

Bolton Conservation Commission
Minutes of Meeting
July 25, 2006

PRESENT: Scott Duhaime (7:45), Sarah Greenough, Amy Wilson, Lori Stephenson and administrator Carol Gumbart.

1. Omnipoint Wireless Communication Application: Carol Gumbart said that the Board of Selectmen are holding a public hearing on an application filed by Omnipoint to add on to the existing tower and alter an additional 200 square feet for cabinets, beyond the existing compound. The Commission looked at the plans submitted with the Site Plan Review and Special Permit Application. After review and discussion the Commission requested that Ms. Gumbart submit a memo to the Board of Selectmen informing them that the proposal includes additional alteration of the Riverfront Area beyond that permitted in the original application submitted by Sprint Spectrum; that Omnipoint should consider alternatives that would have less impact in the resource area; that any additional alteration will require a new Notice of Intent. In addition, Ms. Gumbart said that the revised Bylaws do not permit wireless communications facilities within Wetland Resource Areas and that they previously were not permitted within Water Resource Protection Districts.

2. Gaby, 84 Sampson Road: Carol Gumbart said that the consultant for Dr. Gaby has not been able to secure plans from the engineers to submit with a Notice of Intent filing. The Commission said that they would like the consultant, Mary Trudeau to come to the next meeting with an update.

3. Purchases Carol Gumbart said that the trailer has been delivered and registered. The Commission agreed that the plates should not be left on the trailer. Ms. Gumbart said that the trail committee is recommending several safety items be purchased for the chain saw and brush cutter including goggles and ear protection. In addition, Ms. Gumbart said that files for sharpening the chainsaw blade are needed and a backup chain should be purchased. The Commission agreed with these additional purchases.

4. Comprehensive Permit Riverside, Still River Road: Amy Wilson said that she attended the Zoning Board of Appeals (ZBA) last meeting and the main discussion was on how to move forward since the resignation of one of their members. Ms. Wilson said that Mark O'Hagan is not going to withdraw his application although that is one of the alternatives the ZBA discussed. Ms. Wilson said that the hearing was continued to September.

5. Monteiro, 1 Century Mill Road (RDA) Dave Crossman of B & C Associates, Inc., was present to represent David Monteiro on a Request for a Determination of Applicability. Present for the meeting were resident and abutter, Anne Marie Latham and her son in law, Bill DeBenedetto. Scott Duhaime opened the meeting and gave some background to the filing saying that work was done on without a wetland filing within the an area of the Commission's jurisdiction. Mr. Duhaime said that he met with Mr. Monterio in the spring when the vegetation was dense. Carol Gumbart said that the majority of the wetland was approximately 50 feet away from the building but street drainage feeds into an area at the front of the site that is much closer. Mr. Crossman confirmed that the work his client performed is in a resource area. It was noted that the buffer zone is a resource area under the Bylaw. It was noted that the slopes are stable

and the driveway encroached approximately 4 to 5 feet onto the abutting property. It was also noted that land at the back of the building was altered. A concern was raised about the driveway having been constructed with a petroleum base. Mr. Duhaime said that the Conservation Commission could not do anything about the property line issue. Mr. DeBenedetto said that the rear of the building had always been natural and they would like to see vegetation put back under a restoration plan. Mrs. Latham said that she would like Mr. Monterio to stop parking on her land. Mr. Duhaime asked if there has been any dialogue between the parties. Mrs. Latham said there has not. The Commission discussed the best way to handle this through the Determination process. Ms. Gumbart said that could issue a positive Determination requiring a Notice of Intent or they could proceed with an Enforcement Order. Mrs. Latham said that she also is concerned with the jersey barrier that abuts Route 85 (Hudson Road) and the fence that is holding back the bank. Mr. Duhaime recommended to Mr. Crossman that he advise his client to remedy the situation by discussing the issues between the parties. Mr. Duhaime asked Mr. Monterio if he would like time to discuss the situation with his client or if the Commission should close the meeting. Mr. Crossman said that the Commission should close the meeting.

A motion was made by Scott Duhaime, seconded by Sarah Greenough to close the meeting. VOTE: Aye, unanimous.

A motion was made by Scott Duhaime, seconded by Sarah Greenough to issue a Positive Determination of Applicability #1 – the area described on the plans is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent (NOI) ; #4 – the work described on the plans and documents is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a NOI or ANRAD Simplified Review, and #5 the area and/or work described on referenced plans and documents is subject to review and approval by Bolton pursuant to the Wetlands Bylaw 1.18. VOTE: Aye, unanimous.

6. Taylor, 46 Nourse Road (112-514) Scott Duhaime opened the continued public hearing on a Notice of Intent (NOI) filed by David Favareau on behalf of David and Pam Taylor proposing to upgrade a septic system, relocate a well and improve drainage. Mr. Favareau was present for the continued hearing. Mr. Favareau said that the engineer, Gary Prime, spoke with the Bolton DPW Superintendent and that an Operation & Management Plan is not necessary for the swale. Mr. Favareau said that the DPW is pleased that they are fixing the driveway drainage pipes and that the town will maintain the swale in the roadway. Mr. Favareau said that they have encompassed the well sump with haybales to ensure that the tailings do not get into the wetland.

A motion was made by Scott Duhaime, and seconded by Sarah Greenough, to close the hearing. VOTE: Aye, unanimous.

A motion was made by Scott Duhaime, seconded by Sarah Greenough, to issue an Order of Conditions as amended and discussed. VOTE: Aye, unanimous.

7. Blanchette, 279 Long Hill Road (112-515) Scott Duhaime opened a continued public hearing on an Abbreviate Notice of Resource Area Delineation (ANRAD). David Burke, Wetlands Resource Specialist, was present to represent the applicant. Mr. Burke updated the Commission on the site walk he held with some of the Commission members (Lori Stephenson, Sarah Greenough and Ed Englemann) to review the wetland delineation. Mr. Burke said that he originally flagged the wetlands in April based on vegetation and soils. Mr. Burke said that at the time we were in a very dry period and that he revised the location of some of the flags prior to the Commission's site walk and the Commission further revised the location of certain flags. The Commission reviewed the revisions and found that the plans needed further revision. Mr. Burke said that if the Commission wants to close the hearing he will have the plans revised to

remove flag 105, move flag 109 out 28 feet reinclude flag 104, connect 110 to 109 and connect 109 to 104.

A motion was made by Scott Duhaime, seconded by Sarah Greenough to close the hearing and require the applicant to submitted revised plans as described above. VOTE: Aye, unanimous.

A motion was made by Scott Duhaime, seconded by Sarah Greenough to issue an Order of Resource Area Delineation (ORAD) finding the plans to be accurate as revised tonight and that the plan will be revised. VOTE: Aye, unanimous.

8. Chairman The Commission discussed the chairman position of the board. After discussion Scott Duhaime said that he would be willing to be the chair. Lori Stephenson said that she would contact Bill Fateiger the current chair to find out if he is going be able to attend meetings and serve as an active member of the Board or continue as chair.

9. Geiselman/Mancini, Vaughn Hill Road Complaint Scott Duhaime said that he and Ted Geiselman have played some phone tag but that he has not heard his story yet. Carol Gumbart said that the last time she drove by the area she noticed that it was seeded and stabilized. It was agreed that Ms. Gumbart would contact the complainant and inform him that the area is now stabilized and to determine whether he is still concerned with the prior activity. The Commission thought that if the matter is resolved a follow up letter should be sent to Mr. Geiselman and Mr. Mancini.

10. Draft Bylaw Regulations The Commission asked Carol Gumbart to send out the definition section of the draft Bylaw Regulations so they could prepare to discuss them at the next meeting. Scott Duhaime recommended a specific time be set for discussing the regulations.

11. Trail Access to the Delaney Project Ms. Gumbart said that she brought this issue to the attention of the Town Administrator. Scott Duhaime said that both access and parking are of interest.

12. Policy for Naming Conservation Land The Commission said that they looked over the draft policy and found it acceptable. They said that if there is a specific request to use a certain name in the deed we should honor that requirement.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator