

Bolton Conservation Commission
Minutes of Meeting
July 5, 2005

PRESENT: Karen Augustine, Scott Duhaime, Bill Fateiger, Lori Stephenson, Amy Wilson, administrator Carol Gumbart and Sarah Greenough (member in waiting)

1. Requests for Certificate of Compliance, 26 Danforth Lane (Lot 6) 112-419 and 112-453

Carol Gumbart said that Adrienne Connolly is requesting Certificates of Compliance for two Order of Conditions. Ms. Gumbart said that file 112-419 was for a septic replacement project that was never commenced. Ms. Gumbart said that file 112-453 was for numerous activities including the construction of a barn, replacement of the septic system, relocating the driveway, and landscaping activities. Ms. Gumbart said that the only work ever commenced under that Order was the removal of loam piles adjacent to the pond and seeding the area; placing gravel on the existing driveway and replacing the septic system.

A motion was made by Bill Fateiger, seconded by Lori Stephenson to issue a Certificate of Compliance for non-commencement of work under 112-419. VOTE: Aye, unanimous.

A motion was made by Bill Fateiger, seconded by Lori Stephenson to issue a Certificate of Compliance for compliance with the work completed under 112-453. VOTE: Aye, unanimous.

2. Black, 244 Harvard Road Carol Gumbart said that Mr. Black has inquired whether he can remove two dead trees behind his house and adjacent to the yard. Ms. Gumbart said that Mr. Black had sent an email request with photographs attached. The Commission agreed that a Request for a Determination of Applicability would not be needed but that they recommended that he have the trees felled in a way that as much biomass from the trees as possible would remain in the buffer zone.

3. K & L Holding, Hudson Road (112-444) Carol Gumbart told the Commission that Town Counsel has drafted Stipulations for Dismissal of the appeals under the Wetland Bylaw and the Water Resource Protection District. Ms. Gumbart said that the court date is July 11th and by filing the dismissals Town Counsel will not have to go to court.

4. Hallmark, Lot 4 Wattaquodock Hill Road Carol Gumbart said that she received a Driveway Permit Application and that the grading for the driveway is right at the 100-foot buffer zone line. Ms. Gumbart asked the Commission how they would like to handle the application. The Commission asked Ms. Gumbart to contact the applicant and request them to stake the buffer zone line in the vicinity of the driveway grading and to request permission to verify the accuracy of the wetland delineation. Bill Fateiger said that he will review the wetland line and that Ms. Gumbart should give Hallmark his cell phone number.

5. Municipal Certification Hapgood/Schecter, W. Berlin Road After discussion a motion was made by Bill Fateiger, seconded by Scott Duhaime finding that the preservation of approximately 42 acres via a Conservation Restriction on the Hapgood/Schecter land is in the public interest because it 1) permanently protects land designated in the 2005 Open Space and Recreation Plan as high priority with a Core Conservation Area; 2) the rocky upland is dotted with wetlands and a stream providing diverse habitat and wildlife corridor; 3) the Conservation Restriction permanently protects certified vernal pool habitat; and 4) the Conservation

Restriction provides for public access on existing trails with linkage to abutting properties.
VOTE: Unanimous.

6. Upcoming Site Visits The Commission was reminded that they have site visits to 229 S. Bolton Road on Thursday, July 7 at 7:15 p.m. to consider a gift of land and also that same evening at 6:30 p.m. to 389 Berlin Road. It was noted that the Commission wishes to figure out a way to keep the access to the Vinger Conservation Land. Carol Gumbart said that she would let the Bolton Conservation Trust know about the walk since they hold Conservation Restrictions on the Town property.

7. Water Resource Protection District (WRPD) Bill Fateiger opened the continued hearing on the WRPD. Ed Englemann said that he has been working to clarify the alternatives by considering the good points of each Bylaw. Mr. Englemann said that in order to provide a recommendation he needed to go through this process. Mr. Englemann said that he is now working on reviewing the differences between them and does not have a recommendation yet. The hearing was continued to July 19, 2005, at 8:30 p.m.

Martha Remington was in attendance but did not comment during the open hearing. After the hearing was continued Ms. Remington said that she is still routing for the 25 feet beyond all other resource areas.

8. Century Mill Estates FOSPRD Decision Bill Fateiger said that the Planning Board issued their decision on the FOSPRD and did not include in their decision any of the things he had discussed with them at their prior meeting. Mr. Fateiger said with the exception of the associate member, the Planning Board agreed that the land would be deeded to the Town under the care and custody of the Conservation Commission. Karen Augustine said that when she attended the Planning Board meetings and open space was discussed the Planning Board indicated that it was just as good as municipal land. Mr. Fateiger said that they had agreed that the trail easement should be 25 feet like the screening being provided on the other side of the site. Amy Wilson asked if the Planning Board meeting minutes were available? Mr. Fateiger said that he has emailed the Planning Board Chair, Larry Delaney but has not had a response yet. It was agreed that Mr. Fateiger should contact Andy Bendetson to determine 1) whether he is opposed to granting the open space to the Commission; 2) to find out when the vernal pools will be certified and 3) whether Mr. Bendetson has taken measures to stop the erosion into Spectacle Hill Road and the stream.

10. Pan Cemetery, Main Street (112-502) Bill Fateiger opened the continued hearing on the Notice of Intent proposal to expand Pan Cemetery. Brandon Ducharme of Ducharme and Dillis Civil Design Group Inc., was present to represent the applicant. Martha Remington was present as an interested citizen. Mr. Ducharme said that since the last meeting he has revised the plans by eliminating grading and tightening the slopes to 2:1 and 3:1 in places. Mr. Ducharme said that the work in the Riverfront Area (RFA) has been reduced to 5000 square feet or 14.9 percent of the total RFA. Mr. Ducharme said that he has added fir and maple trees of 2-inch caliper to the plans. Mr. Ducharme said that they have lost 13 plots with these revisions. Ms. Remington asked whether the boxes are concrete and what happens to the decomposing bodies? Ms. Remington said that Great Brook used to be a Class B stream and that between Flatly and Route 495 and the beaver the stream has become a mud hole. Carol Gumbart said that regardless of the type of containment the burials will occur sporadically and the nutrient load would not likely be significant. Ed Englemann said that he did not feel the nutrient load would be significant. Mr. Ducharme said that he was pretty sure that these days almost anything going into the ground is

contained. Ms. Gumbart asked the Commission if they were satisfied with the plantings provided on the plan. Lori Stephenson said that she thought they could add additional bushes such as low bush blueberry and mountain laurel. Mr. Fateiger recommended that the Commission close the hearing. Ms. Remington asked if the Commission would continue the meeting so that she could bring a copy of the plan to the Historic Commission's meeting. The hearing was continued with the consent of the applicant to July 19, 2005, at 8:00 p.m.

11. Joyce, 20 East End Road (112-505) Bill Fateiger opened the continued hearing on a Notice of Intent (NOI) proposing to add an attached garage, deck, potting shed and green house. Brandon Ducharme of Ducharme and Wheeler, Inc., was present representing the applicant. Lori Stephenson recused herself from the Commission, as her husband is the applicant. Mr. Ducharme said that the plan was revised to remove the Water Resource Protection District line since it does not apply since the Commission's decision to use the base map as the district. Mr. Ducharme said that everything else is the same as before. It was noted that the trees to be topped are in the vicinity of the wetland flags A-3 to A-5. Ms. Stephenson said that they would be topped during the winter.

A motion was made by Bill Fateiger, seconded by Amy Wilson to close the public hearings. VOTE: Aye, unanimous.

After review and discussion of the draft Orders of Conditions, a motion was made by Bill Fateiger, seconded by Ed Englemann to issue the Orders of Conditions under the Wetlands Protection Act and the Bolton Wetland Bylaw. VOTE: Aye, unanimous.

12. Riverside, Still River Road Roxann Burney was present by appointment to discuss a letter she submitted to the Board of Selectmen and various committees concerning her prospective of the proposed development known as "Riverside". Also present during the discussion were Gerhard Ahearn and Martha Remington. Ms. Burney said that the proposed project is in the Area of Critical Environmental Concern (ACEC), endangered species habitat and priority habitat areas. Ms. Burney said that there is strong opposition of the project from residents. Ms. Burney said that no other parcels in Town have these unique attributes. Ms. Burney said that the Town is presently in a unique position to not accept the 40B. Scott Duhaime said that he is in agreement with her. Ms. Burney said that the residents are continuing to submit rare species sightings to the MA Natural Heritage and Endangered Species Program. Ms. Burney provided a copy of the reports for the Commission. Ms. Burney said that she has spoken with Liz Sorenson about the ACEC and that as Ms. Sorenson once said to her rare species do not identify boundaries. Carol Gumbart provided Ms. Burney with a copy of section 14.7.2 of the MACC Environmental Handbook. Mr. Duhaime referenced this document as requiring a management plan for ACEC's. The Commission discussed whether anyone might have completed such a plan or not.

Lori Stephenson said that on the site visits they saw lots of signs of wildlife activity. It was noted that the whole septic field is proposed within a "priority habitat area". Ms. Gumbart asked Ms. Burney whether the abutters, the Commonwealth of Massachusetts have had any comments on the proposed project? Ms. Burney said that Phil Truesdale, of the Department of Fisheries and Wildlife, has commented that the project is ridiculous and is too dense. Mr. Ahearn was asked what it is the developer is trying to get out of the project? Mr. Ahearn said that the proposal now includes 3 units with 12 dwellings. Mr. Ahearn said that at this size the Town might only get one affordable unit. Mr. Ahearn said that the applicant felt that the proposal was in line with the affordable housing committees goals and the master plan criteria since it spread out the affordable housing to various parts of town and that it's size is small

compared with other 40B projects proposed in town. Daniel Seine, a resident in attendance said that it is the last of the pine barren and it provides habitat for a diversity of wildlife.

Mr. Ahearn discussed how the 40B process works with respect to accepting more projects. Mr. Ahearn said that with 11 units of new affordable housing the Town does not have to accept any new projects. Scott Duhaime said that the project is too dense, is located within the ACEC and priority habitat. Mr. Duhaime said that none of the project is before the Commission. Mr. Duhaime said that he did not see how the project could be constructed without having an impact on the area. The rest of the Commission concurred with Mr. Duhaime. Mr. Duhaime agreed to send an email to Nancy Reed, a former resident, to inquire more about the ACEC designation. Mr. Duhaime said that he would call Phil Truesdale. The Commission agreed to send the Zoning Board of Appeals a memorandum indicating their concerns with the proposal as Mr. Duhaime had outlined. Mr. Ahearn said that it would be good for the ZBA to understand the impact and that the more information the better.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator