



# Bolton Conservation Commission

## Meeting Minutes



<b>Date:</b>	Tuesday, September 21 <sup>st</sup> 2021
<b>Time/Location</b>	7:00 p.m. Zoom (remote participation)
<b>Commissioners Present:</b>	Chair Brian Berube, William Payne, Emily Winner, Gillian Glassanos, (Conservation Agent, Rebecca Longvall)
<b>Guests:</b>	Greg Roy (Dillis and Roy), Joe Brazeau (Berlin Rd), Michael and Jessica Healy, Richard Davis (Hudson Road), Jim Geraghty (Century Mill Rd), Scott Hayes, David Yesue (Deer Path), Jonathan Keep (Manor Rd), Matthew Watsky
<b>Next Meeting:</b>	<a href="#">Tuesday, October 5<sup>th</sup> 2021 7:00pm via Zoom</a>

- 1. Request for Determination of Applicability – 257 Main Street – (8) eight trees to be removed**  
Greg Roy of Dillis and Roy was present to provide a summary of the proposed work. Conservation Agent confirmed original conversations. Michael and Jessica were present stating their home was built in 1998, the roadway was built before the home and they are new owners. Greg Roy expressed the details of the existing conditions survey which included a wetland resource area on site unique in that it is above the property vertically. There is a swale that accommodates some of the water on site toward the swale that runs toward the common driveway and associated culvert. The proposed trees are primarily large diameter pines, some dead. Commission members inquired about the conditions of the site, that the total scope of work inclusive of grading be incorporated into the plans presented and a site visit be scheduled.  
**Chair Brian made a motion to continue the public hearing until Tuesday, October 5<sup>th</sup> 2021 at 7:30pm for the proposed project located at 257 Main Street. Emily seconded; all unanimously AYE.**  
**Roll Call Vote: EW, BB, WP, GG AYE**
- 2. Notice of Intent – Meadow Road (Lots 7 & 8) Map Parcel 101 – shared driveway, grading and associated drainage**  
Jack Maloney and Ryan Proctor of Dillis and Roy were present to provide a summary of the proposed work and site consisting of two lots, a common driveway, stormwater system and grading. The majority of work is taking place outside of the jurisdictional area of the conservation commission however the steep existing grades of the property are of concern to the commission. Additionally, the plans submitted were asked to be revised to exhibit the entirety of the parcels. The commission also requested an alternative revision where the proposed work was moved entirely outside of the jurisdictional areas of the conservation commission to ensure protection of those interests. The Chair opened the public hearing to the public. Richard Davis inquired about the grading on site. The commission requested a site visit. The applicant's representative was amendable to this continuation and request for site visit.  
**Chair Brian made a motion to continue the public hearing until Tuesday, October 5<sup>th</sup> 2021 at 7:45pm for the proposed project located at Meadow Road. William seconded; all unanimously AYE.**  
**Roll Call Vote: EW, BB, WP, GG AYE**

3. **Request for Determination of Applicability – 243 Berlin Road - proposed garage extension to replace lean tube structure**  
 The applicant Joe Brazeau was present to provide a summary to the conservation commission. The proposed project is to replace and expand upon the previously existing lean tube structure on the property. The conservation commission inquired about resource areas on the property and the purpose of this extension. The applicant stated that the structure is proposed to be enlarged by 50’ to the rear of the existing garage structure for storage of equipment and an archery range for his son. The proposed structure would consist on a steel building with a concrete floor that will require 4’ below frost level footings. The Commission requested a site visit to the property. The applicant was amendable to a continuation.  
**Chair Brian made a motion to continue the public hearing until Tuesday, October 5<sup>th</sup> 2021 at 8:00pm for the proposed project located adjacent to 243 Berlin Road Map 3.C Parcel 12. Emily seconded; all unanimously AYE.**  
**Roll Call Vote: EW, BB, WP, GG AYE**
4. **Request for Determination of Applicability – 12 Deer Path, Map 6.B Parcel 152 - proposed pool, landscaping and deck**  
 Scott Hayes (Foresite Engineering) provided a summary of revisions submitted on behalf of the applicant. David Yesue, Jonathan Keep were also present. Scott reminded the commission that the request was filed relative to the minor activity. He confirmed the alteration will consist of 1800SF within the RFA within the already altered area. Jonathan confirmed that native species shall be planted within the area to be naturalized between the pool apron and inside the fenced area.  
**Chair Brian made a motion to close the public hearing on September 21<sup>st</sup> 2021 for the proposed project located at 12 Deer Path. Emily seconded; all unanimously AYE.**  
**Roll Call Vote: EW, BB, WP, GG AYE**  
**Chair Brian made a motion to issue a Negative Three Determination for the proposed project located at 12 Deer Path as proposed on the revised plans dated September 10<sup>th</sup> 2021 with the following three conditions:**
  - 1) Any ongoing pool maintenance shall be discharged or drained away from and out of resource areas on site OR removed from the property.
  - 2) Plantings shall be native and where appropriate support pollinator species then the area outside of the pool apron and inside the fenced in area shall be left to naturalize.
  - 3) Erosion and sediment controls shall be installed by the applicant and inspected by the conservation agent prior to construction.**William seconded; all unanimously AYE.**  
**Roll Call Vote: EW, BB, WP, GG AYE**

5. **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 engineer review between the applicant and the conservation commission's peer review engineer regarding the Stormwater Calculations and Report. Specifically, although the applicant is not required by statute to meet the stormwater standards, they have incorporated many of these standards. The applicant addressed roof runoff infiltration on site. Additionally, it is mindful that they are in compliance with all standards as the local Wetland Bylaw does consider storm water and associated potential pollutants along with the other interests and performance standards. Matthew Watsky provided additional summary regarding the review conducted between the two engineers along with stating the Conservation Agent review as accurate. Scott Hayes was present as well to elaborate further on specifications regarding the stormwater calculations and report. Matthew continuously stated the applicant and representatives have addressed all issues related to jurisdictional areas and stated then the commission had inquiries about the common driveway and stormwater pre and post construction. The applicant stated that the peer review engineer Dominic Rinaldi had stated that he sees the stormwater calculations and report related to storm water standards questions as closed after his most recent letter dated September 21<sup>st</sup> 2021 and suggested two conditions in perpetuity. One being to submit the O&M plan submitted to the Conservation Commission to then have it be recorded with the title. Therefore, the property would be maintained as such in perpetuity and the applicant was amendable to this condition. The second was related to the use of deicing chemicals. The use of pervious pavement will most likely get rid of need to utilize deicing chemicals. However, sand shall not be utilized on the property but a condition limiting the use of sodium chloride/salt should be limited as well as a condition in perpetuity. Scott Hayes provided a summary of the revisions depicted on the plan itself. One being the addition of two dry wells on Lot 3 to accommodate roof runoff. Scott expressed a summary of the soils and more infiltration system required on one side of the lot. Chair Brian inquired about the impacts to large diameter vegetation that were not proposed to be removed. Scott stated excavation is not proposed to be more than 2' into the ground within the limit of work associated with the driveway. He posed that it may be beneficial to have an arborist monitor the excavation during the time of construction and advise selective cutting as necessary. He also noted the trees are being left to preserve the trees and noted having an arborist monitor the work at the time of excavation would not be a hardship on the applicant. The commission inquired if the tree warden could review. The Conservation Agent noted the subject area is outside of the tree warden's jurisdiction since it is outside of the public right of way. She stated it may be the same as hiring an outside contractor regarding the approach. The commission further inquired about cutting into a quarter of the tree root system and how it may impact the health of the tree. The commission noted the trees to be preserved within close proximity to the driveway and their health impacted by this proposed project are of concern. Jim Geraghty posed multiple questions related to the stormwater report and where the water runs to. First, he inquired about the modeling of the preconstruction related calculations. Scott Hayes addressed the purpose of the model and technical aspects of the model. Scott confirmed the design points where water is received to the wetlands on the property and the pond. Second, related to post develop he inquired about the modeling of node modules 51R. Scott addressed the inquiry related to references on the property itself and highlighting the driveway. Scott also clarified that it is to ensure that the porous asphalt system functions properly. The reach Jim referenced never received flow rather acts as a model to ensure that the driveway and stormwater systems are sized properly to attenuate. Last, Jim inquired about when Danforth Brook and associated ponding areas floods and how that may impact the proposed infrastructure. Conservation clarified if the applicant also assessed stormwater related to the brook impacting the infrastructure vs post development stormwater implications have on the brook. Scott clarified that the regulatory floodway is not proposed to be altered and not increasing the stormwater discharge to that area due to maintaining or slightly reducing the stormwater to that area due to stormwater controls. The conservation reiterated abutter and commission concerns related to flooding and regular use/regulatory floodway utilized to capacity more frequently. Was that then modeled to show any impact to the applicant's proposed infrastructure and the residents who may be there. This also incorporates the interested related in the local wetland bylaw. Scott stated an extensive stormwater assessment has been done and tried to implement BMPs to accommodate stormwater on site. Scott also stated the structures are built up, the

structures are built up and yes this has been incorporated into the design. Chair Brian opened the meeting to the public. Richard Davis was present and inquired about the 1) back depressions and modeling, then the physical observations of water on site 2) pervious driveway efficacy being negatively impacted by the natural composition of the landscape specifically pine needles filling the porous areas within the driveway. The Conservation Agent clarified that the engineers conducted the appropriate modeling required under the WPA and a portion of the bylaw. At times, there are other conditions on site that do not match with the modeling results which the engineers had both acknowledged. The Abutter encouraged the commission to go out on site to review the site visually during the 100-year storm event as is another method under the bylaw for addressing the resource area inquiry. Chair stated either method may be used not one is better than the other. Unfortunately, timing is an issue as this occurs every 10 years and was not understanding how this may be observed. The abutter noted the earthwork occurred on site prior to any filing of permitting. The Chair inquired as to what was terraformed inclusive of the amount of material removed from the site and the amount of material brought in and any receipts to prove that effect; this is an outstanding question. The Conservation Agent stated that the visual observation method is appropriate as stated in the bylaw however she could not propose how to address this outstanding item. The Chair inquired to the applicant's representatives if they had observed flooding and standing water within these depressional areas on site. Scott stated yes, this was observed and that is why they followed up with test holes noting their previous findings which had also been discussed with the peer review engineer. Matthew Watsky stated that the discussion did not move forward to stormwater after a very detailed review of whether or not the depressional areas were jurisdictional or not. The Chair stated the bylaw requirements for determining the jurisdictional area under the bylaw and that was still an open question as what is observed on site is different than the modeling. Matthew Watsky stated that after this detailed work the applicant determined that these areas were not jurisdictional. Conservation Agent stated that it was confirmed that under the Wetlands Protection Act he is correct. She reiterated, under the local Wetland Bylaw it was not confirmed by the commission related to the isolated land subject to flooding and inundation by groundwater or surface water. Matthew once again stated observations of organic material and leaf litter on site by the applicant and engineer to review. Conservation Agent stated that is the applicant's conclusions that they have come to, she is reiterating the commission did not formalize any determination to state that it was jurisdictional under the bylaw or not. She also noted observations stated by Matthew as evidence of flooding, she relayed again that if not water levels but referring to existing material on the ground then the commission does need to go back to the conversation relative to the excavation that had occurred previously. She clarified that is why the commission is trying to focus on the water being held within these areas. She reiterated the Conservation Commission did not confirm whether or not it is jurisdictional under the Bylaw. Matthew respectfully disagreed. Chair Brian stated he will go back to review minutes and meetings to see if a decision was made as to whether or not those areas were not jurisdictional under the bylaw. Matthew stated the peer review engineer has stated all stormwater report and calculations related matters have been closed in his opinion. The Chair stated the inquiries about the trees along the driveway, excavation that had occurred previously, and the chair will take time to review the past meetings to see if a conclusion was made regarding the depressional areas. The applicant was amendable to continuing the public hearing until the next meeting.

**Chair Brian made a motion to continue the public hearing until Tuesday, October 5<sup>th</sup> 2021 at 8:15pm for the proposed project located at Map 3.D Parcel 75. William seconded; all unanimously AYE.**

**Roll Call Vote: GG, EW, BB, WP, AYE**

6. **Enforcement Order – 542 Sugar Road – *repair and replacement of failed culvert and undermined driveway to private residence caused by flash flooding event on September 3<sup>rd</sup> 2021.***

The Conservation Agent provided a summary. The Chair took a roll call vote after the fact to establish the commission issued the enforcement order to 542 Sugar Road.

**Roll Call Vote: GG, EW, BB, WP, AYE**

7.	<p><b>MVP – Nashua River Communities Resilient Lands Management Project</b> update by the Conservation Agent. If members of the community are interest in participating in the project, please contact <a href="mailto:rlongvall@townofbolton.com">rlongvall@townofbolton.com</a> or call the Conservation office 978-779-3304</p>
8.	<p><b>Minutes – Chair Brian made a motion to accept the minutes as drafted from the September 7<sup>th</sup> 2021 public meeting of the conservation commission. William Seconded; all unanimously agree. Roll Call Vote: GG, EW, BB, WP, AYE</b></p>
9.	<p><b>Conservation Property Updates:</b> Maintenance and management items</p> <p><b>Still River Trail – Guided Trail Walk Thursday, September 29<sup>th</sup> 2021</b>  *The funding for this opportunity is provided by the Nashua, Squannacook, and Nissitissit Rivers Wild &amp; Scenic Stewardship Council through the National Park Service under CFDA: 15.962 – National Wild and Scenic Rivers System*</p> <p><b>Vaughn Hills</b> (from Woodside trail head) – <i>maintenance of trail from woodside drive trail head to reduce further scour and pedestrian braiding of seasonally wet section of trail.</i>  Chair Brian made a motion to authorize proposed trail maintenance. All members agreed.  <b>Roll Call Vote: GG, EW, BB, WP, AYE</b></p>
10.	<p><b>Chair Brian made a motion to adjourn the public meeting of the Conservation Commission Tuesday, September 21<sup>st</sup> 2021. Emily seconded; all unanimously AYE. Roll Call Vote: GG, EW, BB, WP, AYE</b></p>