

**BOLTON INLAND WETLANDS COMMISSION
REGULAR MEETING, FEBRUARY 23, 2021, 7:00 P.M.
MINUTES
VIRTUAL**

Lally called the meeting to order at 7:02 p.m.

		Present	Absent
Regular Member	Jane Darico	X	
Chairman	Ross Lally	X	
Vice Chairman	James Loersch	X	
Regular Member	David Ostafin		X
Regular Member	Open		
Alternate Member	Andrew Gordon	X	
Staff	Barbara Staff	X	

Gordon was seated for Ostafin.

1. Approval of Agenda

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

By: Gordon

Seconded: Loersch

Discussion: Staff said the preliminary agenda had 51 Loomis Road on it but that was removed from the final agenda.

Voting:

For: Loersch, Lally, Gordon, Darico

Against: None

Abstain: None

2. Old Business

A. IWC #2020-11 – Stephen Penny on behalf of Happy Town, LLC – 1225 Boston Turnpike – Nursery and value added agricultural business

Attorney Stephen Penny, George Logan, Soil Scientist, were present for the applicant. Andrew Ladyga, principal of Happy Town LLC, Mark Byam, All American Tree, and Chris Burman of Shamrock Tree were also present.

Staff said a new plan has been submitted with the additional details included that

the IWC asked for last month.

Stephen Penny said Richard Mihoc is the engineer for this plan. Penny said application for a wetlands permit for the site does not necessitate a public hearing. The property is 4.93 acres with over 700' of frontage. The property has public sewer and a private well. No additional facilities will be built. This property was once a part of the much larger Giglip0 farm. The property is to be used for the existing farm stand and two tree services. This property is in the residential, mixed-use zone. There is a man-made ditch to carry storm water on the site. No wetlands will be impacted by the permit. The two tree tenants will grow tree stock, process logs, and store the companies' equipment behind the 10' privacy fence that will be installed. There will be no vehicle maintenance on site.

George Logan put together a report of the wetlands delineation that was surveyed last September. A drainage ditch and wet meadow was found. The soil map does not show indications of wetlands on the property. The drainage ditch is not on the 1970s aerial photo; it is present on the 2004 photo. Logan has walked this ditch in the past all the way down to the stream. The ditch has been conveying water from the adjacent agricultural uses. The wet meadow has been manipulated over time. There is a meadow plantation of dense phragmites outside of the wetlands. There is a culvert at the edge of the property. The wet meadow has good diversity with not many invasives. The mulch pile is not in the wetlands nor does it affect the wetlands. The wetland has been manipulated; it is not the worse for the wear but we still don't want soils in there. The gravel areas allows some infiltration of storm water that lessens over time at the gravel becomes compacted. There is a berm where the ditch was dug out. Fines or organic residue may get in the ditch but that would not affect the wetland or downstream. Mr. Logan does not think anything more would get into the ditch with the proposed plan than what gets in there from the agricultural operation. The wetland is not sensitive to nutrients. Logan suggested one mitigation would be to have a semi-permanent mulch berm along the edge of the ditch that is a few feet wide and tall. This could be the erosion and sediment control that would be better than haybales or a silt fence.

Penny said the privacy fence would have a gate and the plan will be modified accordingly. The mulch pile behind the silage bunker is to be used for compost per Chris Berman. Staff said the delineation of the back boundary line is not clear. Thirty feet from the bunker is at the edge of the road area and berm. The mulch berm is over the property line and in the upland review area to the south although it may be providing some benefit there. The debris was likely there before the tree companies moved in. Andrew Ladyga said he bought the property from the farmer that used to do the hayfields. There is a right-of-way for the farmer to access the fields. The mulch pile was there and has been added to. Ladyga and the adjacent property owner have an agreement about the pile to be used to keep down mud on the right-of-way. Berman said the pile has woodchips added to it from time to time and is turned for composting. It can be moved onto this property if necessary. The farmer of the hayfields is allowed on 1225 Boston Turnpike to get to the hayfields per Mr. Ladyga.

Logan again stated the wetlands are man-made or man influenced. These are not

sensitive at all from getting nutrients from the log businesses. Penny said nothing has been heard this evening about significant impact to wetlands. The IWC members were in consensus of this.

Staff said IWC asked for the following at the previous meeting:

- To understand what is going to be done on the property – IWC heard this evening there will be equipment storage, processing of logs, wood chipping and equipment on gravel lots.
- Stormwater impacts – stormwater will continue to flow as it does not. Perhaps a berm is to be added or a series of berms along the flow on the easterly side. There is not a concern on the westerly side of the site for the overland flow.
- Wetland impact or mitigation – the gravel lot may be extended to the east or that area can stay in vegetation. Berman said there are no plans to extend the gravel from where it is now. Staff said the plan does not reflect the boundary of gravel. Richard Mihoc, engineer for the project, will get out there and take measurements for that detail to be added to the plan.

Hydraulic oil or gasoline on site will only be in limited quantities to maintain the tree business equipment. No additional material will be added to the mulch pile behind the bunkers per Berman. Staff said the pile has been added to quite a bit as seen from her visits to the site. Fill in or near the regulated areas needs to be addressed by the IWC. Lally said that is not a concern with this applicant but applies to the property owner to the south. The privacy fence is not a concern. Staff said a woodchip berm does not make a lot of sense on the edge of the wetland to the east of the silage bunker as there may be a need for an access way to get back and forth in that area. The little rise at the drainage ditch protects the wetland. To the south, if it is practical, having a woodchip berm will filter any water coming off the parking lot. Berman agreed that keeping the eastern access open is a good idea. It would be smart not to put impediments there in order to maintain and mow the area to protect the wetland. Staff said this is not a heavily used area and keeping it vegetated will allow the overland flow to continue with some infiltration. Lally said that sounds practical.

Lally asked the Members if they want to vote on this application tonight or wait until the March meeting. The IWC looks to protect the wetlands but we don't want to delay the application either.

- Gordon said to vote this evening and make sure work is done properly.
- Loersch said he is seeing the activities will not have much impact. The owner and businesses are already doing the right things for running the operations.
- Lally said he is not seeing significant impact to the low quality wetlands. The gravel does need to be marked out. He feels the IWC can condition approval with the usual conditions, make sure the plan is updated showing the gravel area, and mitigation is done for drainage to the southeast. Staff said establishment of the fence going into the wetlands cannot be delegated.

Motion: The Bolton Inland Wetlands Commission deems this activity a regulated activity of non-significant impact pursuant to Section 2.1, page 4, Non-Significant Impact of the Bolton Inland Wetlands Regulations.

By: Loersch

Seconded: Gordon

Voting:

For: Loersch, Lally, Gordon, Darico

Against: None

Abstain: None

Motion: The Bolton Inland Wetlands Commission approves this permit with the following conditions:

- The gravel parking area shall be field marked and shown on the final plans and not extend into the wetlands.
- Should minor field work be needed, such as laying gravel to manage the storm water at the southeast corner, the Inland Wetlands Agent can approve in the field.

By: Loersch

Seconded: Gordon

Voting:

For: Loersch, Lally, Gordon, Darico

Against: None

Abstain: None

3. New Business

None

4. Other business:

None

5. Public Comment

No one wished to speak.

6. Approval of Minutes

A. January 26, 2021 Regular meeting

Motion: The Bolton Inland Wetlands Commission approves the minutes of the January 26, 2021 regular meeting as presented.

By: Loersch

Seconded: Gordon

Voting:

For: Loersch, Lally, Gordon, Darico

Against: None

Abstain: None

7. Wetlands Agent Report

Staff reported:

- She has been following up on the application on tonight's agenda and other potential applicants.
- The decision was rendered on the Shoddy Mill Road action. Staff has not seen

a plan to restore the area. This may have to go back to the court.

- The owner may be trying to market 51 Loomis Road as a building lot. It is taking them longer for an engineer to come up with a plan.

8. **Other**

None

9. **Adjournment**

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

By: Gordon

Seconded: Darico

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.