

**BOLTON INLAND WETLANDS COMMISSION
REGULAR MEETING, APRIL 26, 2022, 7:00 P.M.
MOTIONS & MINUTES
VIRTUAL**

Lally called the meeting to order at 7:00 p.m.

		Present	Absent
REGULAR MEMBERS:	Open		
	Ross Lally - Chairperson	X	
	Andrew Gordon	X	
	James Loersch – Vice Chairperson	X	
	Open		
ALTERNATE MEMBERS:	Dave Lynn	X	
	Open		
STAFF:	Barbara Kelly	X	

Also present: Matt Kuzmickas, Amanda Mangene, Tyler Egner, J. Sullivan

Lynn was seated for Darico.

1. Approval of Agenda

Motion: The Bolton Inland Wetlands Commission approves the agenda as presented.

By: Loersch

Seconded: Gordon

Voting:

For: Lally, Gordon, Loersch, Lynn

Against: None

Abstain: None

2. Public Comment

No one was present to speak.

3. Old Business

None

4. New Business

A. Jurisdictional Ruling (#WRER-22-1) – 97 Volpi Road – Field Drainage

Matt Kuzmickas was present. The plan was shared on the screen.

Kuzmickas: Field 11 is the field that is in Bolton. Staff: The field borders Volpi Road and the town line is to the west of that. Kuzmickas: The plan was draw up by the Natural Resource Service (NRS) part of the USDA. Most is in Manchester so they are working with them also to increase the productivity of the fields. They are too wet right now to get more than one cutting of hay in mid-summer. We are trying to drain the fields using subsurface drains. The laterals are perforated pipe with stone below and above the pipe that will be draining out into the brook. Two feet will be excavated to install the stones and pipe topping the trenches with 10” of topsoil. Pea stone will be used in place of fabric; the NRS does not like fabric because it clogs. He is here to get a jurisdictional ruling that this is an as-of-right activity related to agriculture. The field cannot be farmed effectively if it cannot be drained.

Staff: The area between the pond and the house is a designated wetlands area. The USDA will not allow that to be drained. This has been a farm field for years.

Lally: No roads or structures are being proposed. Staff: And this is not relocating the waterway either.

Gordon: He trusts the federal government’s involvement. The plan sounds good.

Loersch: Has this been tried elsewhere and has it been successful? Staff: This is a common practice around the state and the country.

Lynn: Does not see any problems with this plan.

Motion: I make the motion that the Bolton Inland Wetland Commission deems this activity permitted as-of-right per Section 4.1a of the Inland Wetlands regulations.

By: Gordon

Seconded: Loersch

Voting:

For: Gordon, Lally, Loersch, Lynn

Against: None

Abstain: None

B. IWC #2022-2 – 10 French Road – Septic Repair

Tyler Egner was present.

Egner: The plan is to replace the entire septic system. He has worked with Thad King from EHHD and his uncle (town engineer from Colchester) to draw up the plans doing their best to keep as far away from the wetlands. The plan was shared. The house was built in 1950 or 1952 and the system is the original one. There is some slight declining of the back yard down to the wetlands. The existing system is back there. Putting the system in the front yard is not feasible because of the well location. The 500 gallon aluminum tank will be replaced with a 1,000 concrete tank at the back of the house. The leeching area will be 375 sq. feet. These plans have been submitted to the EHHD. Enger needs an exception from the EHHD and

the state Health Department.

Staff: There were preliminary discussions between the applicant's engineer, the EHHD, and the state Health Department. Exceptions being requested have to go to the state level. If the state approves the plan the health district will approve it as well. There is no other place to locate a septic system. The pond on the property is part of the Blackledge River system and having a new system is to the advantage of the water quality in this area.

Lynn: The new tank is going into the same location approximately? Lally: It will be in the general area.

Staff: Notes on the plan addresses prompt seeding, E&S controls, the placing of topsoil away from the pond.

Loersch: What will Egner do with the contaminated soil? Egner: It will be transported to a remediation site for that soil. That is in the plan and he is currently arranging for that. He will save as much of the top soil as possible. This will be a gravity fed system.

After discussion Loersch indicated he was in favor of delegating this to Staff rather than have the applicant wait until the next meeting in the event the system fails in the meantime.

Motion: I make the motion that the Bolton Inland Wetland delegate this application to the Inland Wetlands Agent.

By: Loersch

Seconded: Gordon

With conditions:

- The work shall be done in accordance with the plans.

Voting:

For: Gordon, Lally, Loersch, Lynn

Against: None

Abstain: None

C. IWC #2022-3 – 180 Bolton Center Road – New home construction

Lally: The IWC cannot take action on this item at this meeting. Staff: There is no work proposed in the wetlands.

Dave Esposito (as Amanda) was present. He will be building a new home with potential buyers. When bought the lot the plans he saw did not have any wetlands indicated. When he contacted Andrew Bushnell to do the engineering Bushnell told Esposito there are wetlands on the property. So he is trying to build a house and avoid the wetlands.

Lally: So there is a certain box you have to fit the house in and avoid the wetlands.

Esposito: If he had to stay away from 100' of the wetlands the lot would be

unbuildable. Lally: The IWC has to look at the plan for the upland review area within 100' of the wetlands. Staff and the IWC will work with you to make this work without adversely affecting the wetlands.

Staff: Did a site visit. The wetland delineation done in 2015 by John Ianni is accurately depicted on the plan. This is a fairly flat lot with wetlands to the rear of the property. The lot is a lot of record recreated with the subdivision. The perimeter controls should be adequate to protect the wetlands. They are ringing the area of disturbance. That is adequate E&S controls for a flat site. The plan does not show an anti-tracking pad. The plan should show an accurate limit of clearing.

Lally: How much back lawn is there going to be? Esposito: He would put in as much as he could but that is up to the IWC. Lally: Typically it is good to leave some trees and vegetation to the wetlands as opposed to taking the lawn up to the wetlands. Leaving 30' for the back yard will leave 20' of natural vegetation to the wetlands.

The plan is being received at this meeting and will be heard at the meeting in May.

D. Jurisdictional Ruling (#WRER-22-3) – 50 Hatfield Drive – reclamation of an existing farm pond for livestock watering and crop irrigation

J. Sullivan was present. He purchase the property in 2017 with the intent of using it for farming. He received a PA-490 designation this year and is looking to expand the farming operations. Twenty to thirty years ago it used for sheep farming with the existing pond that is now in disrepair. He wants to clean that up by taking out the dead trees, rebuilding the sides, dredging to 8' deep at the deepest point, and improve access to the adjacent pasture by repairing the dam and putting in a pipe that can be driven over. Sullivan feels this is an as-of-right activity for the farm.

Staff: The IWC granted a permit for driveway access to comes close in the northeast corner. Sullivan: The wetlands delineation follows the shape of the stream for the farm.

Lally: Asked the applicant to clarify the activities on the property are of farming. Sullivan: The pasture and orchard are close to the wetlands. The pasture side of the pond with have a 3:1 pitch to it. He is not changing a watercourse that has a continual flow to it. In the summertime virtually nothing flows out of the dam.

Loersch: Would like to know how the sides of the pond will be built up. Lally: If the IWC determine this is exempt we can't put conditions on it. Loersch: Will you be drawing water from the pond to water animals? Sullivan: Yes. We have not constructed the barn yet to house the animals. This is the next step in the plan. There will be a shady, grazing pasture in the cross hatched area. The orchard is on the right on the plan. Lally: He is curious as to where the large amount of stuff being removed from the pond will go. This will be wet muck that will have to be dewatered without running off the property.

Loersch: How much is wetlands on the property other than the pond? Does the IWC have to monitor the dredged material? Staff: It largely follows the stream that

is maybe 20' wide per the applicant. Lally: Does the State care since it is a pond that is being dug out? Staff: Recommended to the applicant to check with the DEEP for what the regulations may be or to check with the Dam Safety division.

Loersch: He has not seen an animal or barn. This may be stretching the agricultural use for the IWC. Staff: This pond is considerably less than the three acres mentioned in the regulations. Lally: The applicant needs to address this with the State and the use of the pond to make sure the planned activity is within bounds.

Motion: I make the motion that the Bolton Inland Wetland Commission deems this activity permitted as-of-right per Section 4.1a of the Inland Wetlands regulations.

By: Gordon

Seconded: Lynn

Discussion: Gordon: Where does the stream end up after the pond? Staff: Ultimately the Blackledge River after much meandering.

Voting:

For: Gordon, Lally, Loersch, Lynn

Against: None

Abstain: None

5. Approval of Minutes

A. **March 22, 2022 Regular Meeting**

Motion: The Bolton Inland Wetlands Commission approves the minutes of the March 22, 2022, Regular Meeting as corrected.

With the following corrections:

- Page 1, title – change the date to “March 22”.
- Page 3, item 6, third bullet, first sentence – change “bark” to “bare”.

By: Gordon

Seconded: Lynn

Voting:

For: Lally, Gordon, Loersch, Lynn

Against: None

Abstain: None

6. Wetlands Agent Report

Staff reported:

- 233 Boston Turnpike is going to the PZC for a new Bolton Vet Hospital. She has been to the site again and there will be no wetlands impact.
- Remediation is working along at 271 Hop River Turnpike. They are working their way from front to back to remove the debris near the wetlands. Other Town staff is involved in monitoring this project also. This is a win-win for Bolton wetlands.
- Routine items have been coming through including CO inspections.

7. Other

None

8. Adjournment

Motion: The Bolton Inland Wetlands Commission moves to adjourn the meeting at 8:25 p.m.

By: Gordon

Seconded: Loersch

Respectfully submitted,

Yvonne B. Filip

Yvonne B. Filip
Commission Clerk

PLEASE SEE THE MINUTES OF SUBSEQUENT MEETINGS FOR THE APPROVAL OF THESE MINUTES AND ANY CORRECTIONS HERETO.