

Bolton Conservation Commission
Minutes of Meeting
May 9, 2006

PRESENT: Scott Duhaime (arrived after the hearing on the Memorial Field Basketball Court public meeting), Ed Englemann, Bill Fateiger, Sarah Greenough, Amy Wilson and administrator Carol Gumbart.

1. Mail/Upcoming Meetings/Announcements Carol Gumbart said that the MEPA published a decision not to require an Environmental Impact Report on the Sunset Ridge development. Ms. Gumbart said that the decision discusses concerns raised about changes in hydrology and the impact the project may have on Welch Pond and the associated bog. Ms. Gumbart said that it encourages the developer to avoid impacts to wetland resource areas. Ms. Gumbart said that it also requires an archeological survey be performed.

2. (112-498) Moss, Harvard Road Bill Fateiger said that he spoke with the town's engineer, Rob Oliva at Hamwey Associates, about this project. Mr. Fateiger said that the engineer confirmed that the developer did not construct the drainage properly. Mr. Fateiger said that the detention basins are too small and the pipe elevations are wrong. Mr. Fateiger said that he was told that the developer hit ledge in spots. Mr. Fateiger said that he made the town engineer aware that any changes to the design need to be reviewed and approved by the Commission. Mr. Fateiger said that we are holding a \$20,000 escrow on the project.

3. Pond Park, Mechanic Street Carol Gumbart said that the father of the Eagle Scout that cleared the vegetation in Pond Park is interested in removing the stumps and lowering the height of the mounds the vegetation was growing on. Ms. Gumbart said that a few years ago Milton Chow attended a Conservation Commission meeting to inquire about dredging the pond. Ms. Gumbart said that the work never seemed to get off the ground. After a brief discussion it was agreed that Ms. Gumbart and Bill Fateiger would look at the area where the work is proposed and evaluate whether it is doable under a Notice of Intent review.

4. Monteiro, 1 Century Mill Road Carol Gumbart said that she sent an email to everyone alerting them to a complaint received by the Latham family against alterations David Monteiro made to the property at the corner of Century Mill Road and Hudson Road. Ms. Gumbart said that she visited the property during the winter and found that the owner had cut down a few trees, cleared around the driveway and put in a new gravel driveway. Ms. Gumbart said that he also added a couple of concrete blocks and a chain link fence on top of it along the Hudson Road side of the property. Ms. Gumbart said that the Latham's feel the work is a detriment to the surrounding wetlands. The Commission agreed to conduct a site visit and asked Ms. Gumbart to make the arrangements.

5. Membership Carol Gumbart said that the appointments for Ed Englemann and Lori Stephenson are up this June. Mr. Englemann said that he would like to stay on the Commission for another term. Ms. Gumbart will contact Ms. Stephenson to determine her interest.

6. Minutes A motion was made by Bill Fateiger, seconded by Ed Englemann, to approve the minutes of March 21, 2006 as amended. VOTE: Aye, unanimous. A motion was made by Scott Duhaime, seconded by Ed Englemann to approve the minutes of April 4, 2006, as amended.

VOTE: Aye, unanimous. A motion was made by Scott Duhaime, seconded by Ed Englemann to approve the minutes of April 18, 2006, as amended. VOTE: Aye, unanimous.

7. Memorial Field Basketball Court Renovation (RDA) A public meeting was opened by Bill Fateiger on a Request for a Determination of Applicability (RDA) to renovate the basketball court located on Memorial Field. Present for the meeting was Joel Lindsay and Paul Granese representing the HOOPS Program. Mr. Lindsay gave an overview of the location of the project and said that one of the problems with the current court is that it does not have an apron so that the edge of the court goes right off to the grass. Mr. Lindsay said that in refurbishing the court they will take out all of the old pavement, fine grade the area and repave. Mr. Lindsay said that they are proposing to install 4 light posts (2 on each side of the court) and stands for watching the games. The Commission discussed the proximity of the work to the wetland. Carol Gumbart said that the wetland area is highly disturbed but she did observe indications of flooding and hydric soils. Bill Fateiger said that he looked at the area and agrees that it is very disturbed and that he found the vegetation to be wet. Mr. Fateiger said that if they keep all the work on the upland side of the stonewall, he could not foresee any impact to the wetlands and they can “go to town”. In conclusion, Mr. Lindsay said that the access to the court would be via Mechanic Street and that the court would be approximately 5 feet larger all around to accommodate for the apron.

A motion was made by Bill Fateiger, seconded by Amy Wilson to issue a Negative 3 Determination of Applicability with the condition that all work remain on the upland side of the stonewall. VOTE: Aye, unanimous.

8. Lindsay, 104 Green Road Joel Lindsay was present for an informal discussion on a proposal to construct a pool in his rear yard near a vernal pool. Mr. Lindsay said that his family would like to put in an inground pool in their back yard. Mr. Lindsay said that it would be within 50 feet of the vernal pool. Mr. Lindsay said that they do not have any alternative locations for the pool and they will not be removing much vegetation, just one big tree in the yard. The Commission agreed to conduct a site visit on Tuesday May 15, 2006, at 6:00 p.m.

9. Gaby, 84 Sampson Road Environmental consultant, Mary Trudeau was present to represent Brett Gaby regarding the wetland violation within the riverfront, bordering vegetated wetlands and buffer zone. Ms. Trudeau said that she would be submitting a Notice of Intent but that she wanted to update the Commission tonight and get some advice from the Commission. Ms. Trudeau said that in a finger-like projection she found gleyed soils and skunk cabbage. Ms. Trudeau said that the bank of the stream is well defined and will be used to determine the riverfront area. Ms. Trudeau described the layout of the property including the location of the septic system in the rear and the beaver activity which has raised water levels so that the pasture is flooded. Ms. Trudeau said that she has encouraged Dr. Gaby to mow the pasture to the edge so he doesn't lose it and she has advised him not to alter the beaver dam as there are fines. Ms. Trudeau said that Dr. Gaby would like to construct an 80'x120' riding ring to observe the large animals he treats. The Commission discussed the available locations for the observation ring and agreed the Commission would not look favorably on construction in the Riverfront Area (RFA). The Commission noted that the majority of the property is within the buffer zone (also known as the adjacent upland resource area), but would consider it construction within that area if there was no alternative and it would not impact the wetland resource area. Ms. Trudeau said that her restoration plan would include tree planting and a shrub community. Ms. Trudeau said that she does not recommend any planting until the fall. Bill Fateiger asked Ms. Trudeau to show the wetland resource areas on the plan including the RFA, 25-foot wetland resource area and 75-foot

buffer zone (adjacent upland resource area). Ms. Trudeau asked for an additional month to prepare the NOI. The Commission agreed to the request.

9. Riverside Comprehensive Permit Roxann Burney was present by appointment to make sure the Commission was up to speed on the Riverside proposal. Ms. Burney said that the comprehensive permit process started with the Zoning Board of Appeals a little over a year ago. Ms. Burney said that the Commission has consistently said that they did not support the density proposed on this property. Ms. Burney said that the ZBA seemed to be at an impasse for a while with the residents opposed to the density proposed and the developer not going low enough. Ms. Burney said that during this period the ZBA learned from the Massachusetts Housing and Community Development (MHCD) that the units at Sunset Ridge were not going to count in the town's inventory for 2006. Ms. Burney said that the ZBA was considering the possibility of making up the needed units at Riverside but they also requested a waiver from the MHCD and were recently notified that the MHCD reevaluated their position and will include the units at Sunset Ridge toward the town's affordable housing inventory through 2007. Ms. Burney said during this period the developer proposed two plans: an 8-unit plan and a 6-unit plan. Ms. Burney said that she believes the developer interpreted the Commission's memo recommending the 8-unit plan over the 6-unit plan as support for the project. Ed Englemann said that this support was contingent upon the MHCD's decision not to count the units at Sunset Ridge and the town not being in the position to deny the project. Ms. Burney said that in light of the MHCD's new position it would be helpful if the Commission would reiterate their position that they do not support a higher density project. Ms. Burney said that she would support either 2 single-family dwellings or 2 duplexes. The Commission agreed to submit another memo to clarify our position. Carol Gumbart said that she received a letter from MA Natural Heritage and Endangered Species Program certifying a vernal pool in the vicinity of this site but it did not appear to be on this site.

10. Ward, 115 Wilder Road The Commission agreed to conduct a site visit on Tuesday, May 16, 2006, at 6:30 p.m. to view the tree the Ward's cut that had fallen into Wilder Pond.

11. Town Meeting The Commission discussed the passage of their articles at Town Meeting. Scott Duhaime said that the lesson he learned was not to lose sight of the primary goal. Ed Englemann said that we should have contacted the residents with the Area of Critical Environmental Concern (ACEC). Carol Gumbart said that she was impressed by the Historical Committees support for the inclusion of the ACEC area since she had not thought about the benefit of protecting historic resources within the riverfront area. As a follow up to the passage of the article the Commission will review the draft regulations and spend 15 minutes at the next meeting brainstorming on what we need to do to move the regulations to approval.

12. Coordination with Boards and Committees Carol Gumbart said that in light of the changes made to the regulations the Commission needs to be more involved in providing comments to the Planning Board when they receive Backland Lot and Farmland and Open Space Planned Residential Development. Ms. Gumbart suggested that the Chair or someone else from the Commission be a liaison to the Board so that we can give input. Ms. Gumbart said that she would continue to work with the Planner in the same way. Ms. Gumbart said that a similar relationship is needed with the Board of Health. Ms. Gumbart described several recent projects where activities were being shown to the Board of Health with activities in the wetland resource areas. After discussion Bill Fateiger said that he agreed to be a liaison with the Planning Board

Chair and that Ms. Gumbart should continue to keep up the relationships with the staff of the Planning Board and Board of Health.

13. Land Protection Crispen, Green Road - Scott Duhaime said that he spoke with Tom Parker, of the Bolton Conservation Trust (BCT) about the Crispen property. Mr. Duhaime said that Mr. Parker had not yet contacted the Crispen family but he intends to contact them after he speaks with Rob Held.

Mentzer, Main Street - Mr. Duhaime said that he also spoke with Mr. Parker about the Mentzer property. Mr. Duhaime said that they are looking at carving out 1 or 2 lots and they have a very interested buyer. Mr. Duhaime said that Mr. Parker wanted to know if there was any protocol for a wetland crossing. Mr. Duhaime said that he told him that on undeveloped lots having permits in place gives value to the property and that without the permits the risk transfers to the buyer. Carol Gumbart said that the Commission should make it clear to the BCT that a wetland crossing is not likely to be permitted if they create their own hardship by carving out of the lots in such a manner that requires a crossing. Ms. Gumbart said that they couldn't create their own hardship and then get a permit to cross the wetlands. After discussion Mr. Duhaime agreed to convey this to Mr. Parker.

Henry, Long Hill Road – Mr. Duhaime said that Mr. Parker inquired about the Henry property on Long Hill Road and that he told him that Mr. Henry is putting his land up for sale and taking it out of chapter. Mr. Duhaime said that it does not appear that the town has a right of first refusal but that if he receives the right offer he might be interested in selling it to the town. Mr. Duhaime said that it is important to the BCT and is less wet than they thought.

14. Land Management Carol Gumbart said that DPW Director, Harold Brown has walked Bowers Springs with a couple of contractors and both prices for the repair work to the roads/trails has been over \$5000. Mr. Brown can use the state bid list and hire a contractor off that list if the Commission wants him to. Bill Fateiger said that his friend Dennis Checoni may be willing to the work for less money but we need to clarify what the scope of work is that Mr. Brown has discussed with the other contractors.

The Commission briefly discussed the work at Bowers Springs to relocate the northern entrance to the parking lot. Mr. Fateiger said that he thinks the Commission does need to file a Notice of Intent (NOI) under the Wetlands Bylaw for the work. Ms. Gumbart will prepare the NOI.

15. Vinger Trail Easement Carol Gumbart asked if everyone received copies of the letter from Jacqueline McGarry's attorney. Both Sarah Greenough and Bill Fateiger said they had not. Ms. Gumbart will send them copies in order to be prepared for discussion on this subject at the next meeting. Scott Duhaime said that the lawyer came back with a strong argument. Ms. Gumbart suggested that there might be a compromise position.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator