



# Bolton Conservation Commission

## Meeting Minutes



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| <b>Date:</b>                  | Tuesday, November 23 <sup>rd</sup> 2021  |
| <b>Time/Location</b>          | 7:00 p.m. Zoom (remote participation)  |
| <b>Commissioners Present:</b> | Chair Brian Berube, Gillian Glassanos, William Payne, Emily Winner, (Conservation Agent, Rebecca Longvall) |
| <b>Guests:</b>                | Jim Geraghty, Richard Davis, Lauren Cilley, Dean Charter, Matthew Watsky, Scott Hayes                      |
| <b>Next Meeting:</b>          | Tuesday, December 7 <sup>th</sup> 2021 7:00pm via Zoom   |

- Request for Determination of Applicability – 115 Main Street – brush removal within agricultural property**  
The Conservation Agent provided a summary of the proposed work to clean brush, invasives and replant area within existing agricultural limit of work. The Commission inquired about the method to be utilized, conservation agent clarified manual removal is proposed at this time. The Commission also inquired about the topography on site, conservation agent clarified this item as well expressing contours on site being relatively level and that they are not removing any trees outside of the agricultural area. The limit of work for agriculture is staying the same they are cleaning up the edge of this limit of work and replant.  
**Chair Brian made a motion to close the public hearing regarding 115 Main Street notice of Intent for the proposed brush clearing. Emily seconded; all unanimously AYE.**  
**Roll Call Vote: GG, BB, EW, WP AYE**  
**Chair Brian made a motion to issue a Negative 5 Determination under WPA 310 CMR 10.04(b)5. and Bolton Wetland Bylaw Chapter 233 Section 1.03(1)(e) Lands Lawfully in agricultural (commercial and non-commercial) at the time the work takes place) the public hearing regarding 115 Main Street RDA for the proposed brush removal and maintenance. William seconded; all unanimously AYE.**  
**Roll Call Vote: GG, BB, EW, WP AYE**
- Request for Certificate of Compliance – 147 Long Hill Road Common Driveway – Norse Environmental Response to Horsley Witten Review**  
Maureen Herald of Norse Environmental requested a continuation on behalf of the applicant via email prior to the meeting as the applicant would like her to be present for discussion of submitted materials.  
**Chair Brian made a motion to continue the discussion regarding the Request for Certificate of Compliance until Tuesday, December 7<sup>th</sup> 2021 at 7:15pm. Gillian seconded; all unanimously AYE.**  
**Roll Call Vote: BB, EW, WP, GG AYE**
- Minutes – Chair Brian made a motion to accept the minutes as drafted from the November 4<sup>th</sup> 2021 public meeting of the conservation commission. Emily seconded; all unanimously agree. Roll Call Vote: WP, GG, BB, EW, AYE**
- Vote – Conservation Commission to consider vote to accept and submit draft budget for FY23**  
Conservation Agent provided a summary of proposed budget  
**Chair Brian made a motion to submit the budget for FY23 as drafted this evening.**  
**Roll Call Vote: WP, GG, BB, EW, AYE**
- Review – Events on Town Owned Conservation Land Draft Policy and Permit**  
Conservation Agent provided a summary of various requests previously made from the commission which she will be following up on. No new comments were relayed at this evening's meeting.

6. **Request for Certificate of Compliance - 811 Main Street – DEP file # 112-0681**

The applicant was not present. The Conservation Agent provided a summary of the project and an update related to current site conditions. She also provided a summary as to why there were two open orders which resulted from the commission requesting an NOI instead of a field amendment. The commission inquired about the work that had yet to be completed, and understand why the work was not completed. The concern was specific to the work not being completed vs not yet started on site. Additionally, highlighting the commissions' options for a certificate of compliance including not issuing if the commission should so choose. The commission has the ability to enforce matters for repair should the culvert below the driveway fail after the close out of the work that had never been started on site. Conservation clarified that what was completed on site was the septic system upgrade and removal of trees under a separate permit. The septic area has been installed and stabilized. The Commission inquired about the native plantings required within the 25' no disturb area. They inquired whether or not this was a request or a condition within the associated OOC. This was to ensure that the 25' area was left protected, not maintained and left to naturalize upon completion of plantings.

**Chair Brian made a motion to issue an invalid certificate of compliance for 811 Main Street associated with DEP file# 112-0681 Emily seconded; all unanimously AYE.**

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

7. **Request for Certificate of Compliance - 811 Main Street – DEP file # 112-0674**

The applicant was not present. The Conservation Agent provided a summary of the project and an update related to current site conditions. The concern was specific to the work not being completed vs not yet started on site. Additionally, highlighting the commissions' options for a certificate of compliance including not issuing if the commission should so choose. The commission has the ability to enforce matters for repair should the culvert below the driveway fail after the close out of the work that had never been started on site. Conservation clarified that what was completed on site was the septic system upgrade and removal of trees under a separate permit. Conservation clarified that what was completed on site was the septic system upgrade and removal of trees under a separate permit. The septic area has been installed and stabilized. The applicant shall submit a letter from the engineer and related as-built.

**Chair Brian made a statement stating that no action will be taken this evening and that the Request for Certificate of Compliance shall be continued until the next meeting of the conservation commission Tuesday, December 7<sup>th</sup> 2021.**

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| 8. | <p><b>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</b></p> <p>The applicant and representative were present to provide a presentation and update to the conservation commission regarding the concerns expressed at the last meeting and the arborists’ site visit. The applicant had submitted plans and associated narrative that were submitted after the required deadline. Dean Charter, the applicant’s arborist provided a summary of existing trees that are proposed to be removed in conjunction with the proposed driveway infrastructure. Highlighting the driveway infrastructure and work would remove 30-50% of the roots and exposes the rest of the trees to windthrow causing trees to topple. He highlighted aspects about the trees structure as well related to the unions on the codominant trees and potential impacts from white pine weevil. He also provided a summary of the site visit where the conservation agent, commission member, tree warden and Dean were present. Dean further highlighted the proposed removal of trees most impacted by excavation and structural flaws, then incorporated mitigation including diverse species. Commission member stated she was pleased with the proposed diversity but inquired about the proposed plantings on the house lots. She stated that these plantings must be incorporated into the deed, operation and maintenance, or conditions to restrict individuals from removing them in the future. Matt Watsky recommended that an OOC would require an ongoing condition for the maintenance and replacement in kind of the trees and include a statement of a continuing condition to be incorporated into the HOA requirements to ensure that awareness is created about the purpose of the plantings. Another Commission member inquired about when the trees are removed and the mitigation plantings proposed; would they have equivalent uptake of water. Conservation Agent stated she will review the documentation submitted to see if there was information incorporated regarding change in species and removal of the larger diameter trees. Through the Chair, Dean Charter and Scott Hayes expressed that this differs by species and that evapotranspiration is incorporated into the stormwater calculations through the models TR 30 and TR 55 used in partnership with Hydro CAD. Scott highlighted again on the calculations of stormwater stating that the reduction or runoff rate and volume. Dean Charter stated he did not conduct a water balance associated with evapotranspiration but could consult with his client. Dean also stated examples of white pine vs. red maple general rates of uptake. Conservation stated she was looking for the species on average and their update and the stormwater calculations for the driveway proposed have already been provided in the stormwater calculations report and discussed with the commission’s representative. The Chair opened up the hearing to the public. Jim of Century Mill Road inquired if the recently submitted materials would be shared via the website. Conservation Agent confirmed they will be posted under the current projects page of the Town of Bolton website. Richard Davis stated concerns related to White Pine Weevil and removal of trees increasing wind damage impacts. He further inquired about what software did Scott reference related to the evapotranspiration included within what Richard stated is a generalized stormwater calculation. Chair Brian stated tree cutting is typically avoided and the weevil is not a precursor for removal. It is related rather to the driveway expansion request as it will damage the roots of the trees. Tree removal within jurisdictional area is not allowed for aesthetic reasons only. Matt expressed a conflicting hearing on December 7<sup>th</sup> 2021 and may have to request a continuation. He expressed he would coordinate with the conservation agent and requested once the agent has been able to review the materials, that she would share any concerns she has to provide a response before the next meeting.</p> <p><b>Chair Brian made a motion to continue the public hearing until Tuesday, December 7<sup>th</sup> 2021 at 7:30pm for the proposed project located at Map 3.D Parcel 75. Emily seconded; all unanimously AYE.</b></p> <p><b>Roll Call Vote: WP, GG, BB, EW, AYE</b></p> |
| 9. | <p><b>Conservation Property Updates:</b> Maintenance and management items</p> <p><b>Guided Trail Walk overview - Danforth Conservation Area November 23<sup>rd</sup> 2021, 2:00pm</b></p> <p><b><u>MVP Program</u></b></p> <p><b>Current FY21-FY22: Nashua River Communities Resilient Lands Management Project – first core team meeting held. Team is looking for community members with forested parcels to participate in the Forest Task Group (please contact Conservation Agent if interested).</b></p> <p><i>FY20: Apple Country Natural Climate Solutions completed information is available via the project website:</i></p> <p><a href="https://climateresilient.wixsite.com/applecountry/project-data-viewer">https://climateresilient.wixsite.com/applecountry/project-data-viewer</a></p> <p><i>Final report may also be found using the project website or this link:</i></p> <p><a href="https://3673b23c-7171-47f0-b91c-8baa749785c4.filesusr.com/ugd/29afe1_877358fd47e943f793248d84655948e5.pdf">https://3673b23c-7171-47f0-b91c-8baa749785c4.filesusr.com/ugd/29afe1_877358fd47e943f793248d84655948e5.pdf</a></p> <p><b>Opportunity: Volunteer Land Steward position</b></p> <p>For all inquiries regarding this position please contact the Conservation Agent, call 978-779-3304 or email <a href="mailto:rlongvall@townofbolton.com">rlongvall@townofbolton.com</a></p>  |

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| 10. | <b>Chair Brian made a motion to adjourn the public meeting of the Conservation Commission Tuesday, November 23<sup>rd</sup> 2021. Emily seconded; all unanimously AYE.<br/>Roll Call Vote: WP, GG, BB, EW, AYE</b> |
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