



Bolton Conservation Commission

Meeting Minutes



Date:	Tuesday, April 6 th 2021
Time/Location	7:00 p.m. Zoom (remote participation)
Commissioners Present:	Chair Brian Berube, Jeffrey Bryan, Emily Winner, William Payne, Lori Stephenson (Conservation Agent, Rebecca Longvall)
Guests:	Jim Geraghty, Richard Davis, Lisa Sheppple, Ed Sterling, James Hryniewicz, Matthew Watsky, Scott Hayes
Next Meeting:	Tuesday, April 20th 2021 7:00pm, Zoom Remote Participation

1. **Request for Determination of Applicability – Memorial Field – *proposed operation and maintenance plans for Town of Bolton Park and Recreation managed property Memorial Field***

Chair Brian opened the public hearing for Memorial Field. Conservation Agent provided a summary and update also noting Lisa Shepple and Ed Sterling of Park and Recreation were present. The RDA is to permit the maintenance/management practices for the field going forward. Conservation Agent requested park and recreation to provide a summary of the maintenance items listed in the Operation and Maintenance Plan going forward.

Ed Sterling stated the maintenance has been carried out by the sports teams, parks and recreation does not perform anything nor regulate it, noting they should be more aware of it. Gatsby Grounds is contracted by the sports teams to fertilize, herbicide, and pesticide. A site visit was conducted highlighting material stored within the jurisdictional areas and stockpiled dirt from when the lights were installed which all needs to be removed from the resource areas. He further stated that the sports team take over for their use and is looking for guidance on moving forward to be shared with the sports teams and contracted parties.

Chair Brian stated the ongoing maintenance that is currently being used. Ed clarified that the parks and recreation schedules the use of the fields, but that is the extent of involvement. The focus has not been on the grounds and is open to the commission's guidance. Ed stated the resource areas have not been anyone's attention on the fields for a long time.

Conservation Agent displayed the OM plan and stated the items along the perimeter of the field need to be removed. For the purposes of this meeting, she inquired if there was anything to be removed on the OM plan that was previously in place. She also noted the commission would like to see language encouraging nature-based solutions for maintenance and management of the fields. She noted requesting a transitional period between what is to be maintained as turf and wood line. Chair Brian would like to add language to encourage nature-based solutions. A lot of the document refers to the actual fields. Emily Winner noted the frequency of treatment after speaking with Gatsby Grounds. Her concern is that the entire field is being treated with chemicals, but did not understand if the extent of vegetation could be spot treated. She highlighted that the main ballfield is almost completely within the jurisdiction of the conservation commission and therefore the sports teams would want that to be treated. Highlighting that this area is more sensitive and should therefore be treated with less. Jeff inquired about roundup use, Emily stated there are three different chemicals. Ed Sterling inquired if Round up has been disallowed by Selectmen. Conservation Agent stated he would need to inquire to Board of Selectmen. She also stated it sounds as though the document needs to be updated by Parks and Recreation prior to voting on the document. Ed inquired who reviews the document and actually applies it. Emily stated Baseball is not aware of the document. Conservation Agent stressed that is the point of this process and going forward to ensure that everything is up to date to ensure that Parks and Recreation is not having wetlands violations on town property. Then also this document will provide a tangible document to provide to hand out. Then concomm can enforce and so cant Parks and Recreation and require compliance. If Parks and Recreation is handing that off to volunteers or a contractor that needs to be sent to all parties involved from Parks and Recreation. That is beyond conservation but the document issued needs to be a part of contracts for those areas. Parks and Recreation is now going through much effort to come into compliance and would benefit them to continue that compliance. Emily stated it should go to DPW as well. Chair Brian inquired if Conservation Agent could summarize some of the items and encourage nature-based solutions then share with parks and recreation to then incorporate that language into the document to ensure that the commission has something to vote on at the next meeting. Ed confirmed he will send the highlighted points as well. Chair Brian inquired if the commission could continue until the next meeting, along with the time and date. Emily noted sports are starting on the 17th of April and inquired whether the commission could provide some guidance on this matter. The commission stated to make a vote now on what you are telling them to do in the interim. There is enough area outside of the commission's jurisdiction where they could start maintaining those areas. The areas within jurisdiction the commission can make a vote now then authorize next time it would muddy the water vs maintaining areas outside the jurisdiction of the commission. Chair Brian inquired if the current OM could be utilized, it has been expired. Conservation Agent stated they can

authorize the temporary use of the prior OM until the next meeting. Ed stated if the following issues were passed onto Gastby and baseball:

Less grass cutting, Nature-based solutions, Cut down on weed control, Remove round up, Reduce killing o beneficial plants, Spot treatment not blanket covering of fields.

Emily inquired if the commission could allow use of fertilizer and not herbicide/pesticide. Conservation Agent stated outside of the commission's jurisdiction that would be fine. She acknowledges that this is a town entity, however she stresses extreme caution and would not recommend allowing something before the document is issued. Then you are not acting ethically towards all applications, the commission does not want this towards every permit that comes before us. She does agree that the maintenance does need to occur and stated the commission may approve them to conduct their first treatment. She again stressed that the commission should not authorize something that is contingent upon a document that conditions the work. Emily highlighted the field that may be of highest priority. Ed stated they do not know what they are doing and when which is another issue that needs to be corrected. Lisa stated nothing has been done on site and Gatsby Grounds has placed work on hold as well. Lisa stated the concern about increased chemical use if not treated prior to the season. Ed stated it sounds like we can't have our cake and eat it to. He stated this seems to be a new level of concern that has not been understood or shared at all in the past. Lisa stated Gatsby is aware of it and stated she believes they did spot treat however she will double check. Conservation Agent stated the commission has the ability to issue a determination with conditions. The reason she stated to continue and edit the document was that coming into the meeting she assumed this was the OM that Parks and Recreation was requesting to utilize going forward but that is clearly not the case. The document issued will be valid for three years which will need to be relayed between PR and teams. Chair Brian inquired if they could make a motion to begin to treat the field based on the last Determination until new Determination are in place.

Chair Brian made a motion to authorize the initial maintenance of the fields based on the last Determination approved by the Conservation Commission on a temporary basis until the new determination can be voted upon and issued. Emily seconded; all agree. Roll Call: EW, JB, LS, WP, BB. Chair Brian made a motion to continue the public hearing until 7:30pm during the next public meeting on Tuesday, April 20th 2021. Emily seconded; all unanimously AYE. Roll Call: BB, WP, EW, LS, JB.

2.	<p>Continued Notice of Intent – Century Mill Road Map 3D Parcel 75 – <i>proposed construction of three single family homes and widen and pave an existing gravel driveway</i></p> <p>The applicant’s representative Matthew Watsky and Scott Hayes were present. Conservation Agent provided an update being a revised set of plans and a brief narrative describing the revised set of plans. Matthew Watsky provided a brief summary introduction based off the colored plans submitted using the color coding that the commission prefers to make it clear to everyone what areas are outside of jurisdiction and what areas are proposed to be altered. He stated the houses are entirely outside jurisdictional areas including the septic location. There are some grading within buffer zones including the temporary alteration to install a new well. Each of the houses is designed with its own roof runoff infiltration system, the driveway is proposed to be repaved, scraped down and resurfaced with a pervious pavement. Scott Hayes highlighted some items where they altered the driveways to pull outside of the resource areas on lots 2 and 4. Infiltration has been added to these lots to mitigate there. On lot 3 they relocated the water line on the opposite side of the home and tightened up the grading and limit of work. The grading on lot 3 is limited to the septic system. The areas proposed to be altered within the buffer zone is to be mitigated by their proposed plantings of White Pine. Chair Brian inquired if commission members had any questions based on what they had heard thus far. Emily inquired about a request from two meets ago regarding runoff questions and stormwater calculations. She stated there were calculations for the driveway and the depressional areas. She wanted to circle back and inquire about full site calculations and if that was available. Matt Watsky stated the impervious pavement surface is being replaced with pervious and the roof runoff is proposed to be infiltrated. Scott Hayes stated supporting calculations have been done for the improvement of the driveway and the roof runoff infiltration is sized for 10-year storm. The biggest impact would be the common driveway that is compacted gravel that is going to be largely improved with a porous asphalt surface as it is now moderately impervious. The new will allow for a stone reservoir and be much more pervious than it currently is now. Chair Brian stated he would like to see the runoff projections and calculations noting it states this in the bylaw that the commission requests pre vs post construction runoff. Brian’s concerns also are related to the removal of the mature white pines along the driveway to “improve” where he notes the current driveway functions really well. The trees also provide shade for the areas and resource areas as well. He does not see removing these trees as an improvement. The driveways, proposed as pervious needs to be maintained. Therefore, he is requesting who will maintain and how the proposed driveway would be maintained. Also, if someone does not want to maintain it how will that be overcome to ensure that it is continuously maintained. The removal of the mature pines would be a degradation within the floodplain forest and he would like to see the runoff projections including the removal of these trees. Conservation Agent stated the runoff calculations existing vs. proposed, this is stated through the local Wetland Bylaw. This is important to note not only due to the sensitivity of the site but also in upholding our bylaws. The other concern Brian mentioned is also highlighted in our bylaw, specifically ecological services. The ecological services that provide to the resource areas. This is important to provide information related to the commission to ensure they can properly review the proposal. She stated she does appreciate the fact that the applicant has highlighted their mitigation, the colored plans per our bylaw, and trying to move things outside of the resource area. Much of the work is still within the jurisdiction of the commission and therefore the request for runoff calculations is appropriate. To note this is also not a new request as Commission member Emily stated, this has been requested previously as well as our Chair. Matt stated the majority of work seems to be the driveway and Scott Hayes has provided those calculations but he will review and hopefully address the commission’s concerns. Conservation Agent stated she encourages the applicant to review the Commission’s bylaw again, but it does require the commission, to require of the applicant that there is no net loss of function and no net loss of resource area at all. Where the majority of this site is under the jurisdiction of the commission, therefore mitigation for any proposed alteration is necessary but is required by all applicants. Matt Watsky inquired to the Chair if the wish of the Chair is to be left as it is, but regardless it would be required to be maintained in common. Matt stated he will provide the commission with what the maintenance plan would look like but it is typically finalized during discussions with planning board. He inquired if the Chair would like to see the driveway stay as it is. Chair Brian stated he does not understand how the</p>
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driveway will be maintained and distributed between the proposed 4 homes. Matt highlighted the commission wants to know that the driveway is not just installed but that there are plans for maintenance and who is responsible. Chair Brian also noted the expansive root system within the area and how their removal will impact the floodplain forest, which right now seems to be functioning. If removed, it would not appear to improve stormwater conditions on site. Chair Brian noted maybe cutting down the number of houses, maybe two instead of four to reduce the impact to the resource areas. Emily stated a draft maintenance plan that includes the vacuuming of the driveway but also what happens during the winter (plowing, sanding, salt) in order to review and consider this proposed work within the resource areas. Jeff inquired how many trees are proposed to be removed and stated the root system sucks up a lot of water but holds a lot of carbon as well. Scott stated there are 8 trees within the buffer zone and existing driveway proposed to be removed. Chair Brian noted the maturity and expanse of the trees. Scott Hayes noted the operation and maintenance is included in the stormwater report. The legal documents associated with the operation and maintenance of the driveway comes under the planning boards review. Conservation Agent stated it would be important to show the commission who will be held responsible in relation to the proposed structures. Additionally, the commission acknowledges that there are other boards, commissions and departments that still require their own review. Emily inquired about the new plantings within the buffer on lot 4, she made a general note that the use of native plantings will be incorporated. The applicant's representative stated white pine is proposed. Chair Brian opens the hearing to the public for comment: Martha Remington from the Historical Commission she highlighted there are historic stone walls on the property and requested that the stones not be removed from the area, rather incorporated into the design. No home owner could remove them and they are protected if they are used as a boundary. Chair Brian stated this is not the jurisdiction of the conservation commission and possibly the planning board may have jurisdiction. At this time the commission cannot tell the applicant what to do with a stone wall. Conservation does not mean historic stone walls. She inquired whether the plan has been presented during any other meeting. Conservation Agent stated it would have been posted online, however she cannot speak to whether or not it is actively before another board. Martha inquired that the developer is proposing a common driveway then a new shared driveway will be constructed. Conservation Agent stated how she understands it, is that this is a proposed common driveway and the branches are private driveways. They are looking to improve to support the common driveway standards then connect the private driveways. Jim Geraghty stated the original house was built in 1973. Richard Davis stated he would like to see the language "Danforth Brook" placed back on the plans to show that this is a brook not a pond. Additionally, he is concerned with the 200' setback that is not associated with the stream. He also stated it would be easier to understand if each lot were placed on individual sheets and it is difficult to understand things at this particular scale. He also highlighted that Scott Hayes stated that the driveway was impervious and Richard's understanding was that a gravel driveway is pervious. Conservation Agent clarified that he stated it was a compacted gravel driveway to ensure the statement was not misconstrued. She also clarified that a gravel driveway typically is more pervious. Richard inquired that can't any gravel driveway become compacted over time and Conservation Agent confirmed. He further stated the shallow root system may be impacted by the removal and the adjacent work or alteration. Ecological services are provided by these trees, if removed the wetlands will suffer to a degree in addition to the trees proposed to be removed within the areas of the homes and septic systems that may impact the local ecology. Jim Geraghty stated the area of the brook is not BVW but it is part of the brook. The "pond" is the brook therefore the 200' needs to start before and continue through and he would like to see this on the plans. Chair Brian stated this goes into another set of issues. The ANRAD was signed off on, he contended they were misled when they signed off on and were not given proper information and solely to mislead the commission to not place the 200' RFA. He has asked to have input from council on this matter previously, and in his opinion the commission was misled. He also encouraged the public to get involved. **Chair Brian made a motion to continue the public hearing until Tuesday, April 20th 2021 at 7:50pm for the proposed project to be located at Map 3D Parcel 75. Emily seconded; all unanimously AYE.**
Roll call vote to continue: EW, LS, WP, JB, BB; unanimous, Aye

3.	<p>84 Sampson Road, Request for Certificate of Compliance</p> <p>Amy Clark prior property owner was present.</p> <p>Conservation Agent provided a summary of the project. The site work had been completed in compliance previously and the COC never issued. The letter from the individual who conducted the restoration and oversaw the invasive species management and the Conservation Restriction has been recorded. The As-Built has also been received. Amy highlighted all the steps had been completed then the right paperwork seems to have not been submitted at the end of the project therefore she is hoping to close out today. The property has changed ownership recently and the COC is part of the condition of the sale and the new property owners are aware of the CR on the property. Conservation Agent requested proof of new ownership as is required as part of the OOC. The applicant will need to provide recording information after they bring it to the registry of deeds.</p> <p>Chair Brian made a motion to issue a Certificate of Compliance with ongoing conditions for work previously completed and located at 84 Sampson Road. Jeff seconded; all unanimously, AYE.</p> <p>Roll call vote to continue: LS, WP, JB, BB; unanimous, Aye</p>
4.	<p>Forbush Mill Field, Request for Certificate of Compliance</p> <p>Lisa Shepple and Ed Sterling of Parks and Recreation were present.</p> <p>Conservation Agent provided a summary of the project and ongoing conditions for operation and maintenance. Lisa created an Operation and Maintenance Plan to be considered and confirmed that Gatsby Grounds is typically also used by the sports teams on this property. Conservation Agent highlighted the commission may want to add language “maintenance shall incorporate nature-based solutions” and a transitional area between the turf area and the woodline. Chair Brian asked Conservation Agent to write out the conditions within the minutes to them utilize for memorial field as well. Emily inquired about the weed control. Conservation Agent stated under the OOC herbicides and pesticides are prohibited therefore it was left out of the maintenance item as it will be an ongoing order as part of the COC. Emily stated the sports team was not aware that herbicide and pesticides were prohibited. Emily asked for clarification on whether the nature-based solutions were being required or suggested. Conservation Agent stated that it is required to incorporate but does not specify to what extent or where thus allowing Parks and Recreation some flexibility.</p> <p>Chair Brian made a motion to issue a Certificate of Compliance with ongoing conditions including annual field maintenance occurs as drafted and submitted at this evening’s meeting with the additional language added to incorporate nature-based solutions for work located at Forbush Mill Field. Emily seconded; all unanimously, AYE.</p> <p>Roll call vote to continue: EW, LS, WP, JB, BB; unanimous, Aye</p>
5.	<p>Taggart Acquisition: Chair Brian made a motion to vote to utilize and expend \$32,500.00 for the acquisition and therefore to be used in the purchase of the Taggart Parcel off of Forbush Mill Road. William Seconded; all unanimously, AYE.</p> <p>Roll call vote to continue: EW, LS, WP, JB, BB; unanimous, Aye</p> <p>Emily inquired if there was public information regarding the overall purchase price including grant funding received, rather a breakdown of what was approved at town meeting, funded through the land grant and the conservation fund authorization. Conservation Agent stated the total amount authorized at Town Meeting was \$550,000.00 (see town meeting article). The Taggart Land Acquisition Project has been selected by the Executive Office of Energy and Environmental Affairs (EEA) to receive up to \$308,000 in state Local Acquisitions for Natural Diversity (LAND) Grant Program assistance. These funds are to be received upon project completion. The conservation fund just authorized \$32,500.00. Therefore, the cost is brought down to \$209,500.00 for 43 acres of land in Bolton. The land was originally valued over 1 Million dollars by two separate appraisals. As presented at Town meeting 4.5 acres are land banked and the rest is in conservation which was required for the LAND grant.</p>

6.	<p>Cease and Desist Updates: James Hyriniewich 112-0668 0 Harvard road – Conservation Agent provided a summary and established the timeline of notifying the property owner regarding the cease and desist from early March 2021. The site manager and Conservation Agent conducted a site visit to review violations and alterations on March 29th 2021. The Cease and Desist still remains in place. Conservation Agent requested the commission authorize the wetland specialist to be used on site as required in the OOC. The site manager confirmed they would like to utilize Seth Donohoe of Dillis and Roy as their wetland specialist. Commission members voted in favor of allowing Seth Donohoe to be the wetland specialist to oversee work to be located off of Harvard road under this OOC. Once the property has been brought back into compliance, only then may the cease and desist be considered to be lifted. The Commission authorized the conservation agent. Site manager did not have any outstanding questions.</p> <p>580 Main Street No representatives present Property associated with Bolton Office Park. Conservation Agent provided a summary of reasons for the cease and desist. Including the clearing around the wetland resource area and more recently erosion from the parking area directly depositing into the resource area. The property owners have been relatively responsive when the violations were brought to their attention. They have since hired Oxbow Associates to review the site and propose mitigation measures to be carried out to remediate the issue. The Cease and Desist shall remain in place.</p>
7.	<p>Minutes – Chair Brian made a motion to accept the minutes as drafted from the March 16th 2021 public meeting of the conservation commission. Jeff seconded; all unanimously agree. Roll call vote on motion to continue: BB, EW, LS, WP, JB; unanimous, AYE</p>
8.	<p>Conservation Property Maintenance: Chair Brian made a motion to conditionally approve the 5 operation and maintenance plans as drafted and discussed so that they may be placed on the website for public comment. Jeff Seconded; all unanimously, AYE. Roll call vote to continue: EW, LS, WP, JB, BB; unanimous, Aye Volunteer Land Steward position still open Conservation boundary marking and land stewardship efforts – Oak Trail will be completed this weekend, April 14th 2021 there will be an Invasive Species work day and training at Bowers Springs to be led by TerraCorps Members Jonathan Haarstick, there will be a new QR code self-guided walk installed at Fyfeshire within the next week or two. Town Wide clean up is supplemented by encouraging individuals to clean up around and through conservation areas as well. Emily Winner stated for Earth Day there will be a poster contest through Bolton Local focusing on reduce reuse recycle. Awards are based on a lottery drawing upon submittal of the poster vs. judging posters. This fall Bolton local will be planning an event for interactive and informational activities, because “every day is earth day”.</p>
9.	<p>Chair Brian made a motion to close the public meeting of the Conservation Commission Tuesday, April 6th 2021. Emily seconded; all unanimously AYE. Roll Call Vote on motion: BB, LS, EW, JB, WP; unanimous, AYE</p>