

Bolton Conservation Commission
Minutes
February 24, 2016,
7 pm, Town Hall

Present: Brian Berube, Chair; Karen Overfield; Lori Stephenson; Jeff Larence; Liz Luc Clowes; Jeff Stone

Public Hearing - Century Mill Road Lot 1 - Notice of Intent

Brian read the hearing notice. Present was Scott Goddard, Goddard Consulting, on behalf of the applicant. Scott oriented the Commission to the site and noted that the 11.5 acre property has been divided into two parcels with an ANR plan approved by the Planning Board. He noted the previous application for this property and the existing OOC for one single family house. They are now seeking to build a second house on the property close to the road and need a second OOC. The former Lot 1 is now known as Lot 2. Brian noted that the first lot was a challenge for the Commission and he is very concerned about a second. He noted that there is a large vernal pool on the site. Jeff noted that the existing OOC is for an 11 acre lot which is now being subdivided. Scott said that he doesn't feel that changing a lot line is significant. It is the work that was approved. He said that none of the actives approved on the former Lot 1 are on Lot 2.

Wetland resource areas include perennial stream, Danforth Brook, with Riverfront Area, a well-defined BVW, and Isolated Land Subject to Flooding/Isolated Vegetated Wetland that is well defined with steep slopes. It is not a certified vernal pool. It was noted that part of the Lot 1 OOC requirements were to evaluate this vernal pool. Scott said that no evidence has been presented that it is a vernal pool. The 100 year flood elevation follows the contour of the wetland. He noted that the plan for Lot 1 has been modified slightly following Board of Health review and presented it, along with a copy of the ANR plan dividing the land. The plan is fully compliant with Board of Health regulations for a four bedroom dwelling.

Brian noted that 100% of the construction associated with the house is in the buffer zone. Scott said that there is no work proposed in resource areas and that there is no buffer zone to a certified vernal pool or ILSF under state law. He explained the Commission's bylaw buffer requirements for ILSF and BVW, including the 25' no disturb zone. He noted that the presumption in the bylaw is that if you protect the 25' buffer, the activities are unlikely to affect the wetland. Brian noted the proximity of the house to the 25' — the deck goes right to the edge of it. They have no yard outside the 25' buffer. He doesn't think this is workable lot. Scott said that he believes that it meets the standards. Jim asked if the house could be moved. Scott explained that the septic system is in the only place it could go. Scott said the dwelling is a maximum footprint, not a specific house design. He added that it is "trendy" these days not to have a large lawn. They are not proposing any lawn. A post and rail fence could define the yard area. He noted that the soils are coarse sand and gravel, runoff should be minimal and can be recharged. Jim asked about the possibility of a shared system. Scott said they have filed with Natural Heritage for Blandings Turtle and got a negative determination letter. Brian expressed the need for a site visit and the need to confirm the delineation flagging because the site is so tight. Scott said that the site was reviewed by the prior Conservation Administrator. Scott noted that the project was filed 40 days ago and that there was a statutory obligation to schedule the hearing in 21 days. There is case law

that suggests that a Commission can't delay the application. Brian asked if this was a threat. Scott noted that the project was designed to comply with the bylaw, which grants a great degree of protection to the wetland. Karen looked up the filing online and said that the narrative was missing from the application. Scott said it was included with the prior application. He described the delineation as a "no brainer." Scott said that the green area "development area" on the plan was about 1/4 acre. The septic system is at grade.

Brian suggested a gravel driveway and smaller house might be more in keeping with the site. Herbicides and pesticides should be limited. Scott said that the development of the Lot 2 site is unchanged from what was approved. Jeff said that his perspective is that it is twice as much development on the same lot and he is concerned about that. He wondered if the (now) Lot 2 Order is adequate. Scott noted that the CR could have been placed on the excess land area but it wasn't. Jim asked what a buffer zone is buffering if it is all developed. Scott said that the 25' buffer zone is there to protect the ability of the wetland to perform its functions. Scott asked if there was an understanding about the delay in the public hearing. Brian said if they want to take legal action they can, but the Commission needs to move on with this application. The Commission discussed the scheduling of a site visit. It was agreed to do this on March 2 at 4:30. Liz asked for a copy of the application electronically. Scott agreed to stake the house corners and send the application to Brian. Brian moved to continue the public hearing to March 22nd at a time to be determined, Jim seconded, and the motion was approved unanimously.

Century Mill Estates - Fred Coon - Update

Fred mentioned the wetland crossing for Phase 3. They would like to move equipment occasionally through this area. They stripped and re-created the wetland last year and would like permission to do it again. Brian asked if that was voted on or if it was verbal permission from Carol. Jim said they were ordered to fill it back in. Liz said that it should be in writing. Brian asked Fred to make a written request and the Commission can look at it. He said that he thought that he would be comfortable with this. Fred said it would be occasional crossing not daily, and would be restored.

Fred mentioned the bond for Phase 1 and said there are no wetlands. He brought copies of the approved bond. He asked that the Commission review this for the next meeting.

He also brought in a proposed drawing for a driveway for Lots 25 and 26 Old Stone Circle. The current plan shows a different driveway configuration. They would like to put a driveway in the buffer rather than two driveways crossing three lots as shown. They already have an OOC for the road construction. The Commission discussed procedure and how this should be approved. After discussion it was agreed that this could likely be handled as an RDA with a few conditions.

4 Nourse Road Certificate of Compliance - Jeff noted that this work was never done and the Order expired. They are looking to close this out. Jeff visited and confirmed that work was never done. The Commission will look into how to handle this procedurally. It was agreed to delegate final action on this to Brian. Brian moved that they agree that the Order should be vacated or closed out and that this be done once they figure out how to handle it. Jim seconded and the motion was approved unanimously.

Meadow Road, Certificate of Compliance - Jeff and Brian visited the site of this culvert replacement. The water is no longer going over the road. Ducharme and Dillis has certified that the work was completed in accordance with the plan. The driveway is not paved, although that was part of the scope of work. The request was continued to the next meeting in the hope that an agent could review the work. Brian moved to continue to next meeting, likely March 22, Jeff seconded and the motion was approved unanimously.

Tripartite Agreement for Subdivision Work - no action, deferred to a future meeting

MACC - Online Subscription expires and should be renewed.

Craftsman Village 40B - Liz mentioned the need for a project update. She doesn't know if an erosion control inspection was done. Jim noted that there used to be regular meetings at Century Mill that were run by Erica from the Planning Board. Brian noted that Carol used to stop in and do regular site visits at open sites.

Maple Sugaring - Jeff mentioned correspondence from someone interested in tapping trees on conservation land. The Commission discussed and thought it might be done with approval of a narrative explaining the scale of the operation. Precedent needs to be considered. Jeff thought this needed to wait for an Administrator to help manage the operation and provide oversight. Jeff will follow up.

Hunting - There was an incident that involved hunting and stray bullets on private property. There were questions about whether regulations should be revised. There is no hunting on conservation land now. The issue may have involved a shared border with conservation land and an out of town hunter. It was noted that hunting is not permitted within 500' of a dwelling. Liz asked if there is another town agency that should deal with this.

Presentation from the Trail Committee - Jeff Laurence - Jeff made a presentation with regard to trail mapping. He introduced Greg Matte, of the Trail Committee, who was there for the presentation. The goal of the project is to update all of the trail maps in town so they are digital, and available online, as well as printer friendly. The maps show streams, walls and other features of interests. He showed examples from other towns and explained how the trail maps are developed. He noted that there is the ability to insert photos from each property to help people know what to look for and provide information on regulations. He showed all the property maps in color. The Commission commended Jeff and the committee for their work. The Commission asked about next steps, publicity and getting the maps up on the Commission's web site.

The meeting adjourned at 8:55 pm on a motion by Brian, seconded by Jim and approved unanimously.

Respectfully submitted,

Kathy Sferra, Interim Conservation Administrator