



# Bolton Conservation Commission

## Meeting Minutes



<b>Date:</b>	Tuesday, May 4 <sup>th</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 (Conservation Agent, Rebecca Longvall)
<b>Guests:</b>	Jim Geraghty, Richard Davis, Lisa Sheppple, Ed Sterling, Michael Gorr, Paul McManus Wetland Scientist, Steve Brennan General Manager, Kelly Durfey Cardoza Consultant.
<b>Next Meeting:</b>	Tuesday, May 18 <sup>th</sup> 2021 7:00pm, Zoom Remote Participation

1. **Continued Request for Determination of Applicability – Memorial Field**

Conservation Agent provided a summary and a brief update regarding the OM submitted and dated April 15<sup>th</sup> 2021 and additional information regarding the Hitting Tunnel to be incorporated as part of OM plan documents being reviewed this evening.

**Chair Brian made a motion to close the public hearing for the Request for Determination of Applicability regarding Memorial Field. William seconded.**

**Roll call vote to continue: LS, WP, BB; Aye. EW Abstains.**

**Chair Brian made a motion to issue a negative 3 determination with the condition of the Operation and Maintenance plan from April 15<sup>th</sup> 2021 and hitting tunnel regarding Memorial Field. William seconded.**

**Roll call vote to continue: LS, WP, BB; Aye. EW Abstains.**

2. **Minutes – Chair Brian made a motion to accept the minutes as drafted from the April 20<sup>th</sup> 2021 public meeting of the conservation commission. Emily seconded; all unanimously agree.**

**Roll call vote on motion to continue: BB, EW, LS, WP; unanimous, AYE**

- **QR self-guided tour at Fyfeshire Dam Conservation Area** directing individuals along three loops two of which enter into Berlin
- **Community grant received N-S-N Wild and Scenic Stewardship Council** to create a trail connecting Taggart to Forbush Mill Conservation Area with the inclusion of funding for an intern to lead this effort. Information can be found on the Conservation Town Website, also to be advertised in the Bolton Independent.

3. **Continued Abbreviated Notice of Resource Area Delineation – 159 Ballville Road**

Kelly Durfey Cardoza, Steve Brennan, and Paul McManus were present on behalf of the applicant. Kelly provided a summary of the two site walks conducted by members of the commission and the Agent (4/28/2021, 4/29/2021). Two flags were adjusted as requested on site to relocate along the delineation line. Recent documents were submitted, stormwater plans (historic) and revised plans incorporating the updated flag placement. Kelly described a stormwater basin area in question. Oct. 4<sup>th</sup> of 1999 there was not a stormwater basin present, the construction needs to meet the requirements within the wetland's protection act. Kelly stated the bracketed time that can be realized is the 1999 date then June of 2000, thus the date the basin was constructed. Paul stated the important date of the regulations is subsequent to 1996. Kelly acknowledged a DEP file number has yet to be assigned and comments have not yet been provided. She also provided information on a pipe located within the stream that was questioned by the Agent on site on 4/28/2021. The pipe was relative to water levels and water pumping that took place, she requested that they be able to leave it in place as it has been there since 2000. Chair Brain had no comments. Emily inquired to the Agent and the Chair if the purpose of this public meeting was relative to the ANRAD only or reviewing site conditions. The Conservation Agent clarified that this is solely based on the ANRAD process. If an area is degraded and the need for an enforcement issue is plausible, then that should be addressed here. However, they will be filing a notice of intent for work on site. Emily had no further comments. The applicant stated they will be filing an RDA in the near future for maintenance activities.

**Chair Brian made a motion to continue the public hearing for the ANRAD located at 159 Ballville Road to 7:00pm on May 18<sup>th</sup> 2021. Emily seconded; all unanimously, AYE.**

**Roll call vote to continue: LS, WP, EW, BB; unanimous, Aye**

4. **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 Agent provided a summary of recent submittals: stormwater report of entire site vs just the proposed common driveway and a revised plan set. She suggests that the Chair request the update on the Stormwater Report and the revisions within the plan set.

Matthew Watsky provided a summary of some items requested by the commission at past meetings. The buffer zone disturbance, another regarding the common driveway and whether this infrastructure was necessary, potentially decreasing the development by one lot. The removal of one lot would still require a common driveway under the planning regulations. The removal of the existing driveway would be proposed to be removed and upgraded with any proposed development on site. There are a number of trees to be proposed to be removed, there was an inquiry related to the impacts to the adjacent resource areas. Matt stated there will have no impact at all on the pond/resource area due to the forested state of the property. They conducted transects and ran a calculation in such effect. The dbh greater than 5" there would be 555 trees between the driveway and the pond with 50% wooded area. The 100' of trees between the driveway and the edge of the pond will result in no loss of shade. There was also concern about the uptake of water from the trees and peak rates in volume of runoff. Scott Hayes provided specifications from the stormwater calculations on site. Scott described the site and associated existing gravel driveway. Bill inquired about the material, maintenance and cross section of the proposed common driveway. Chair Brian also inquired about impacts to the infrastructure and resource area if the maintenance is not continued, specifically the drop in function and how that impacts the resource areas. Scott provided information regarding how to realize if maintenance is necessary or not, stating annual vacuuming should be sufficient. Matt stated the order of conditions could include a condition that requires a copy of the operation and maintenance plans. Scott clarified that the OM plan is provided within the Stormwater documents provided to the commission prior to this meeting for consideration. It will also be incorporated into planning board documents. Emily inquired about treatment over winter and whether that has been included within documents already provided. Scott stated it has not been specifically addressed, the driveway functions as a system in itself. A prohibition of deicing chemicals on a driveway like this where the grade is so gentle there should not be an issue including a condition specific to that. Bill inquired about the high ground water and where the subsurface water level at the front lots and driveway location. Scott Hayes expressed the soil chance between the rear of the property and by the frontage. The Commission reviewed the cross section as Scott Hayes expressed the details. The commission discovered a typo on the plans that needs to be revised. The revision of the plans was also noted that there was some administrative clean up regarding the scale. Therefore, there are no major physical changes incorporated within these revisions and no new mitigation areas were included, the commission requested the applicant show mitigation to accommodate impacts to the resource areas under the local wetland bylaw. Chair Brian opened the hearing to public comment. Jim Geraghty expressed his concerns about the maintenance and monitoring specific to the proposed pervious common driveway. His concern was also specific to trees and associated root systems. Chair Brian inquired to the applicant if they could provide information about the impact the installation and excavation would have on the forested floodplain that exists within the site where the proposed common driveway infrastructure is to be located. Scott Hayes stated these are becoming more common with low impact development measures highlighting Walden pond. Commission members clarified that this area is installed across the road from the pond. Conservation Agent inquired if this infrastructure would be proposed if only one home were constructed. The Conservation Agent clarified could this be an alternative analysis for the applicant to consider to reduce impacts to resource areas under the local Wetland Bylaw and the Wetlands Protection Act. Emily stated her concerns about the infrastructure proposed but acknowledged the infrastructure as a bmp specific to stormwater, the impact though overall causes concerns. The commission highlighted minimal mitigation plantings proposed and inquired about perpetuity of these proposed plantings. The applicant's representative stated that this could be an item conditioned and incorporated into the development documents. Jim Geraghty stated his concerns regarding his observed discrepancy between the images/physical observations verses the hydroCAD modeling. Conservation Agent stated there was a change of

the cn value. However, the cn value would not be 100% impervious. Jim stated the images should supersede the calculations. The Conservation Agent discussed proven through the assessments that it does not meet ILSF under the Wetlands protection act. The commission did not vote or make a determination specific to the bylaw related jurisdiction of these depressional areas. Richard Davis inquired about the differentiation between a pond and Danforth Brook. Conservation Agent stated this has been addressed multiple times, noting that an Order of Resource Area Delineation which was already issued. At that time the public hearing process took place, there were some items that were brought forward after the fact where the Wetland Scientist did not disclose their financial and personal interest in the project and therefore potential impact to accuracy or conflicts of interest. However, the commission issued the ORAD and therefore this is what the commission has to work with at this time. Matt stated some items needing to be revised aspects of the plan and inquired if there are any further revisions necessary. Chair Brian inquired and requested a Stormwater Management Report peer review, then review and proposed revisions necessary. Conservation Agent stated the plan should highlight any further mitigation proposed from the applicant considering the local bylaw and WPA. Matt stated he would object to the peer review of the stormwater report.

**Chair Brian made a motion to request and authorize a peer review of the Stormwater Report and revised plans, for the proposed Lots 1-4 Century Mill Road project to be located at Map 3D Parcel 75. Emily seconded; all unanimously AYE. Roll call vote to continue: EW, LS, WP, BB; unanimous, Aye**

**Chair Brian made a motion to continue the public hearing until Tuesday, May 18<sup>th</sup> 2021 at 7:15pm 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, BB; unanimous, Aye**

5. **Request for Certificate of Compliance – Town Common**

Lisa Shepple was present on behalf of Parks and Recreation.

Conservation Agent provided a summary of the resource areas/jurisdictional areas on site.

Emily inquired if erosion control barriers will be removed. Conservation Agent confirmed that yes that is a condition related to issuance of the Certificate of Compliance.

A condition in perpetuity shall be the ongoing knotweed management and maintenance as specified within the order and ongoing condition. No public comment.

**Chair Brian made a motion to issue a Certificate of Compliance with Ongoing conditions and shall be incorporated into all maintenance and management plans going forward. William seconded.**

**Roll call vote to continue: LS, WP, EW, BB; Aye.**

6. **Forest Legacy Program – Vote to consider providing a letter of interest for the Forest Legacy Program and holding the Conservation Restriction and land on two parcels within the Town of Bolton.**

Al Futterman was present to address questions from the commission and request the vote from the commission to confirm the commission's interest in holding the land and conservation restriction within the Town of Bolton.

One of the property owners is New England Power and is a fee interest request not a conservation restriction.

July 12<sup>th</sup> should be the application date. It is important to note that this is an effort across 11 towns part of the N-S-N Wild and Scenic Designation/Stewardship Council. Conservation Agent will follow up with the Town Administrator.

**Chair Brian made a motion to vote to consider providing a letter of interest and Letter of support for the Forest Legacy Program and holding the interests within the town of Bolton one Conservation Restriction based, the other fee land based on two parcels within the Town of Bolton. Roll call vote to continue: LS, WP, EW, BB; Aye.**

7.	<b>Conservation Property Maintenance:</b> <ul style="list-style-type: none"> <li>• Taggart Land working final documents drafting Land Management Plan to be approved at next meeting</li> <li>• Volunteer Land Steward Position is still open</li> <li>• Forbush Mill – Trail Installation intern</li> <li>• Bowers Springs review proposed estimates for Bowers and Butternut from Henderson Striker -vote on authorization of contract for work. The Conservation Commission proposed changes and requested the Agent review the proposed changes with the contractor then consider the revised estimate and contract at the next meeting.</li> <li>• Town Wide cleanup is supplemented by encouraging individuals to clean up around and through conservation areas as well.</li> </ul>
8.	<b>Chair Brian made a motion to close the public meeting of the Conservation Commission Tuesday, May 4<sup>th</sup> 2021. Emily seconded; all unanimously AYE.</b> <b>Roll Call Vote on motion: BB, LS, EW, WP; unanimous, AYE</b>