

Bolton Conservation Commission
Minutes of Meeting
April 5, 2005

PRESENT: Karen Augustine, Scott Duhaime, Lori Stephenson, Amy Wilson and administrator Carol Gumbart

1. Water Resource Protection District (WRPD) Public Hearing After discussion on the status of the draft Amended Bylaw, it was agreed that Carol Gumbart would prepare a written objective statement for the Commission to consider. The hearing was continued to April 19, 2005 at 7:00 p.m.

2 West for Anestis, 448 Still River Road (RDA) Scott Duhaime opened the public meeting on a Request for a Determination of Applicability proposing to construct a garage at 448 Still River Road. Dan West was present representing the applicant. Mr. West said that it is a shed roof garage with a poured concrete floor within the existing lawn. Carol Gumbart said that the work is proposed within 200 feet of a stream that is shown as a perennial stream on the USGS topographic maps. A site visit was scheduled for April 9, 2005, at 7:30 a.m. The meeting was continued with the applicants consent to 7:30 p.m. on April 19, 2005.

3. Rogers, 20 Rocky Dundee Road (Lot 4) (RDA) Amy Wilson opened the public meeting on a Request for a Determination of Applicability. The applicant, Chris Rogers was present for the meeting. Mr. Rogers explained that he had expected to start construction last fall and asked that Karen Augustine witness that the haybales were installed satisfactorily. He said that Ms. Augustine checked the site but it was under snow. Ms. Augustine concurred. Mr. Rogers said that the conditions are now too wet but that he hopes to begin house construction within a week or two. Mr. Rogers said that the septic work will be completed toward the end of the construction and that there is grading proposed in the buffer zone. Carol Gumbart said that the Order of Conditions for this project expired before the work was completed. The Commission noted that one of the conditions of the expired Order was to determine a final delineation for the landscape area. Scott Duhaime asked if he had rocks that could be used to delineate the landscape area. Mr. Rogers said that he would like to use rocks, as his past plantings have not always gone well. Ms. Gumbart noted that the grading for the break out slope is fairly steep. Mr. Rogers said that with those grades the slope might not even be mowed. Mr. Duhaime said that the landscape timbers used on another Rocky Dundee parcel worked well for delineation too. Mr. Rogers agreed. It was decided that a final decision would be made with the project manager, Karen Augustine, as to how best to delineate the landscape area from the wetland buffer zone. A motion was made by Karen Augustine, seconded by Scott Duhaime to close the public meeting on the Request for Determination of Applicability for Lot 4 Rocky Dundee Road. VOTE: Aye, unanimous.

A motion was made by Karen Augustine, seconded by Scott Duhaime to issue a Negative 3 Determination of Applicability with the conditions that the applicant comply with the conditions in the expired Order of Conditions. VOTE: Aye, unanimous.

4. Silver, 438 Still River Road (RDA) Karen Augustine opened the public meeting on a Request for a Determination of Applicability. The applicants, Keith and Marcy Silver were present for the meeting. Ms. Silver said that she and her husband own an 11 (I'm sure they'd love to own a 100 acre horse farm!)-acre horse farm and they are proposing to put in an indoor riding arena on a

foundation. Ms. Silver said that she met with Bill Fateiger in the field prior to making the application because they had two places they were considering locating the arena and after his site visit they settled on the proposed location. Ms. Silver said that Mr. Fateiger told her to file the Request for Determination of Applicability and that he said that he had no problem with the proposal. Ms. Silver said that the work is all within existing horse paddocks. Scott Duhaime said that he is interested in seeing the property and wetlands. Other members concurred and a site visit was scheduled for April 9, 2005 at 8:00 a.m. The meeting was continued with the applicants consent to 7:45 p.m. on April 19, 2005.

5. Prefontaine, 129 Hudson Road (RDA) Karen Augustine opened the public meeting on a Request for a Determination of Applicability. The applicant, Dennis Prefontaine was present to represent the Boy Scouts of America (BSA) at the meeting. Mr. Prefontaine said that the house and garage at 129 Hudson Road is going to be demolished and has gone through the Historical Commission for their review and approval already. Carol Gumbart said that the BSA had a prior Negative Determination for the same project but that it has expired. Ms. Gumbart noted that it is within 100 feet of a ditch that runs in front of the property and not within 100 feet of the pond. Lori Stephenson asked if they had contacted the fire department to consider burning it for a drill. Mr. Prefontaine said that they did approach the Fire Department but it was determined that it would not be burned. Mr. Prefontaine said that they plan to stabilize the area after it is demolished by either seeding it or placing gravel over the area. Ms. Gumbart asked if they still plan to fill in the cesspool. Mr. Prefontaine replied in the affirmative. A motion was made by Karen Augustine, seconded by Lori Stephenson, to close the public meeting. VOTE: Aye, unanimous. Ms. Gumbart noted that she had a note in the file from Martha Remington requesting that the BSA preserve the large Sugar Maple in front of the building. A motion was made by Karen Augustine, seconded by Lori Stephenson to issue a Negative 3 Determination of Applicability with the conditions that the site be stabilized after demolition, the cesspool filled in, and the BSA try to preserve the Sugar Maple on the site. VOTE: Aye, unanimous.

6. Appointment with John Barbadoro of Apple Valley Homes John Barbadoro was present by appointment to discuss a gift of land and conservation restriction. Ken Swanton, representing the Bolton Conservation Trust was also present. Mr. Swanton said that the Trust has been working with Mr. Barbadoro to preserve some of the land. Mr. Barbadoro said that he is before the Planning Board with two Approval Not Required (ANR) lots and two special permit Backland lots. Mr. Barbadoro said that he proposes to gift 1.44 acres to the Town for conservation purposes and to put a Conservation Restriction on the rear of lots 2 and 4. Mr. Swanton noted that this would provide access to Welch Bog that we do not presently have. Karen Augustine asked if he would bound the property. Mr. Barbadoro said that he would place iron rods at the corners. The Commission discussed the Conservation Restriction process with Mr. Barbadoro. Mr. Barbadoro said that he hopes to close on the property at the end of the month. Ms. Augustine said that we should get the CR in place right away. Ms. Augustine said that she attended the site visit with the Planning Board and that they are looking for a common driveway to access the frontage lots. The Commission agreed to send a memo to the Planning Board informing them of our interest in accepting the gift of land and the Conservation Restriction and noting our support for the development proposal.

7. K&L Holding, Hudson Road (112-444) & WRPD Lori Stephenson opened the continued public hearings. Carol Gumbart said that she received a request from Stan Gordon to continue the hearing to April 19 as the engineer couldn't produce updated plans in time for this meeting,

though he was clear on what his action items were, including the need for O&M plans in digital format. The hearing was continued to April 19, 2005, at 8:00 p.m.

9. DPW Emergency Certification, Green Road Carol Gumbart said that she issued an Emergency Certification to the Department of Public Works for emergency repair over a culvert pipe on Green Road (near 96 Green Road). A motion was made by Scott Duhaime, seconded by Lori Stephenson to ratify the issuance of the Emergency Certification. VOTE, Aye, unanimous.

10. Appointment with Master Plan Committee Representatives Ken Swanton was present by appointment to discuss the development of the Master Plan, in particular the section on Open Space. Mr. Swanton was joined shortly after introductions by Martha Remington, a member of the Historic Commission and Margaret Campbell, a member of the Master Plan Committee. Mr. Swanton said that he finds that the draft Open Space and Recreation Plan and the 1997 Historic Preservation Plan both dove tail into the Open Space chapter of the Master Plan. Mr. Swanton said that some of it dove tails into the Natural Resources chapter being prepared by Brad Reed. Mr. Swanton distributed an outline for the Open Space chapter for discussion. The document included goals and strategies for saving open space; saving farms and creating recreation areas. Mr. Swanton asked Scott Duhaime to provide the total number of acres the Open Space and Recreation Plan identified under each of the top four priorities. After the discussion Mr. Swanton asked the Commission to get back to him with any further ideas or suggestions. Mr. Swanton encouraged everyone to attend the next public workshop to be held on May 23.

11. Open Space and Recreation Plan Scott Duhaime provided a Final Plan to be put on the website and submitted to the Division of Conservation Services. Carol Gumbart will collect the letters of support and print off the final Plan for submittal.

12. Moss, Open Space Carol Gumbart said that Town Counsel recommends a title search and title insurance for land the town is receiving and/or acquiring. Ms. Gumbart said that she checked with other towns and it is on a case-by-case basis as to whether they perform a title search and none of them indicated that they purchased title insurance. Ms. Gumbart said that before we accept the gift we would need to walk the parcel to make sure we are not inheriting any hazardous waste. Karen Augustine will arrange for a site walk of the parcel to be gifted to the Town. Ms. Gumbart also told the Commission that the assessors have passed along the tax bill for the 2-acre gift of land from the Mt. Wachusett developers.

13 Town Meeting Article Carol Gumbart said that Chris Slade offered to come to the meeting to discuss the Advisory Committees opposition to our article on non-criminal disposition. Ms. Gumbart said that she told him the agenda was filled every 15 minutes with hearings and he suggested that Commission could come to the Advisory Committee meeting next Tuesday. After a brief discussion the Commission said that they'd prefer to have Advisory come to our next meeting. Ms. Gumbart will make the arrangements.

14. Pondsides Comprehensive Permit, Main Street Carol Gumbart said that she attended a meeting held by MEPA today on the proposed age restricted development. Ms. Gumbart said that after the meeting she visited the site and was wondering if the Commission had looked at a ditch shown on the Comprehensive Permit plan as it was flowing heavily today. Ms. Gumbart said that in her opinion it might be flowing out of a vegetated wetland. Ms. Gumbart laid out the Comprehensive Permit plan for the Commission's review. The Commission members that walked the property said they did not remember ever walking in that area. Ms. Gumbart said

that she would ask Bill Fateiger to take a look at it since she was unable to evaluate it do to high water ponding and a barbed wire fence.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator