

Bolton Conservation Commission
Minutes of Meeting
September 26, 2006

PRESENT: Karen Augustine, Scott Duhaime, Bill Fateiger, Sarah Greenough, Amy Wilson and Administrator Carol Gumbart.

1. Brody, 232 Green Road Seth Brody was present to discuss the work he commenced at his property, 232 Green Road, including the removal of existing pavement from the existing driveway, removal of a culvert under the driveway and the beginning of the construction of a drainage swale. Mr. Brody said that he did not know he needed permits to perform this work. Mr. Brody said that portions of the driveway were previously paved but not the entire driveway. Mr. Brody said that the pipe under the driveway was partially collapsed and caused water to sit there. Mr. Brody said that he thought a swale would provide a path for the water to flow towards the vernal pool. Mr. Brody said that his contractor Ryan Lazaro proposed to replace the culvert pipe at the same diameter in size and at the same elevation so it shouldn't change anything. Carol Gumbart said that she asked the contractors to stop work until Mr. Brody secured the approval of the Commission. Ms. Gumbart said that Mr. Brody filed a Request for a Determination of Applicability and will be before the Commission at their next meeting with this request. Ms. Gumbart said that Mr. Brody wanted to attend tonight to let the Commission know about the project and see if anyone would like to visit the property prior to the next meeting. After discussion the Commission told Mr. Brody that they could not act on his request tonight and they would try to take a look before the next meeting.

2. Vinger Easement Carol Gumbart said that Jacqueline McGarry provided her with documents for the Commission's review. The Commission requested that Ms. Gumbart make copies of the material and send it out by mail to the members.

3. Skinner, 357 Main Street (112-518) Scott Duhaime opened the continued hearing on an Abbreviated Notice of Resource Area Delineation (ANRAD). Brandon Ducharme of Ducharme and Dillis were present to represent the applicant. Residents Danielle O'Beirne and Joan Schankle were present as interested abutters. Mr. Ducharme said that some members of the Commission walked the wetland line and checked the Mean Annual High-Water line of Great Brook. Mr. Ducharme said the Commission members viewed the Bordering Vegetated Wetlands (BVW) and the Isolated Wetland. Mr. Ducharme said a second site walk was held with Scott Duhaime, to view the C-series of BVW flags. Mr. Ducharme said they adjusted flag C-9 by about 5 feet to incorporate a seep area. Mr. Ducharme submitted 2 new copies of the revised plans. Carol Gumbart informed the Commission that the Planning Board would be holding an informal meeting on September 27 to discuss preliminary plans for this site. A motion was made by Scott Duhaime, seconded by Sarah Greenough to close the hearing. VOTE: Aye, unanimous.

A motion was made by Scott Duhaime, seconded by Sarah Greenough, to issue find the delineations accurate for Bordering Vegetated Wetlands, Riverfront Area, Bank, and Isolated Vegetated Wetland. VOTE: Aye, unanimous.

4. Town of Bolton Wastewater Treatment Facility between 50 Mechanic Street and the "Sheep Field" Scott Duhaime opened a continued public hearing on a Notice of Intent. Kristine Chestna, of Tata and Howard was present to represent the Wastewater Treatment Committee's project. Ms. Chestna gave an overview of the proposal and distributed a letter responding to a

number of questions Carol Gumbart had about the proposed work. Ms. Chestna proceeded to review each question and her response. After this review Ms. Gumbart asked if the trees along the cart path will be cut? Ms. Chestna said that the trench is 10 feet wide and will be staked in the field. Ms. Chestna said that any trees to be removed will be approved by the owner and the trees to be saved will be marked. Ms. Gumbart said that the approval of the tree cutting should be a requirement in the Order of Conditions. Ms. Gumbart said that the Wastewater Treatment Facility Committee is meeting tomorrow morning and asked if the hearing should be continued to allow for any changes that might come out of that meeting. Ms. Chestna requested that the Commission continue the public hearing. The Commission continued the hearing to October 17, 2006, at 7:30 p.m.

5. Maillet, Forbush Mill Road (112-497) Scott Duhaime opened a public hearing on a request to Amend an Order of Conditions. Applicant Al Maillet was present with his engineer, Tom DiPersio Sr. of Thomas Land Surveyors and Engineering Consultants, Inc. Mr. DiPersio said that there is suitable soil for leaching about midway up into the site. Mr. DiPersio said that to accommodate the break out and stormwater runoff they are proposing to have two stone swales run along the edge of the driveway to infiltrate runoff and then catch what isn't infiltrated into a 6 inch pipe that carries the water over to a stone drain fitted with a catch basin in the middle with a beehive grate over it. An 8-inch pipe will take the stormwater from the culvert across the road into a cul tec system that will infiltrate most storms but may surcharge with large overflows. Mr. Duhaime asked about the maintenance requirements. Mr. DiPersio said that it is designed in the town roadway and the Department of Public Works would maintain the system. Mr. DiPersio said that the cul tec has little to no maintenance and they took out the "call out" of the berm around the stone drain so DPW could access it with their clamshell bucket for cleaning. Mr. DiPersio said the catch basin and pipes are sized for the 10-year storm event. Carol Gumbart asked if the house construction is still being planned for the spring of 2007? Mr. Maillet said that it is still the plan. Mr. Maillet said that the site is being vegetated now. The Commission asked Mr. DiPersio to stake out the proposed location of the cul tec system. With the consent of the applicant, the Commission continued the hearing to October 3, 2006, at 8:15 p.m.

6. Gaby, 84 Sampson Road (112-519) Scott Duhaime opened a continued hearing on a Notice of Intent. Mary Trudeau was present representing the applicant Brett Gaby. Ms. Trudeau said that the first thing she would like to address is the restoration of the Buffer Zone and Riverfront Area that was damaged by Mr. Gaby. Ms. Trudeau submitted a plant list and plan with dots being representational of proposed trees or shrubs. Ms. Trudeau said that she has advised the applicant to get landscape bids for the work based on this plan. Carol Gumbart asked what the sizes of the plants are? Ms. Trudeau said the Commission could specify this in their order. It was suggested that the Viburnums would be no smaller than 5-gallon pots. Ms. Trudeau said the second issue is the proposed observation ring. Ms. Trudeau said that the ring and RFA are staked. A site visit was scheduled for September 30, 2006, at 2:30 p.m. Ms. Trudeau said that she and Ms. Gumbart attended the Department of Environmental (DEP) workshop on Farming in Wetlands. Ms. Trudeau said that breeding is an agricultural use but veterinary work is not. Ms. Trudeau said that the ring is proposed for veterinary orthopedics but she said that the needs of pregnant horses could also lead to a ring. Ms. Trudeau said that when DEP reviewed the file they noted that they were not sure if the application met the agricultural definition but that it might be able to meet the performance standards. Ms. Trudeau said they are proposing to alter 1800 square feet, which is less than 10% of the riverfront area on the site and under the 5000 square foot threshold. Ms. Trudeau said that only 1 14-inch tree would have to be removed for the ring if were not already removed. At the request of the applicant's representative the hearing

was continued to October 17, 2006, at 7:45 p.m. It was agreed to separate the restoration out at this time as an enforcement order. The Commission will discuss this at the meeting on October 3, 2006, but Ms. Trudeau will not be attending as she has a prior commitment.

7. CCR Development, Lot 4 and Common Driveway off Nashaway Road (112-486) Brad Cote and Debra McSurley were present by appointment to express their concern that the developer has never followed through to complete work on the common driveway and lot 4 as required in the Order of Conditions. After discussion the Commission agreed to seek a quote for the outstanding work and to provide the developer with the complete or the Town will use the escrow money to have the work completed.

8. Town of Bolton, Fyfeshire Conservation Area: Scott Duhaime opened the public meeting on a Request for a Determination of Applicability (RDA). Carol Gumbart reviewed the work proposed in the including the removal of flashboards, the repair of a hole in the lower dam, improving two locations of trail that are seasonally impacted and placing stones along the bank of the upper pond to slow erosion. The Commission asked Ms. Gumbart to find out whether the Department of Public Works (DPW) would be willing to put in and take out the flashboards on a seasonal basis (fall/spring). After discussion a motion was made by Scott Duhaime, seconded by Bill Fateiger to issue a Negative 2 Determination of Applicability. The Commission asked Ms. Gumbart to get a quote for the work and an estimate of how many hours work.

9. Whitney, 127 South Bolton Road (112-294) A motion was made by Scott Duhaime, seconded by Bill Fateiger to issue the Certificate of Compliance to Bob and Diane Whitney for the construction of a farm pond. VOTE: Aye, unanimous.

10. Wheeler, S. Bolton Road Deed Acceptance Bill Fateiger recused himself from discussion and voting on this deed acceptance. A motion was made by Scott Duhaime, seconded by Karen Augustine, to accept the gift of land offered in a quitclaim deed, by the Abby Baker Wheeler and Tracy Wheeler in the father's memory. VOTE: Aye, Unanimous

Scott Duhaime left the meeting.

11. Pond Park Restoration Project Carol Gumbart said that she met with Ed Sterling and he would like to see the small saplings along Mechanic Street cleared so the pond is more visible. Ms. Gumbart said that she reviewed the Determination issued for the Eagle Scout project and thought it could fall under that prior review since it was for the removal of brush and shrubs. Ms. Gumbart said she has contacted Peter Simmons about regrading the area his son removed the vegetation and his friend with the equipment is not available until late October. The Commission said that late October is too late for the seed to grow and that it should be done within the growing season.

12. Century Mill Estates Definitive Subdivision Carol Gumbart showed the Commission the set of plans submitted for the Definitive Subdivision. The Commission discussed several issues and voiced concerns with the plans. Ms. Gumbart will prepare a memo that reflects the Commission's overall concerns and submit it to the Planning Board.

Respectfully Submitted

Carol A. Gumbart
Conservation Administrator