". Dominic clarified that he does not know how often water ponds, it most likely varies from year to year. What he was stating is that there was no evidence that groundwater rises to the surface. There is no definition for regularity rather under the guidelines for conducting these types of soil tests, you would look for evidence that demonstrates where groundwater gets to frequently enough to leave a mark (discoloration/mottling, redox morphic features) when you have enough of that then you can define the area. At this location this is defined as seasonal high groundwater elevation, it may go higher or lower than that at times. That is what is used for stormwater calculations, septic system design. Everything is statistically possible, anything can happen, but it is not often enough. Both engineers agreed that the seasonal high groundwater was about 12" down for each of these two depressions. Domonic stated he does not know how often it floods; he was tasked with addressing under the regulatory guidance to see if it is jurisdictional. It floods, that is not the point but rather it can flood and not meet the ILSF definition. Richard inquired why the test pits were carried out, and inquiring about the water above the surface pooling. Conservation Agent stated he addressed his own question, at the last meeting the reason why the test pits were requested was that the commission was looking for the best information available at that time. Upon our peer reviewer's recommendation, test pits are the best way to establish and confirm what soil type is actually there in the field. Which is one of the three items that Domonic has listed out that is taken into consideration under the regulatory requirements of how to determine whether those areas are jurisdictional. At the last meeting the commission discussed why the calculations did not match what was occurring on site. They confirmed the soil type with the test pits, but also confirmed that there was relatively high groundwater. Therefore, water cannot go into water and it sits on top. However, that does not change the way the calculations are run, under the directions in the regulations of how you establish those regulations you utilize those three items. The soil type was shown in the field, run again, therefore that is what they got in the regulations. Therefore under DEP standard and the bylaw that is the conclusions they reached. The groundwater is discussed because that was the outlier as to why the soil was functioning in that way. Richard inquired if there was another soil type? She stated if there was a different soil type then they would have run the

	<p>calculations with that soil type that was found in the test pits. Richard inquired if they run the calculations accounting for the water table. Dominic stated no the calculations does not change, which is why he reached out to DEP, do the calculations change based on high groundwater. The guidance from DEP was no, you conduct the calculations based on soil type which remained type A. Richard stated a high-water table would cause for flooding of these areas therefore shouldn't it be accounted for through a modeling or calculation. Conservation Agent stated that at times, the regulations do not cover every single situation and circumstance that you come across, in our bylaw there is some consideration to account for areas that are not text book. The soil type is still a type A and she completely understands the calculations Dominic is referring to, because under the regulatory requirements you have to follow a certain way. If it included that consideration then it would have been within the calculations. The commission's jurisdiction is the wetlands protection act, and the local bylaw chapter 233. Richard stated that he hopes the guidelines within the bylaw take serious consideration of the groundwater. Specifically, because the maximum water and that there is much more water in the basins right now the reason why is due to the high-water table. Richard inquired who selected the location of the test pits. Chair Brian inquired to Dominic, he stated the commission agreed one would be done in each depression and both engineers were present with the excavator to choose the location. Bill stated he did specify the location of the test pit location to be sure that they were conducted in areas that are closer to the other soil type. Richard stated that these test pits were dug at the edge, at the southwest corner. He would have gone out into the middle of the depression; the middle is filled with ice. He stated his concerns with the location of the test pits. Conservation Agent stated that the location of the test pits were the location requested by the commission at the last meeting, confirmed by Bill. Jim inquired if 28" of topsoil be classified as a Class D. Jim clarified his question is specific to the septic areas. Domonic stated top soil by itself is not classifying hydrologic soil groups rather it is a textural category. Even if it is topsoil it would depend on what the texture is. Dominic stated he inquired if the septic areas were assessed. Jim inquired would that area be classified as a D in the calculations. Brian stated most were on an A or mounded above an A. Dominic stated they were all listed as sandy loam and therefore not D. Chair requested the public who had concerns to email questions to the conservation agent so the applicant is able to prepare answers. <b>Matt Watsky stated he has the authority; the applicant's representative accented the commission's request for the continuation of the public hearing until the March 16<sup>th</sup> 2021 meeting of the conservation commission.</b></p> <p><b>Chair Brian made a motion to continue the public hearing until Tuesday, March 16<sup>th</sup> 2021 at 7:15 pm for the proposed project to be located at Map 3D Parcel 75. Bill seconded; all unanimously agree.</b></p> <p><b>Roll call vote to continue: EW, WP, LS, BB; unanimous, Aye</b></p>
3	<p><b>Minutes – Chair Brian made a motion to accept the minutes as drafted from the February 16<sup>th</sup> 2021 public meeting of the conservation commission. Emily seconded; all unanimously agree.</b></p> <p><b>Roll call vote on motion to continue: BB, EW, WP, LS; unanimous, AYE</b></p>
4	<p><b>The Oaks Conservation Area</b> will be reviewed and monitored along with updating property boundary making and trails. Contact the Conservation Office with questions. This will occur March – April 2021.</p> <p><b>Invasive Species Pull – Bowers Springs March 15<sup>th</sup> 2021</b></p>



5 **OM Plan review for Parks and Recreation properties:**

Conservation Agent provided brief summary regarding the majority of the parks and recreation properties fall under the jurisdiction of the conservation commission. PR provided a document with jurisdiction. Ed Sterling was present to provide some history on the properties, and the history of the parks and recreation commission. He provided a summary of the donated services arranged by property users or inherited these services from past property owners. Some of the properties have a significant disturbance history over a long period of time. The Common for instance has had the stream covered over for years, and therefore the entire town common becomes jurisdictional. The sports fields are maintained by the organizations that utilize them. Parks and Recreation had not been consulted in the past and happy that each entity participated. PR's past responsibility seemed to be just scheduling. Ed had taken the locations and some jurisdictions within the spread sheets, a history of the properties, and what actually occurs on the property. He is looking for guidance; sports teams are engaging landscapers. He has tried to relay information specific to the chemicals utilized on site to see if there is something objectionable within the treatments utilized. PR has not hired these companies that are doing work on the property and they hope are doing the right thing, but are looking for guidance. Chair Brian complemented the amount of work put into the document before them. He inquired to the Conservation Agent and she stated she did have a suggestion on how to move forward which is why she suggested they come to conservation to provide some guidance. One item that stood out, there are actually issued order of conditions for many of the properties for work within the jurisdictional areas. After reading through some, it seemed to restrict the type of material or category of material. The guidance may be that those restrictions are current, and have a category specified verses assessing each chemical utilized. It is not within the commissions or PR jurisdiction to distinguish beyond identifying the jurisdictional areas, and then the restricted material (paper products, organic etc). She suggested to PR to pull together information regarding what was in the order what restrictions were in place and the resource areas. Then for properties that have OOC already, then PR can request a certificate of compliance with ongoing conditions which would then memorialize these conditions into the future. Many of these OOC have expired, RCOC can be issued once they have expired, but cannot amend the order. PR would then have that document with the ongoing conditions, to hand out to volunteers or an organization or others who are maintaining the property. PR would relay this to the contracted party but identifies the contracted party as the individual maintaining the party, then it is on the contracted party vs PR to determine meeting the requirements within that order. A property that does not have an OOC or open order that includes maintenance, would require the filing of a Notice of Intent. These are municipal properties therefore it does meet the exemption for filing fees. The cost should therefore not be significant. Ed stated he utilized the information from the spreadsheet the Conservation Agent provided. He stated there were some that would need review and also further conversation. Chair Brian stated that any new OOC going forward with ongoing conditions, should have relatively standard language going forward. Ed stated memorial field is the only field that does not have open water resources. Conservation Agent stated that there is BVW and buffer zone under the wetland's protection act and the Adjacent Upland Resource Area. This does allow for maintenance, but memorial field and some of horse ring field are most likely the two properties that have areas that are outside the commission's jurisdiction. Emily stated the details for each property should be in one document so when they want to conduct maintenance it is all in one package verses referring to four other documents. Emily stated this could be general, but there should be specific guidelines for the Invasive Species and associated methods. The fertilizers should be an organic material where the areas are nearby streams or within jurisdiction to the conservation commission. The user groups may not be aware of the resource areas and this information is not regularly available to them, having a document for each property would be helpful for them. Ed inquired about what chemicals are "organic" or encouraged to be utilized and who should pass judgement on it. Conservation Agent stated this could be an action item, and restated that the commission can establish what they think is "organic" vs what a company thinks is organic to ensure that the commission's concerns are represented under their regulatory requirements. She stated she is happy to review the chemical labels, but does not have the expertise necessary. Therefore, focusing on establishing the key words or phrases that express what the conservation commission needs within the jurisdictional areas is a little more important then we can discuss this with the contracted party if they have any questions about what it means. Ed inquired if MACC has any guidance

	<p>on this? Conservation Agent stated she will look into that resource. Emily stated the organic are not truly organic but may be better than “chemical”. Even a natural fertilizer will increase the nitrogen within the resource areas, again these are all areas that need to be maintained, as organic as you can get without spreading manure on the fields. Most are treated twice a year (spring/fall application). Emily stated the last resort is spraying after manual or mechanical best management practices for the invasive species removal. The invasive species are along the perimeter of the properties, therefore closest to the water resource areas which is a large concern of then directly impacting the water ways. Ed inquired about Knotweed. Conservation Agent stated that there is a large infestation there, however there is a large infestation along the southwestern portion of still river which runs along forbush mill road into Lancaster, along the banks of the stream there is a significant amount of knotweed but the water is flowing away from Bolton. Emily stated knotweed is one that has to be treated, where bittersweet you can cut and rip out by the roots same thing with grape vines. Conservation Agent stated the best management practice for knotweed she is aware of is to cut and treat the stems directly, and this must take place overtime with multiple treatments. You could also completely excavate the area. Other invasive are much more feasible through pull days or invasive species management days. Emily stated the awareness would help increase education while involving the community. Ed inquired about the pond park operation and maintenance plan that was extremely detailed with timeframes and month by month. Conservation Agent stated that she is utilizing that format for the conservation properties for scheduling and relaying the public what to do when. For the purposes of the conservation commission relaying the jurisdiction and closing out OOCs, or if a new Notice of Intent is to be submitted that does not have an order, that may be a secondary document. The OOC will need to be in place is the priority, then if a scheduled document needs to be created for the commission to understand what is going on when but that is at PR discretion at that time. The DPW VMP refers to the OM of concom and PR, this means every year there will be a reminder of any updates or who is maintaining what. This seems to be a lot of upfront work, but once in place there should be clarify in the future. Ed inquired how to proceed. Conservation Agent suggests 1) finding out what properties have OOCs, fill out a document for each (request for certificate of compliance) that has an order. The next step is 2) where the properties are jurisdictional without an OOC, file a Notice of Intent and carry out the same process as established above. Emily inquired if the OOC that exists have plans for the properties. She stated this would be important to include within the packets of information shared with users/individuals who maintain the properties. If one does not exist could an aerial photo suffice on site just as a visual aid for organizations that manage the properties. Conservation Agent stated creating the maps is not an issue, the existing delineations are guidelines as they are out of date as they are only good for three years. The only concern would be if the commission accepts that as a plan, but then if DEP has any issues with accepting that plan verses an engineered plan when submitting a Notice of Intent. Ed recapped that there be a double check on the filings that exist for the properties. Conservation Agent stated a collaborative effort after PR reviewed the spread sheet. If an OOC exists fill out the RCOC, if not follow up with Conservation Agent. Lisa inquired about whether all properties have the document. Conservation Agent stated that the next meeting is March 16<sup>th</sup> 2021, and inquired about the PR timeline of when this should be finalized. Lisa stated soccer and baseball would like the property fertilized prior to the season. Conservation Agent stated that she can review the OOC for these properties if they have an OOC already which they may then share. Lisa stated it would be Memorial and Forbush, typically this is done by Gatsby. Chair Brian states there is a plan moving forward, the idea is to look at the properties and working with Conservation Agent and PR. Ed stated Town Common, handled by Emerald Acres is next. Chair Brian inquired if those could be focused on and sit and review them with PR. She stated she will definitely be able to review the OOC before the next meeting and highlight any restrictions. Then request the COC where there is an existing OOC. The Commission agreed to proceed in this manner.</p>
6	<p><b>OM Plan review for Conservation properties:</b>  Conservation Agent provided brief summary of updates including the invasive species management practices</p>
7	<p><b>Chair Brian made a motion to adjourn the public meeting of the Conservation Commission Tuesday, March 16<sup>th</sup> 2021. Bill seconded; all unanimously approve.</b>  <b>Roll Call Vote on motion: BB, EW, LS, WP; unanimous, AYE</b></p>

