

Bolton Conservation Commission
Minutes of Meeting
May 3, 2005

PRESENT: Scott Duhaime, Bill Fateiger, Lori Stephenson, Amy Wilson and administrator Carol Gumbart

1. Eagle Scout Project Zach Simmons was present to discuss an Eagle Scout proposal to clear brush and install two stone benches around the skating pond off Main Street. Zach Simmons said that he will be sponsored by the Park and Recreation Commission but is looking for the Commission's support. Mr. Simmons said that he is seeking donations for the benches and advice on how to proceed since the work is near the pond. The Commission said that a Request for Determination of Applicability (RDA) is needed for the project. Bill Fateiger said that the legal notice fee can be waived. Mr. Simmons said that he would work with the DPW to spray the poison ivy during the fall of 2005 or spring of 2006. Mr. Fateiger arranged to meet Zach Simmons at the site on May 19, 2005, at 5:00 p.m. The Commission said that they would need to know the cost of the benches prior to committing any funds.

2. Bower Springs Conservation Area Bill Fateiger said that he spoke with the Roberts and they are now willing to change property boundaries. Mr. Fateiger said that they would like us to install a fence along the property line that runs along the trail. Mr. Fateiger said that there is an area of inundation between the entrance driveway, Flanagan Road and the parking lot. Mr. Fateiger said that he would look into legal costs for exchanging the land; expenses of drafting a new plan; and costs for fencing and report back to the Commission. The Commission members indicated that they were receptive to the proposal at this initial stage.

3. Water Resource Protection District (WRPD) Public Hearing Bill Fateiger opened the continued public hearing. Present for the hearing was resident Martha Remington. Mr. Fateiger said that the Bylaw is unenforceable, and illegal since it does not provide any allowances by right. The Commission members indicated that they were not prepared to discuss the WRPD Bylaw compared to the Wetland Bylaw. The hearing was continued to May 19, 2005, at 7:30 p.m.

4. JLS, 715 and 719 Main Street (RDA) Bill Fateiger opened the public meeting on a Request for a Determination of Applicability filed by William St. Hilaire, on behalf of the Smith Family Trust. Mr. St. Hilaire said that a gully has formed half way through the parking lot and needs to be regarded so the owners and their tenants can access the rear of the property. Mr. St. Hilaire said that the gully has deposited sediment into an intermittent stream and that it will be manually cleaned out in the fall when the stream is dry. Mr. St. Hilaire said they would use a rubber-tired backhoe to regrade the gully and parking lot. Scott Duhaime asked what the wetland resource areas are associated with the intermittent stream. Mr. St. Hilaire said that there is a vegetated wetland associated with the stream.. Mr. Fateiger said that portions of the swale might be within the Riverfront of Great Brook. Carol Gumbart asked if the work is an annual maintenance activity. Mr. St. Hilaire indicated that it appears to be since the accumulated silt in the wetland seems to be many years of deposition. A motion was made by Bill Fateiger, seconded by Lori Stephenson to issue a Negative 2 and 3 Determination of Applicability with the conditions that haybales and silt fence be installed around the culvert prior to the regarding and that the activity be allowed to occur once a year upon notification to the Commission.

5. Ponds, 893 Main Street (NOI) Bill Fateiger opened the hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act. Present were Bandon Ducharme and Elizabeth Whitaker of Ducharme and Wheeler, Inc., Ken Dallamora of Dallamora Brothers, and Michael Goodman of 16 Nourse Road (an abutter to the site). Mr. Ducharme provided an overview of the project noting that it is a 60-unit age restricted facility. Mr. Ducharme said that they have filed a comprehensive permit application with the Zoning Board of Appeals and are waiting for a decision. Mr. Ducharme said that they previously filed an Abbreviated Notice of Resource Area Delineation (ANRAD) with the Commission in December of 2002.

Mr. Ducharme said that it is a 23-acre site with a perennial stream and Riverfront Area in the northwest corner, a bordering vegetated wetland and another wetland west of Nourse Road. Mr. Ducharme described the site as an existing campground with the majority of the site being presently being used. Mr. Ducharme said that the post development conditions would result in a reduction of the overall use of the property. Mr. Ducharme said that there is 4.8 acres of buffer zone on the site. Mr. Ducharme said that presently 2 acres is used or disturbed and post construction 1.5 acres of buffer zone will be used or disturbed. Mr. Ducharme said that there are 5 acres of riverfront on the site and that presently 1 acre is altered and post construction .13 acres or 4800 square feet will be altered. Mr. Ducharme said that there is .2 acres of floodplain on the site and none of it altered now and no alterations are proposed.

Mr. Ducharme said that a paved access off of route 117 would provide access to 16 units or 60 residences and a community building. Mr. Ducharme said that the community building and parking is within the existing footprint of the main building on the site. Mr. Ducharme said that 3 wells have been installed outside of the wetland resource areas. Mr. Ducharme said that all septic will be collected into a common leach field. In response to a question Mr. Ducharme said that the system is a pump system with 500 feet of force main and a subsurface pressure dose. Mr. Ducharme said that they have proposed grading for the system within the buffer zone. Mr. Ducharme described the area as existing lawn and a community room building. Mr. Ducharme said that the leaching area is a mounded system. In response to a comment of Mr. Duhaime's, Mr. Ducharme said that the Board of Health would allow the flow rate defined for senior citizens for this age-restricted development.

Mr. Ducharme said that the existing seasonal activity is 10 to 15 feet off the wetland. Mr. Ducharme said that the site is presently covered with gravel roads without any stormwater management. Mr. Goodman said that drainage off Route 117 is a problem for his property at 16 Nourse Road. Mr. Goodman said that drainage is flooding his driveway. Mr. Ducharme said that the drainage is from the Wattaquodock watershed and that it comes from off site and crosses their site in a gentle swale. Mr. Ducharme said that the swale design is intended for the water to hopefully recharge into the ground. Mr. Goodman said that the flows are torrential at times. Carol Gumbart asked about the maintenance of the swale. After discussion Mr. Ducharme agreed to provide a detail for the swale construction.

Ms. Whitaker described the use of the existing pond for stormwater management. Ms. Whitaker said that they will not dredge the pond and that she counted the surface of the water as impervious. Ms. Whitaker said that the pond/detention basin is size for the 100-year storm. Ms. Whitaker said that to accommodate the 100-year storm design a few white pines would be removed for grading and construction of a berm. The Commission asked that the trees to be removed be flagged for their review. Ms. Whitaker said that a 4-foot berm is proposed between the forebay and the basin. Ms. Whitaker said that the forebay would handle the first flush from a storm or the first 1-inch of rainfall. Ms. Gumbart asked if Operation and Maintenance Plans have been prepared for the stormwater management system. Ms. Whitaker said that they are included in the filing. Ms. Gumbart agreed to review them for the next hearing.

Ms. Whitaker said that the Department of Environmental Protection (DEP) is reviewing the water supply but they are certain the well locations are suitable. Mr. Ducharme said that the filing does not include a revegetation plan. Mr. Ducharme said that they want to revegetate around the pond with aesthetically pleasing plantings. Ms. Gumbart asked Mr. Ducharme to address the area of off site wetland that she observed during the site walk conducted by the Massachusetts Environmental Policy Act (MEPA) representative. Mr. Ducharme said that there is an area of low relief off site and that during the last couple of springs the campground has experienced ponding. Mr. Ducharme said that the off site wetland was evaluated prior to the ANRAD filing and was not found to have hydric soils or wetland vegetation but it did have hydrology. Mr. Ducharme said that the drainage ditch is no longer handling the flow and the water has backed up into the low area. Mr. Duhaime said that perhaps it is an emerging wetland. Mr. Ducharme said that the maintenance staff at the campground have notice more runoff.

The Commission requested a site visit and the applicant agreed. A site visit was scheduled for May 15, 2005, at 1:00 p.m. The hearing was continued with the applicants consent to May 17, 2005 at 8:00 p.m.

6. Melanson, 6 Spectacle Hill Road (RDA) Bill Fateiger opened the public meeting on the Request for a Determination of Applicability. Ronald Melanson, applicant was present for the meeting. Mr. Melanson said that he has a depression in the yard that is about 2.5 feet deep and that he would like to fill it and grade it to match the surrounding grades. Mr. Melanson said that it would take about 25 to 30 yards of soil to fill the depression. Mr. Melanson said that the purpose of the project is for aesthetics of the yard. Carol Gumbart said that was on the property numerous times when it was being developed and that the work is within the buffer zone of the wetland. Ms. Gumbart recommended the issuance of a Negative 3 Determination of Applicability (DOA). A motion was made by Bill Fateiger, seconded by Lori Stephenson to issue a Negative 3 DOA. VOTE: Aye, unanimous.

7. Department of Public Works (DPW) Century Mill, Nashaway, Sampson, and Wattaquaddock Hill Roads (RDA) Bill Fateiger opened the public meeting on the Request for a Determination of Applicability. Shelly O'Toole, DPW Administrative Assistant, was present for the public meeting. Resident Martha Remington was present for the meeting. Ms. O'Toole said that the DPW plans to overlay Century Mill, Nashaway, Sampson, and Wattaquaddock Hill Roads with a 3 inch bituminous overlay. Ms. O'Toole said that they are not widening the roads or altering any stonewalls. Scott Duhaime asked if they are trimming any trees? Ms. O'Toole said that the tree work is contracted out to the Tree Warden. Mr. Duhaime asked if the streets would be swept before the overlays. Ms. O'Toole said that they sweep the streets before they overlay but they do not typically rake the shoulder. Ms. O'Toole said that summer is the best time for them to perform the work but they are dependent on Chapter 90 money and she was unsure when the subcontract would be available. Ms. O'Toole said that the roads will not be scored and that they may add gravel to the shoulders for safety reasons. Ms. Remington said that she hopes they will take as much sand as possible. Ms. O'Toole said that it is hours of handwork. A motion was made by Bill Fateiger, seconded by Lori Stephenson to issue a Negative 1, 2 and 3 Determination of Applicability for the various portions of this request for work on Century Mill, Nashaway, Sampson, and Wattaquaddock Hill Roads. VOTE: Aye, unanimous.

8. Bolton Manor, Sugar Road (112-494) Bill Fateiger said that he called Kevin Sweeney but did not receive a return call. Mr. Fateiger said that he spoke with Mr. Sweeney's engineer, Susan Sullivan. Mr. Fateiger said that Ms. Sullivan said that they have been dealing with a different contractor to remove the mats from the wetland. Mr. Fateiger said that he expressed his

concern with the mats being in place during the growing season and when the site is muddy. Mr. Fateiger said that he checked the site again and the mats have now been removed.

9. Nitzche, Common Driveway 70, 76, 80, 86 and 92, Green Road (RDA) Bill Fateiger opened the public meeting on the Request for a Determination of Applicability. Present for the meeting was applicant John Nitzche and Michelle Souza a co-owner of the common driveway. Mr. Nitzche said that the gravel driveway has worn down over the years from plowing it and developed potholes. Mr. Nitzche said that the owners of the common driveway wish to pave it. Mr. Nitzche said that they propose paving the surface between 12 and 14 feet wide. Mr. Nitzche provided photographs of the driveway. Ms. Sousa said that she was the developer of the homes on this common driveway and that it crosses one culvert. Mr. Fateiger said that he would want to see haybales around the culvert but that he does not feel he needs to visit the site. A motion was made by Bill Fateiger, seconded by Amy Wilson to issue a Negative 2 and 3 Determination of Applicability with the condition that the haybales be placed at the culvert to protect the stream.

10. Omansky, 151 Kettle Hole Road (112-380) Carol Gumbart said that she received a letter from David Philbin saying that he represents Myrna and Leon Omansky. Mr. Philbin asked the Commission to provide the authorization under which the Commission required the signs to be placed on his client's property. Ms. Gumbart recommended that she send Mr. Philbin the same documentation that she sent the Omansky's since it is clear that the Commission did not put the signs on the property but required it in an Order of Conditions. The Commission agreed.

11. K&L Holding, Hudson Road (112-444) & WRPD Bill Fateiger opened the continued public hearings to consider new information. Present was Stan Gordon, representing First Colony Development. Mr. Gordon said that his engineer does not recommend using 6 inches of loam on such a steep slope as he believes it would wash away. Mr. Gordon said that his engineer calculated that the spacing requirements recommended by the Commission would require 135 to 150 plants. Mr. Gordon said that his engineer recommends 50 to 60 plants for the area. Carol Gumbart suggested that the Commission allow the project manager to work out the final details of the planting at the time the site will be planted. The Commission and Mr. Gordon discussed the final language in the draft Amended Order with regards to stabilizing the buffer zone and wetland replication areas and the letter of credit.

A motion was made by Bill Fateiger seconded by Lori Stephenson to close the hearing on the Notice of Intent and Special Permit. VOTE: Aye, unanimous.

12. Rogers, Lot 2A Randall Road (Bylaw #2) Chris Rogers was present by appointment to discuss a potential change to the approved plan. Mr. Rogers said that his client would like to push the house back further from the wetland resource area. Mr. Rogers said that in order to do this his client would like to know if the Commission would consider allowing some intrusion into the buffer zone to the rear of the house. Mr. Rogers said that the area is a forested ledge knoll. Mr. Rogers said that another question that has come up is where to daylight the foundation drain. Mr. Rogers showed a potential location to the west of the wetland, where the drain could discharge. Mr. Rogers said that the well is staked and the house box is staked. Mr. Rogers said that he would like to remove the pile of gravel that is in the wetland when the conditions are dry. Scott Duhaime said that he would visit the site and get back to the Commission on what type of application would be required to consider this change.

13. Moss, Harvard Road (112-498) A motion was made by Bill Fateiger, seconded by Lori Stephenson to accept the open space parcel shown on a plan entitled “Plan of Land in Bolton, MA Prepared For Moss Development, Inc.” dated August 17, 2004. VOTE: Aye, unanimous.

14. Upcoming Meetings and Land Acquisition Carol Gumbart said that Karen Augustine agreed to attend the Board of Selectmen’s meeting to discuss the protection of the Aschettino property and the Main Street beaver flooding problem. Lori Stephenson said that she attended the site walk on the Aschettino property and that the group seemed to think only two houses could be constructed because of the sewage disposal limitations due to ledge.

Lori Stephenson said that she attended the walk on the Skinner property, 357 Main Street. Ms. Skinner is considering consolidating her properties in either Hudson or Bolton. Ms. Stephenson said that if Ms. Skinner keeps the Bolton property she would need to expand the building. Ms. Stephenson said that the Skinners will need a special permit to expand their building and that the parcel in question is 17 acres. Ms. Stephenson said that some of the land would be donated to the Town for conservation if she keeps it and goes forward with the expansion. Carol Gumbart asked if the stream was on the portion that she might donate. Ms. Stephenson said that she thinks the stream is on the Skinner’s house lot.

15. Taggart, Forbush Mill Road The Commission agreed to conduct a site visit on May 10, 2005 at 5:30 p.m.

17. Conservation Restriction Carol Gumbart said that the Bolton Conservation Trust is receiving a conservation restriction on the Hapgood/Schechter property of West Berlin Road. Ms. Gumbart said that she would make copies of the draft and get it out by mail to the Commission for their review.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator