



# Bolton Conservation Commission Meeting Minutes



<b>Date:</b>	<b>Tuesday, April 2<sup>nd</sup> 2024</b>
<b>Time/Location</b>	7:00 p.m. Zoom (remote participation)
<b>Commissioners Present:</b>	Chair Brian Berube, James Geraghty, Paal Brandvold, Lorraine Stephenson
<b>Guests:</b>	Conservation Agent Rebecca Bucciaglia, Jack Maloney (Dillis & Roy).
<b>Next Meeting:</b>	<a href="#">Tuesday, April 23<sup>rd</sup> 2024 7:00pm via Zoom</a>

1. **Notice of Intent - 30 Bower's Springs (off of Flanagan Road) - Map 7.C, Parcel 18A - DEP File #112-0743** - Submitted by the Town of Bolton Conservation Commission for the proposed removal of mature woody vegetation along the earthen dams at Bowers Springs. The Bolton Conservation Agent, Rebecca Bucciaglia, was present. Rebecca gave an overview of the proposed project. This project is coming forth as a result of the GZA assessment of the earthen dams that the Commission had contracted two years prior. The GZA assessed the earthen dams' structural integrity due to holes forming, roots becoming exposed, and slides caused by beavers within the area. Phase I of this project will be the removal of mature woody vegetation (approximately 30 trees over 6" dbh) along the earthen dams. The Conservation Agent noted that this is not the removal of all trees along the perimeter of both ponds, but 30 specific trees. Also included in Phase I would be the use of a seed mix to stabilize any earth that may have been disturbed during the removal process. The Conservation Agent noted 2 proposed staging areas for stockpiling, and chipper and vehicle location. A straw wattle will be installed along the down gradient of the staging area. This is a highly trafficked trail property, both with Bolton residents and individuals from other communities. Areas along the earthen dam are part of the main trail, and there are entrances from multiple trailheads. The Conservation Agent proposed incorporating a temporary leash requirement during the work to ensure the safety of both the individuals walking the trails and the contractors doing the work. She also discussed placing signage on all trail heads and on the town website to give notice to the public. The project would take approximately 1 week to complete and the work would be done in May to avoid coinciding with the Tom Denney Nature Camp. There will be no stump grinding. All trees will be flush cut to the ground. Chair Brian noted he is comfortable with the project as proposed, as well as the inclusion of a temporary leash policy for that week of work. Paal asked how it was determined which trees would be removed. The Conservation Agent stated she had walked the site with the tree warden and, based off of the GZA assessment, they looked at specific trees mature enough to have a root system that would impact the bank if they were to fall over, and/or are already impacting the bank. There is a plan going forward to maintain the earthen dams to prevent future issues from occurring. This area will be added to the list of areas in town that are mowed and maintained by a contracted party to prevent more small woody vegetation from growing. The Conservation Agent anticipates the largest tree is approximately 20" dbh, but the majority of the proposed trees range from 6"-10". The cut trees will not be placed in the pond. The wood chips will be left in a stockpile area and will be used on site in the future as needed. **Chair Brian made a motion to close the public hearing for 30 Bower's Springs (off of Flanagan Road), DEP File #112-0743. Paal seconded, all unanimously, AYE. Roll call vote: LS, JG, PB, BB, AYE.**  
**Chair Brian made a motion to issue an Order of Conditions for 30 Bower's Springs (off of Flanagan Road), DEP File #112-0743, as drafted and presented at this evening's meeting with the following conditions that (1.) approved language is included in the Order of Conditions for a temporary leash requirement during the time in which work is being done on the site primarily for safety reasons of the contractors, dog owners, and the unstable shores, and (2.) the Conservation Agent shall post notifications on town approved websites and/or properties prior to the work being done. James seconded, all unanimously, AYE. Roll call vote: LS, JG, PB, BB, AYE.**
2. **Discussion** - The Commission discussed the next Conservation Commission meeting date. Chair Brian Berube and Paal Brandvold will both be unavailable on Tuesday, April 16th 2024. The next meeting has been rescheduled to Tuesday, April 23rd 2024 at 7:00pm.
3. **Request for Certificate of Compliance - 98 Berlin Road - Map 4.C, Parcel 1 - DEP File #112-0149A** - Submitted by A. Ledyard Smith III. An OOC was issued 5/2/1991 (DEP File #112-149), and amended in 1995 (DEP File #112-149A). The project involved the construction of railroad tie walls, barriers and drainage to keep property from eroding into adjoining wetlands. Jack Maloney of Dillis & Roy was present. A site visit was conducted by Paal Brandvold and James Geraghty on 3/28/2024. Jack Maloney noted that the wall is in a state of disrepair. Paal stated that it appears that all work that was required per the 1995 OOC had been completed. **Chair Brian Berube made a roll call vote to issue a Certificate of Compliance for 98 Berlin Road, DEP File #112-0149A. Roll Call Vote: LS, JG, PB, BB, AYE.**

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| 4. | <p><b>Continued Notice of Intent - 98 Berlin Road - Map 4.C, Parcel 1 - DEP File #112-0742 - Submitted by Dillis &amp; Roy Civil Design Group for the proposed construction of a replacement septic system, removal of an old railroad tie wall near the proposed system, and the removal of another railroad tie wall and its replacement with "Big Block" concrete blocks in the same location. Jack Maloney of Dillis &amp; Roy was present. A site visit was conducted by Paal Brandvold and James Geraghty on 3/28/2024. Jack Maloney gave an overview of the proposed project. The gray water effluent will be pumped up to the new leach field located in the front yard. They plan to place an excavator along the top of the slope in the back yard to reach down and pull out the old wall piece by piece along the edge of the wetland. They would load the pieces into a dumpster and remove them. Jack stated the removal and replacement of the wall could be done in smaller sections so that it is not opened up all at once. They are proposing to do the work on the retaining wall in the back during a dry time of year (July, August, or September) to ensure protection of the wetland, and the work toward the front could be done at any time. Jack suggested the possibility of using straw bales along the base of the wall. James Geraghty inquired about a cesspool on the property, and whether they plan to retire it. Jack stated that the cess pool would be retired as a septic system, as the plumbing is such where they are going to tie into it from the house and connect it to a new line that will go to the new septic tank. However, the homeowner would like to use the cesspool as a recharge system, and talked about possibly tying roof drains into it if the Commission is okay with him doing so. Chair Brian stated he is okay with them using it as recharge, but inquired as to whether it would affect anything on the property. James Geraghty mentioned his only concern would be if it destabilizes the back lawn. Jack noted that the intent would be to collect roof water runoff into a gutter system tied into the existing pipe to the cesspool, and use it as recharge basins instead of having a drip line against the house with possible seepage into the basement. Chair Brian inquired about the existing conditions of the cesspool. Jack stated it is still functioning and not in failure by any means. None of the systems on the property are failing, but the homeowner is preparing for future retirement and would like to update everything on the property for a potential sale of the home. Paal stated that the back wall is falling apart and there is no question that a repair needs to occur. The Conservation Agent noted DEP had comments regarding quantifying the impacts to the resource area, particularly the impacts caused by setting the erosion controls in such close proximity to the wetlands, as well as quantifying the impacts of the wall removal. The Conservation Agent also noted the original 1991 Order of Conditions was done to terrace the yard purposefully with retaining walls to ensure that the grading in the back remains stable. She encouraged the Commission to make sure that as part of this project the terraced areas that were originally proposed are still maintained as such to ensure more erosion or runoff does not go into the resource area. The Conservation Agent commented that the Commission may request some plantings or a seed mix to ensure some of the area in front of the wall be retained as a no disturb zone, as it falls within 25' of the wetland, to prevent any shifting of the wall from occurring in the future. Paal suggested incorporating a buffer area in front of the wall that is only mowed a couple times a year, instead of a lawn area. James stated he would be comfortable with a 5' buffer area in front of the wall. Lori Stephenson suggested planting something more permanent than wildflowers, such as winterberry, to prevent future homeowners from mowing it down. Jack stated he would discuss with the homeowner the possibility of installing a fence at 5'-7' in front of the wall. The Conservation Agent noted that the Commission typically utilizes a condition that gives the applicant the option to select the type of barrier they choose to install.</b></p> <p><b>Chair Brian Berube made a motion to continue the public hearing for the 98 Berlin Road project until the Tuesday, April 23rd 2024 meeting of the Conservation Commission at 7:00pm via Zoom. James seconded, all unanimously, AYE. Roll call vote: LS, JG, PB, BB, AYE.</b></p> |
| 5. | <p><b>Continued Notice of Intent - 160 Still River Road - Map 6.A Parcel 14 - DEP File #112-0740 - Submitted by Thomas Broomfield for the proposed construction of a single-family home within the 100' buffer zone of the BVW. The applicant has requested a continuation until the next meeting, as they are waiting to receive a finalized septic plan. Chair Brian Berube made a motion to continue the public hearing for the 160 Still River Road project until the Tuesday, April 23rd 2024 meeting of the Conservation Commission at 7:10pm via Zoom. Paal seconded, all unanimously, AYE. Roll call vote: LS, JG, PB, BB, AYE.</b></p>  |

6. **Notice of Intent - Quaker Lane Conservation Property - Map 3.C, Parcel 66 - DEP File #112-0744 -**  
*Submitted by the Town of Bolton Conservation Commission for the proposed removal of a failed culvert beneath a trail. The Bolton Conservation Agent, Rebecca Bucciaglia, was present. The culvert is low, about 1'-2' tall, and 1'-2' wide. The inlet side has collapsed. There is some flow continuing through the failure, but not a significant amount. The proposal is for the removal of about 5" of material and soil on top of the stones that make up the culvert area. The trail will still be navigable by foot. The Conservation Agent noted that should this project go forward, she would submit an additional Notice of Intent in the future to potentially install a trail crossing over the daylighted gap. The removed soil and stone would be placed on site. Wattles would be installed along the stockpile area until it becomes stabilized. The Conservation Agent noted that the questions from DEP were regarding impacts within the water. The only work that will take place within the water is the removal of a stone that collapsed into the water. All other work will be conducted using a machine placed upgradient from the wetland system. The Conservation Agent mentioned the possibility of installing a row of silt fence at the outlet side to ensure that if any sediment drops into the water that it is able to be scooped out manually, although she does not anticipate that happening. The trail is not an advertised trail, and typically has a relatively small user group. The daylighted gap will be approximately 2" wide to allow for water to flow through. The Conservation Agent mentioned that she would discuss with the contractor the possibility of preserving any intact portion of the cart path.*
- Chair Brian made a motion to close the public hearing for the Quaker Lane Conservation Property, DEP File #112-0744. James seconded, all unanimously, AYE. Roll call vote: LS, JG, PB, BB, AYE.**
- Chair Brian made a motion to issue an Order of Conditions for the Quaker Lane Conservation Property, DEP File #112-0744, as drafted and submitted at this evening's meeting with the following condition that best efforts will be made to retain any intact portions of the existing cart path. Paal seconded, all unanimously, AYE. Roll call vote: LS, JG, PB, BB, AYE.**

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| 7.  | <b>Request for Certificate of Compliance - Lot 3 Long Hill Road - Map 4.D, Parcel 102 - DEP File #112-0692 - Submitted by James and Lynn Houskeeper.</b> <i>The project involved the construction of a single-family house, well, driveway, septic system, and site grading. The Conservation Agent and Land Use Admin conducted a site visit on 3/25/24. The Conservation Agent noted that the as-built had been submitted to the Commission stating that all work had been completed in compliance. Upon visiting the site, there were several items on the property that were not included on the as-built, and those items are also not within 100' to the resource areas, and therefore to the applicant's opinion were not jurisdictional. The Conservation Agent raised those items to the applicant and their representative, and they addressed those concerns via email. The concerns were related to 3 underdrains installed along the driveway, and a foundation drain that outlets to a constructed pond. All of these items outlet toward and into the 100' buffer zone and the wetland resource area itself. The underdrain associated with the driveway within the public right of way was not functioning on site, and the purpose of that infrastructure is to retain runoff from the roadway under the driveway to continue along the shoulder instead of flowing into the road itself. The Conservation Agent mentioned concerns regarding erosion and sediment coming from the outlet sides of these pieces of infrastructure and pond overflow, as they therefore could become jurisdictional under the WPA because there would potentially be untreated water, sediment, and scouring occurring. The applicant addressed concerns by noting they are located outside of the 100' buffer zone. The Conservation Agent also requested clarification on where the source of water was coming from specific to the new pieces of stormwater infrastructure. They clarified that the underdrains and the foundation drain were addressing groundwater a few feet underground, and not something that is seeping or bubbling to the surface. It does not seem to be qualified as a freshwater seep, which would have been jurisdictional under the Bylaw. The Conservation Agent has asked the applicant/representative to provide information related to how they are looking to stabilize the outlet of each of those structures. The pond downgradient and underdrains will have a riprap overflow. This would be outside of the 100' buffer zone and AURA, but would ensure that any water would flow over a vegetated surface off the riprap and should address any scour that would occur over time. They will be regrading the driveway outside of the 100' buffer, and when they pave it they will be resetting the underdrain to ensure it is functioning properly so sediment does not push through into the resource area. All of the above mentioned concerns following the site visit have been addressed by the applicant. The only item that has not been addressed is the required plantings mentioned in the OOC. There is a planting ratio for specific vegetation as part of the project. They ended up retaining some of those larger trees that they originally proposed to remove, and they will be removing one other tree but they have not yet done so. The Commission would like to receive a complete as-built before voting.</i> |
| 8.  | <b>Minutes – Brian Berube made a motion to approve minutes from the March 19<sup>th</sup> 2024 meeting. Paal seconded, all AYE. Roll call vote: LS, JG, PB, BB, AYE.</b>  |
| 9.  | <b>Enforcement Orders - Meadow Road, 100 East End Road, Century Mill Estates.</b> <i>There are no updates on 100 East End Road or Century Mill Estates. The Cease and Desist has been lifted on 100 Meadow Road due to the fact that they have stabilized the site. All of the work was done outside of the jurisdictional area, but because of the washouts and migration of material that had occurred it became jurisdictional. 7 &amp; 8 Meadow Road have temporarily stabilized their site, and they are working towards final stabilization.</i>  |
| 10. | <b>Discussion - Paal inquired about the Conservation Commission's presentation at the upcoming Town Meeting.</b> <i>Chair Brian and the Conservation Agent have been preparing a presentation, which will give a summary and explanation of the proposed changes to the Wetland Bylaw Ch. 233. Chair Brian noted changes specifically regarding definitions and increased buffer zones around vernal pools.</i>   |

11.	<p><b>Conservation Land</b> <i>updates</i></p> <p><b>Forest Legacy Project</b> - <i>has been fully funded.</i></p> <p><b>Bolton Trails Connectivity Improvement Project:</b> <i>Ongoing.</i></p> <p><b>Trail Stewardship Authorized Projects:</b>  Vaughn Hill Woodside Drive Trail Head – <i>removal of post, sand trail sign, repaint trail sign, install water bars utilizing material from site as previously approved locations.</i>  Vaughn Hill - <i>re-route steep section with restoration work to include switchback</i>  Ongoing Bowers Spring Flanagan Road Trail Head – <i>Invasive Species removal, maintenance of Norway spruce line/removal of invasives and encroachments, maintenance of tree islands within field areas.</i>  Welch Pond – <i>Trail extension to Sawyer Road</i>  BTC Extension – <i>Trail from Horse Ring Field to Berlin Road</i></p> <p><b>Opportunity:</b>  <b>Volunteer Land Steward position</b> – <i>available</i>  <b>Conservation Commission</b> – <i>available</i></p> <p>For all inquiries regarding these opportunities please contact the Conservation Department, call 978-779-3304 or email <a href="mailto:concom@townofbolton.com">concom@townofbolton.com</a> or <a href="mailto:landuseadmin@townofbolton.com">landuseadmin@townofbolton.com</a>.</p>
12.	<p><b>Chair Brian Berube made a motion to adjourn the Tuesday, April 2nd 2024 meeting of the Bolton Conservation Commission at 8:37 pm. Paal seconded, all unanimously, AYE. Roll call vote: LS, JG, PB, BB, AYE.</b></p>