

Bolton Conservation Commission
Minutes of Meeting
March 15, 2005

PRESENT: Scott Duhaime, Ed Englemann, Bill Fateiger, Lori Stephenson, and administrator Carol Gumbart

1. Announcements Ed Englemann and Amy Wilson said that they attended the Massachusetts Association of Conservation Commission (MACC) Annual Meeting. Bill Fateiger said that he and Scott Duhaime attended the Master Plan Committee meeting. Scott Duhaime also attended the MACC Conference.

2 Open Space and Recreation Plan Carol Gumbart said that she received letters from the Division of Conservation Services (DCS) and the Metropolitan Area Planning Council (MAPC) with comments on the Open Space Plan. Ms. Gumbart and Scott Duhaime agreed to discuss the comments outside of the meeting.

3. FY 05 Budget Carol Gumbart said that the Town Administrator asked her whether the Commission was able to return any of the unexpended funds in their budget. Ms. Gumbart said that she evaluated the lines for Professional Services; Equipment; and Conservation Fund. Ms. Gumbart said that the out of those three she felt that we would not spend the money in the professional services account since Town staff has been available for questions she has had on GIS Mapping and that the Open Space and Recreation Plan is almost completed. After discussion a motion was made by Bill Fateiger, seconded by Lori Stephenson to take \$2000 from the professional service account and return it to the general fund. VOTE: Aye, unanimous.

4. Forest Cutting Carol Gumbart said that Yvonne Gonzalez, Town Counsel is still putting together her opinion on how to process forest cutting proposals. Ms. Gumbart said that the issue is complex and that Council has sought advice from Counsel at DEP and from consultants.

5. Land Acquisition Carol Gumbart provided the Commission with the Purchase and Sale (P&S) Agreement signed by John and Joan Stephenson. Scott Duhaime asked if Town Counsel has reviewed the document. Ms. Gumbart said that both she and Counsel have reviewed them and that the modifications we asked for have been made. The Conservation Commission, with the exception of Lori Stephenson, signed the riders to the Purchase and Sale Agreement for the Stephenson land acquisition. Mr. Duhaime asked when the Riders get record at the Registry of Deeds. Ms. Gumbart said that she was unsure since one of the Riders specifically prohibits the Town from recording the P&S.

The Commission came back to the subject of land acquisition to discuss an inquiry made by Paula Ashittino about land she owns on Hudson Road. Ms. Gumbart said that Ms. Ashittino contacted late February and that she sent out the information on the site to the Commission. After discussion it was agreed that Ms. Gumbart would contact Ms. Ashittino and ask her for a price. Ms. Gumbart will also tell her that the Commission wishes to discuss it with other town committees. Ms. Gumbart will discuss it with the Town Administrator and the Town Planner.

6. Town of Bolton, 719 Main Street (RDA) Bill Fateiger opened a public meeting on a Request for a Determination of Applicability filed by the Town of Bolton for work on 719 Main Street. Joel Loitherstein from Loitherstein Environmental Inc., was present to represent the

Town. Mr. Loitherstein said that the Town is interested in acquiring this property and is performing a "due diligence" environmental site analysis on this property. Mr. Loitherstein said that they have already put in three (3) monitoring wells and found high levels of gasoline in one well near the gasoline dispenser island. Mr. Loitherstein said that the appropriate parties were contacted including the Department of Environmental Protection (DEP) and abutters within 500 feet. Mr. Loitherstein said that they have antidotal evidence of buried materials on the site. Mr. Loitherstein said that they performed ground penetrating radar scans and discovered magnetic structures that indicate buried metal. Mr. Loitherstein said that they propose to expose those anomalies and any large objects will be removed and stock piled pending proper disposal. Mr. Loitherstein said that they will use an excavator to dig pits where the anomalies are located during good weather conditions. Mr. Loitherstein said that he does not expect there to be much in the way of runoff as the site is hard packed gravel. Scott Duhaime asked if there would be any stock piling of soil. Mr. Loitherstein said just the cast off material from the excavation and that will be put back into the hole. Mr. Fateiger asked how long the operation would take. Mr. Loitherstein answered 1 or 2 days, as they plan to test 6 pits and several small areas. Mr. Fateiger said that the site was formerly used as a junkyard. Mr. Loitherstein said that the smaller anomalies might be drums or wheel rims or paint containers. Mr. Loitherstein said that the plan to start the work next week. Mr. Fateiger asked whom they were using for the excavation. Mr. Loitherstein said that use TMC out of Bellingham. Lori Stephenson asked what they would do with any contaminated soils they encounter. Mr. Loitherstein said that he does not expect to encounter contaminated soil but if they do an Immediate Action Response will be filed with the DEP. Mr. Loitherstein said that they have a meter that is used to "sniff" the soils and they will test them if the meter reads high. Mr. Loitherstein described the approximate location of the wetland resource areas noting that a culverted stream runs under site but it runs open behind the houses that abut the site. Ed Englemann asked Mr. Loitherstein to clarify the soil contamination at the front of the site. Mr. Loitherstein said that they found contaminated groundwater not soils. Mr. Englemann asked how they would clean up contaminated soils if they were encountered. Mr. Loitherstein described the processes that can include the use of bacteria that eat the oil and stripping the contaminants by blowing oxygen into it and venting it into the air.

A motion was made by Bill Fateiger, seconded by Ed Englemann to issue a Negative 2 and Negative 3 Determination of Applicability with the conditions that the Commission is notified of date the work will start and copies on the findings of the anomalies be provided to the Commission. VOTE: Aye, unanimous. Ms. Gumbart noted that the filing was for the Wetlands Protection Act and the Wetland Bylaw.

7.Caless, 21 Nourse Road (112-501) NOI Bill Fateiger opened the continued public hearing on a Notice of Intent. Craig Martin of Ducharme and Wheeler, Inc., were present with Linda and Andy Caless the applicants. Mr. Martin said that Amy Wilson and Lori Stephenson attended the site visit. Ms. Stephenson said that the site is tight; that it has a gentle grade and that approximately 4 trees will be cut for the septic grading. Mr. Martin said that the driveway is pervious and that he has added two drywells to handle the roof runoff from the proposed addition. Mr. Martin said that they have enough depth to groundwater for the drywells. Ms. Caless confirmed that they are relocating the pool within the yard. Scott Duhaime asked how many bedrooms the system is sized for. Mr. Martin said that the present system is designed for 5 bedrooms even though it is a 4-bedroom house and that the Board of Health (BOH) has told him they will accept a design for a 5-bedroom replacement system. Mr. Martin said that they have a hearing with the BOH scheduled for April 5, 2005. Mr. Martin described the variances they are requesting from the BOH. Mr. Duhaime asked if an alternative analysis was provided from the addition. Ms. Stephenson said that there is nowhere else that it can go that would have less

impact on the resource. Ms. Caless said that they have no plans to pave the driveway. Mr. Duhaime asked where they plan to stockpile soil. Mr. Martin said that there will not be any stockpiling for the septic system and that material excavated from the foundation will be taken off site. Ms. Gumbart asked the Caless' if they had any intention of filling in low spots in the yard with the excavated fill. Mr. Caless said that it is good sand and that he wants to fill in ruts in the driveway. It was agreed that a project manager can approve a final location for any stockpiled material in the field and that an extra row of haybales should encircle the stockpile. Ms. Stephenson and Ms. Wilson agreed to be project managers for the site.

A motion was made by Bill Fateiger, seconded by Lori Stephenson to close the public hearing. Ms. Gumbart said that she does not have a DEP File number but that Mr. Martin told her that they had a problem with the check going to the right location and that it has been resolved. Mr. Martin agreed to pursue getting the file number from the Department of Environmental Protection.

8. K&L Holding, Hudson Road (112-444) & WRPD Bill Fateiger opened the continued hearing to consider new information. Present was Stan Gordon, representing First Colony Development. Carol Gumbart said that she received preliminary revised plans today and has only briefly scanned them. Ms. Gumbart said that she spoke with the John Savello about the plans this afternoon and he had some questions that need to be answered by the Commission. After discussion it was agreed that the proposed speed bumps will not be required; that the water bars are needed during construction, that the turtle signs could be removed, and that the draft condition requiring "no salt" is not contradictory to the requirement for testing for halides. Bill Fateiger said that the testing is to enforce the prohibition. The Commission discussed whether the testing is really necessary but decided to defer to the engineer on whether the swale and settling basins are sufficient for the salt removal or not. If the basin needs to be tested the Commission recommended that base line data be gathered during construction and that the basin be tested by the end of April and the results provided to the Commission by the end of June. The Commission asked Mr. Gordon to have Operation and Maintenance (O&M) Plan submitted electronically for their review. Mr. Gordon shared a copy of the Mylar plan for the Conservation Restriction (CR). The Commission reviewed the CR with Mr. Gordon. Ms. Gumbart will send out copies of Town Counsel's latest revised CR. Mr. Gordon said that he spoke to Counsel tonight and that she is comfortable removing the added language regarding the Fish and Wildlife and that 60 days notice in section IV can be negotiated. The Commission agreed that they are happy with 20-calendar days notice from the Grantors and 20 business days for their response.

(Note – Mr. Fateiger left the meeting)

The Commission reviewed one other note that Counsel asked for input on in the CR. The Commission agreed that giving prior notice to the grantors before inspecting the CR area was not only their usual practice but also fine to have it in the CR.

The hearing was continued with the consent of Mr. Gordon to April 5, 2005, at 8:30 p.m.

9. Comprehensive Permits: Pondsides and Riverside Scott Duhaime, project manager for Pondsides, located off Main Street, said that he would not be attending the Zoning Board of Appeals meeting on the following evening. The Commission briefly reviewed the revised plan and noted that most of the project is outside the wetland jurisdiction even on the revised plan. It was agreed that Carol Gumbart would let Nat Tipton, the Town Planner know that the Commission's original comments on the project stand and that we are interested in knowing whether the ZBA can grant a partial waiver to the Bylaws and that we feel the Operation and Maintenance (O&M) Plan needs to be improved.

Riverside, Still River Road – David and Roxann Burney, abutters were in attendance during this discussion. Carol Gumbart reviewed the draft memorandum she prepared as a project review. The Commission modified the memorandum by including a desire for some of the remaining land to be either granted to the Town for conservation purposes without the septic leach field or that a Conservation Restriction is put on it providing for a trail along the river. Ms. Burney said that the site is habitat for Blandings Turtles and Blue Spotted Salamanders. Ms. Burney said that Phil Trousdale of the Commonwealth Fish and Wildlife is knowledgeable about the species that use the site. The Commission agrees to note this in the memo and ask the ZBA to get more information so that the habitat is not impacted. Ms. Burney said that one of the neighbors has lost their well and another only gets 1 gallon per minute. The Commission said that they support the minimization of impervious areas on the site and infiltration. Ms. Gumbart agreed to forward the memo to the ZBA.

10. Land Management Bower Springs The Commission reviewed the draft letter on the proposed changes to the parking lot at Bower Springs to correct the encroachment onto abutting land. The letter also included discussion on the abutters mowing of Town land and controlling dogs along the trail. The Commission approved the letter with modifications made by Lori Stephenson.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator