

Bolton Conservation Commission
Minutes of Meeting
September 5, 2006

PRESENT: Karen Augustine (7:30 p.m.), Scott Duhaime, Ed Englemann, Sarah Greenough, and Administrator Carol Gumbart.

1. Land Management Carol Gumbart asked whether the new picnic tables at Bowers Springs should be moved inside for the winter or not. Scott Duhaime recommended that they be moved inside by the beginning of November. Ms. Gumbart will contact the Department of Public Works to find out where they store other tables.

2. Maillet, Forbush Mill Road (112-497) Carol Gumbart said that she spoke with Tom DiPersio Sr., and that he would not be able to attend tonight's meeting. Ms. Gumbart said that Mr. DiPersio said they did not find suitable soils for infiltration in the vicinity of the swale. Ms. Gumbart said they found the water table at 18 inches. Ms. Gumbart said that Mr. DiPersio found decent soil approximately 110 feet back from the edge of Forbush Mill Road. Ms. Gumbart said that Mr. DiPersio feels that the best solution is to go across the road with a culvert pipe and discharge it on the opposite side of Forbush Mill Road. Ms. Gumbart said that they are now looking for guidance from the Commission on how to proceed. After further discussion, the Commission agreed that Mr. DiPersio should file a request to amend the Order of Conditions as soon as possible.

3. Town of Bolton, Wastewater Treatment Facility (WWTF), between 50 Mechanic Street and Sheep Field Scott Duhaime opened the continued public hearing on a Notice of Intent filed by Tata and Howard, to construct a Wastewater Treatment Facility with associated sewerage lines within wetland resource areas. Kristine Chestna, of Tata and Howard was present to represent the Bolton Wastewater Treatment Committee. Residents and Wastewater Treatment Committee Members, Mark Sprague and David LaValle were present for the hearing. Ms. Chestna submitted supplemental information documents. Ms. Chestna said that the town is under an administrative consent order to upgrade the two (2) septic systems for the Emerson and Florence Sawyer Schools. Ms. Chestna described the method of treatment in the facility and said the water looks like drinking water and can be used for irrigation. Ms. Chestna said that the sewerage would be fed by gravity to the treatment plant, pumped through a drain and into the leaching field. Ms. Chestna said there would be temporary disturbance for the installation of two (2) manhole covers in the wetlands. Ms. Chestna said that they proposed 2:1 replication for the 10-foot square area of alteration. Ms. Chestna said that Ducharme and Wheeler flagged the wetlands during the period that beaver were active in the area. Karen Augustine asked what potential there is for leakage or the pipes getting blocked? Ms. Chestna said that there are septic tanks at each school and the solids will be removed at the tanks. Sarah Greenough asked if the manholes would need to be accessed as part of a preventative maintenance program? Ms. Chestna said that the manholes would not be opened unless required by the Department of Environmental Protection. Ms. Chestna said that during the construction of the stream crossing they propose to use sand bag on both sides of the culvert on the edge of the stream.. Ms. Chestna said they would install two (2) 18-inch temporary pipes at elevation 362. Ms. Chestna said they propose to do this work during the driest time of the year. Carol Gumbart asked if they would need to dewater during the installation of the 8-inch pipe. Ms. Chestna said that the pipe is 5 to 8 feet below the ground surface in places. Ms. Chestna said that she could provide dewatering

specifications. Ms. Chestna said that there are three (3) trenches going in one for water, one for electric and the other for sewerage. Ms. Greenough asked what was the access to the leach field? Ms. Chestna said they are discussing access with Flatley and they will not be going over the culvert. In response to discussion about the treatment facility Ms. Chestna said that no trees would be removed for construction. Ms. Chestna said that they evaluated other stream crossing locations but the area they proposed the crossing is where it is the narrowest and it is close to the area that is being disturbed. Ms. Chestna said that the Commission should ignore the note in the Notice of Intent (NOI) that says the work will be done in the winter. Mr. Sprague said that the schools would not let them do the construction while school is in session so it will not be in the winter. Ms Gumbart asked why there was such a large change in the amount of BVW alteration between the NOI and the supplemental information submitted tonight. Ms. Chestna said that the original 6,000 square feet that was in the NOI include all of the buffer zone area. Ms. Gumbart asked Ms. Chestna why the erosion control line was located so far away from the edge of the leach field since the Commission typically likes to restrict the area of disturbance. Ms. Chestna said that there would not be any equipment in the resource area for staging or stockpiling. Ms. Gumbart asked if they were planning to show grading for the lacrosse field. Ms. Chestna said that the lacrosse field is not on the table. Ms. Gumbart asked if there was a detail on how the replication would be constructed. Ms. Chestna said they would provide one. Ed Englemann noted that the Brook Crossing Detail provided with the supplemental documents incorrectly labeled the brook as intermittent. Ms. Chestna will correct this. With the consent of the applicant the hearing was continued to September 26, 2006, at 7:45 p.m.

4. Drewicz, 711 and 713 Main Street (RDA) Scott Duhaime opened the public meeting on a Request for a Determination of Applicability (RDA) filed by Noelle Drewicz. Ms. Drewicz proposed to replace the D-Box for an existing septic system within the Riverfront Area (RFA) of Great Brook. Ms. Drewicz said that she anticipated that the contractor would be able to find it and dig it out manually, then it would be backfilled and reseeded. Ms. Drewicz said that if the contractor were able to dig it by hand he would use a small bobcat. Ms. Drewicz said that the contractor is Steve Perry. After a brief discussion, a motion was made by Scott Duhaime, seconded by Ed Englemann to issue a Negative 2 Determination of Applicability with the conditions that the replacement of the D-Box is the only work to be performed and that it would be completed either by hand or with a small bobcat. It was also asked that any trucks or equipment be contained to the driveway as best as possible. Ed Englemann seconded the motion. VOTE: Aye, unanimous.

5. Gaby, 84 Sampson Road (112-519) Sarah Greenough opened the public hearing on a Notice of Intent (NOI) filed by Brett Gaby for the restoration wetland resource areas and the construction of an equestrian evaluation ring. Present for the meeting were Mary Trudeau, consultant to Dr. Gaby; Brett Gaby, owner of the property, his co-worker Kelly Adams and residents Elizabeth Bagdonas and Sue Storbick and John Dunn. Ms. Trudeau said that the applicant is before the Commission in response to enforcement action taken by the Commission for the removal of trees and deposition of wood chips in the Riverfront Area (RFA), Bordering Vegetated Wetlands (BVW) and Buffer Zone. Ms. Trudeau said the NOI includes future plans too. Ms. Trudeau said that within the inner and outer riparian zone 41 trees were cut. Ms. Trudeau said that she evaluated the edge of the BVW primarily on hydric soils. Ms. Trudeau said the ditch that runs across the site takes flow from the site and conveys it to the BVW. Ms. Trudeau said that at the time the trees were cut the site was a single-family dwelling and a 200-foot RFA applied to the area when the trees were cut. Ms. Trudeau discussed the restoration plan noting that the owner does not want any Red Maple trees as they are toxic to horses. Ms. Trudeau said

that the owner would like to plant majestic trees in the inner riparian. Ms. Trudeau said that she proposes to create a thicket to restore BVW since it will grow quickly and create wildlife habitat. Ms. Trudeau said that the BVW was altered in the vicinity of Wetland Flag-10 and WF-2. Ms. Trudeau said that in the outer riparian they are proposing to plant shrubs along a retaining wall that is part of the “future plans” section of the application. Dr. Gaby said that the surface of the BVW was not clear-cut and that he put the wood chips on piles that already existed in the BVW. Ms. Trudeau said that the sizes of the restoration plants have not yet been determined. A suggestion was made that Dr. Gaby may want to put chicken wire around any of the small saplings he plants since the area is home to beavers. Ms. Trudeau said it is their intention to plant this fall and that planting in October was okay if they went dormant. Ms. Bagdonas recommended using hardware cloth instead of chicken wire. Carol Gumbart said it would be helpful to have a blow up of the revegetation plan. Ms. Gumbart asked what the access was like to get the woodchips out of the BVW? Ms. Trudeau said that a backhoe with a bucket could easily reach the piles. Ms. Gumbart suggested that the Commission check whether the access is dry enough to bring in equipment. Ms. Bagdonas said that some of the restoration planting is on her property since some of the trees he cut were also on her property. Ms. Bagdonas said that either Butternut or White Walnut should be planted to replace what she lost. Ms. Bagdonas asked how the area would be maintained in the future? Would he have free unlimited pruning? Would he remove invasive plants like Glossy Buckthorn that is a problem in this area? Ms. Bagdonas said that she did not want to see invasive plants obscure the old railroad bed. Scott Duhaime asked Mr. Gaby to work with Ms. Bagdonas on the proposal for restoration on her land.

Ms. Trudeau said that Dr. Gaby is a large animal veterinarian that specializes in horses. Ms. Trudeau said that this is his primary residence and when he purchased it was with the vision of agricultural use. Ms. Trudeau said that the facility he has created treats horses with orthopedic problems. Ms. Trudeau said that he also has a small stud pony for breeding. Ms. Trudeau said that the barn has 6 stalls and two are birthing stalls. Ms. Trudeau said that Dr. Gaby took on the renovation of the barn with the dedication to restore it. Ms. Trudeau said that associated with barn Dr. Gaby would like to build a riding ring. Ms. Trudeau said that the location Dr. Gaby would like to put the ring is not going to happen because of the proximity to the river. Ms. Trudeau said that the plans show a proposed ring that will allow it to be a combination ring/driveway to the barn. Ms. Trudeau said that they are transforming this into an agricultural facility. Ms. Trudeau said that in the text of the Rivers Protection Act the riparian zone is 100 feet for agricultural uses. Ms. Trudeau said that she checked the Department of Environmental Protection’s (DEP) website under the definitions of 10.04, agricultural exemptions keeping of horses doesn’t qualify as agricultural use. Ms. Trudeau said that this future use is an agricultural use. Ms. Gumbart said that the DEP Manual “Farming in Wetlands” discusses whether the property has the exemption. Ms. Trudeau said that there are no clear-cut definitions. Ed Englemann said that this is a new agricultural use and has the 100-foot riparian zone. Karen Augustine said that there must be standards that help applicants derive figures to show if they meet the threshold of being commercial enterprises. Dr. Gaby said that veterinarian medicine is an integral part of agriculture. Ms. Trudeau said that an alternative layout that they looked at with a more even geometry would be 80’x50’ about 2000 square feet. Ms. Trudeau said that even if the Commission does not find this to meet the agricultural exemptions it is well under the 5000 square feet or 10% of the lot proposed for alteration. Ms. Trudeau said that the alternative of locating the ring behind the existing dwelling is not viable for Dr. Gaby. Ms. Trudeau said that the septic system is to the rear of the existing building.

Ms. Storbick said that she is on the agricultural steering committee. Ms. Storbick said they are proposing an agricultural bylaw to define what agriculture is in Bolton.

Ms. Trudeau said that the ring would not be used for lessons. Ms. Trudeau said that Dr. Gaby wanted a ring 120' x 80' but will accept a 117' x 114'. Ms. Trudeau said that the ring would have no significant adverse impact on the riverfront and the area was used for the barn as yard. Ms. Trudeau said that there is no change in the footprint of the barn and work on the retaining wall was done without a permit. Ms. Trudeau said that the barn does not have a roof drain.

Ms. Bagdonas said that the area where Dr. Gaby has proposed the riding ring was a mowed and managed area.

In conclusion, the Commission asked Ms. Trudeau to have the riding ring staked in the field and they will conduct a site visit. Ms. Gumbart reminded the Commission that they have not verified the wetland delineation at this site. The Commission also asked that the riverfront area be staked. The Commission asked Ms. Trudeau to provide details on the plants proposed in the restoration area. Ms. Trudeau will clarify the commercial agricultural aspect of Dr. Gaby's business. Ms. Bagdonas asked that the manure storage location be identified. Ms. Bagdonas said that 2 of the 4 piles are near wetlands and on slopes. The meeting was continued with the consent of the applicant's representative to September 26, 2006, at 8:15 p.m.

6. Montiero, 1 Century Mill Road Carol Gumbart reported that the Commission has not received a Notice of Intent (NOI) filing from Mr. Monteiro to date. The Commission requested that Ms. Gumbart send Mr. Monteiro a letter requiring him to file in a timely manner so the NOI could be heard at their first meeting in October.

7. McCarthy, 24 Harvard Road (112-506) Sarah Greenough said that Melissa McCarthy has planted all of the required plantings. Ms. Greenough said they are a little small but healthy and taking to the site. Ms. Greenough said Ms. McCarthy has removed some of the haybales and wants to remove the remaining bales. Ms. Greenough said that Ms. McCarthy has requested a Certificate of Compliance. The Commission decided that since the plants were recently installed they would wait until spring and reevaluate whether the plantings have taken satisfactorily or not. Carol Gumbart will send a letter.

8. Jabs, 22 Danforth Lane (112-418) Carol Gumbart recommended the Commission issue a Certificate of Compliance for this project. Ms. Gumbart said that a small area of buffer zone alteration was proposed and the work was satisfactorily completed. Ms. Gumbart recommended that the Commission release \$126 of escrow funds. A motion was made by Sarah Greenough, seconded by Ed Englemann to issue a Certificate of Compliance and release the escrow funds. VOTE: Aye, unanimous.

Respectfully Submitted

Carol A. Gumbart
Conservation Administrator