

Bolton Conservation Commission
Minutes of Meeting
October 17, 2006

PRESENT: Karen Augustine, Ed Englemann (departed after the Gaby hearing), Bill Fateiger (arrived during Gaby hearing), Sarah Greenough, Amy Wilson and Administrator Carol Gumbart.

1. Brody, 232 Green Road Carol Gumbart said that Scott Duhaime conducted a site visit and reported via email that the driveway was paved and the pipe reinstalled. Mr. Duhaime's email recommended that Mr. Brody allow the area he was proposing as a swale to revegetate.

2. CCR Development, Nashaway Road Carol Gumbart said that she was soliciting bids for the incompletd work on this common driveway.

3. Goals The Commission decided on three goals for fiscal year 2007. They are: 1) They will finish drafting regulations for the Wetland Bylaw and adopt them; 2) Work with others to garner support for the adoption of the Community Preservation Act and 3) Improve communication with other Boards and Committees.

4. Budget The Commission reviewed the draft budget and asked if Carol Gumbart could arrange to have a representative from MA Audubon attend an upcoming meeting to discuss land management planning.

4a. Town of Bolton Wastewater Treatment Facility between 50 Mechanic Street and the "Sheep Field" Carol Gumbart said the applicant has requested a continuation.

5. Gaby, 84 Sampson Road (112-519) Sarah Greenough opened the continued hearing on the Notice of Intent (NOI). Wetlands Consultant, Mary Trudeau was present representing Brett Gaby. Dr. Gaby's assistant Kelly Adams was also in attendance. Ms. Trudeau presented revised plans of the site. Ms. Trudeau said that Dr. Gaby received and accepted the Commission's Enforcement Order and is committed to restoring the Riverfront Area (RFA) and Buffer Zone. Ms. Trudeau said that Ms. Adams is negotiating with New England Wetland Plants to purchase the plants and install the plants. Ms. Adams said she is waiting for a final price quote. Ms. Trudeau said the Alder is not in stock and they have proposed to replace it with Sambucus Canadensis. The Commission agreed with the selection. Ms. Trudeau said that they do have one issue with the Enforcement Order amount of the bond, \$16,500. Sarah Greenough said it is based on the cost of the plants and the work to install them with a multiplier of 3. Ms. Trudeau asked that if the quote were lower would the Commission revise the bond amount. The members indicated that they would be willing to entertain a revision.

Ms. Trudeau said that since the last hearing a site visit was attended by Scott Duhaime and Sarah Greenough. Ms. Trudeau said they walked the area where the horse ring is proposed and reviewed the wetland delineation. Ms. Trudeau said that while they were evaluating the delineation they came across several other violations. Ms. Trudeau said the intrusions into the wetlands have not been remediated at this time but they will be removed by October 31st. Ms. Trudeau said that a portion of the ring intrudes into the outer riparian zone and what was formerly a grass area or lawn. Carol Gumbart said the area did not appear to have formerly been maintained as a lawn.

(Bill Fateiger arrived)

Ms. Trudeau said that the septic field is out in the field and is shown on the plans submitted tonight. Ms. Gumbart asked if this could be verified since it is an important part of the alternative analysis. Mr. Fateiger asked when Dr. Gaby purchased the house. Ms. Trudeau said it was about a year ago. Mr. Fateiger said a Title V inspection would have been done showing the distance between the leaching field and the house. Ms. Trudeau said that with the beaver activity they are loosing more yard and they want to make sure they have a Title V compliant location for any replacement system.

Ms. Gumbart asked what other issues the NOI addressed that we had not discussed? Ms. Trudeau said the retaining wall was already rebuilt and is in the NOI. Ms. Trudeau said the revised plans show a new dumpster location.

Ms. Trudeau said that the only area of alteration proposed is a triangular area that was not in pristine condition. Ms. Trudeau said the triangle area did not have any wooded canopy but there is presently a pile of stumps, clippings and dirt within the triangle. Ms. Gumbart asked if the ring would be used in the winter? Ms. Adams said it is seasonal and would not be used when there is snow on the ground. Mr. Fateiger asked about the construction of the retaining wall? Ms. Trudeau said it is solid concrete blocks. Ms. Gumbart asked if the Commission would want mitigation in the form of a permanent restriction prohibiting the ring from being enclosed? Ms. Adams said it is not their intention to enclose it with a roof. Ms. Gumbart asked if it, like the driveway would be plowed in the winter? Ms. Adams said the ring would not be plowed in the winter. Ms. Gumbart asked where the plowed driveway snow would be stockpiled? Ms. Trudeau said they could plow it into the ring. Ms. Trudeau said it could be conditioned that it not be plowed into the RFA or Buffer Zone. Ms. Gumbart asked about the breeding mares and whether they needed a ring in the winter? Ms. Adams said that during the winter they will be hand walked, that it is not healthy for them in the cold to do heavy work. Mr. Englemann said that he would like to see more plantings as mitigation. Ms. Trudeau said there will be more plantings because to get New England Wetland Plants to take the job they need to purchase a certain amount of plants and they will be ordering more trees that proposed. It was mentioned that the edge of the 25 foot no disturb zone could be enhanced. Mr. Fateiger asked when the project would be constructed? Ms. Trudeau said not until next spring.

With the consent of the applicant the hearing was continued to November 14, 2006, at 8:15 p.m. Ms. Gumbart said the other issue the Commission wants to address is the fence hole digging and where Dr. Gaby is locating the fence.

6.Omnipoint Communications, 41 Main Street (112-524) Bill Fateiger opened the hearing on a Notice of Intent proposing to add onto a communication facility compound. Consultant, Andrea Guillot was present representing Omnipoint. Ms. Guillot said that Omnipoint is proposing to add onto a lease area at 41 Main Street. Ms. Guillot said the addition would abut the existing facility that was permitted in 2000. Ms. Guillot said the facility is within the outer riparian zone of Great Brook. Ms. Guillot said the facility was designed in 2000 to save a large tree. Ms. Guillot said there are two other holders with the original and there is no longer room for Omnipoint to locate on the existing platform. Ms. Guillot said that T-Mobile has determined that it needs coverage in this area. Ms. Guillot said they are proposing a 10'x20' facility. Mr. Fateiger asked if the location of the addition would cause the access walkway to be relocated? Ms. Guillot was not sure. Mr. Fateiger said that from the plans it looks like it has to be moved. Carol Gumbart said that if it is relocated the applicant should calculate the additional amount of disturbance in the riverfront. Ms. Gumbart asked if the Commission would want an alternative

analysis that would consider going up on the platform. Mr. Fateiger said that he needs to walk the site. A site visit was scheduled for October 25, 2006, at 8:00 a.m. Ms. Guillot said that the engineers did not think they could go up on top of the existing platform because of a spacing issue. With the consent of the applicant the hearing was continued to 11/14 at 8:30 p.m.

7. Blanchette, 279 Long Hill Road (112-521) Bill Fateiger opened the public hearing on a Notice of Intent (NOI) proposing to demolish an existing house at 279 Long Hill Road and subdivide the lot into three new lots with a new house replacing the old house on Lot 1. Jim Tetrault, of Thompson-Liston Associates, Inc., was present with applicant Chris Blanchette. Also present was Steve Glover. Mr. Tetrault said that the site recently had the Bordering Vegetated Wetlands reviewed in an Abbreviated Notice of Resource Area Delineation. Mr. Tetrault said David Burke performed the delineation. Mr. Tetrault said that they are proposing to demolish the existing house and put in a common driveway to serve 3 lots. Mr. Tetrault said the existing home had a leaching pit that will be demolished and the well will be abandoned. Mr. Tetrault said that they propose to seed around the area where the existing house was located. Mr. Tetrault said that the closest point of alteration to the wetland on Lot 2 is 81 feet and 75 feet on Lot 1. Mr. Tetrault said there are no Riverfront issues and no rare species habitat on the property. Carol Gumbart said that the Bolton Wetlands Bylaw calls the Buffer Zone an adjacent upland resource area and suggested that the intrusions into the resource be avoided. Ms. Gumbart said that each house footprint looks similar and that they will probably not be the final plan. Mr. Tetrault said the house is 88 feet in length. Karen Augustine said the Commission would want to demarcate any yard from the resource areas. Mr. Fateiger said the Commission usually leaves it up to the developer to decide how they want to demarcate the yard but usually finds boulders or plantings to be appropriate. Ms. Gumbart said that sometimes the Commission has allowed fencing to delineate the landscape edge. After further discussion the Commission indicated that they want revised plans pulling the grading out of the Buffer Zone and adjacent upland resource area, demarcation of the landscape edge and how the disturbed area on lot 1 will be revegetated. Mr. Fateiger also asked that the house set backs from the sides be shown on the plans. Mr. Blanchette asked how we could move this ahead quickly. The commission said they should get their revised plans in so they can be distributed as soon as they are submitted. With the consent of the applicant's representative, the hearing was continued to November 14, 2006, at 8:45 p.m.

8. Monteiro, 1 Century Mill Road (112-523) Bill Fateiger opened the public hearing on a Notice of Intent (NOI) filed by B&S Associates, Inc., on behalf of David Monteiro. Dave Crossman, of B& C Associates, Inc., was present to represent Mr. Monteiro. Anne Marie Latham a direct abutter and her son, Gerry Latham were also present. Mr. Crossman said the NOI was filed in response to a positive Determination of Applicability. Mr. Crossman said they are proposing to restore an area behind 1 Century Mill Road for the clearing Mr. Monteiro performed without approval. Mr. Crossman described the restoration plan including a row of arborvitae on the property line to screen his building. Mrs. Latham questioned why he was proposing so much when everything is growing back except the bushes and trees. Mr. Latham said that about half a dozen trees were cut by Mr. Monteiro. Mrs. Latham said she wants to see the bulldozed trees cleaned up and wanted to know if that is what Mr. Crossman meant in the application when it said clean up debris. Mr. Crossman concurred. Mrs. Latham said she would like blueberries and dogwood replaced and that if Mr. Monteiro wants arborvitae he can plant them on his own property not hers. Mr. Fateiger asked if it was her land that had been cleared. Mr. Crossman explained the property boundaries on the plan he submitted with the NOI. Mrs. Latham asked about the blocks being removed. Mr. Crossman said that if the blocks were

removed it might undermine Hudson Road as they are built vertically into the bank. Mr. Crossman said that a sliver of the block wall is on Mrs. Latham's property. Mrs. Latham said the building inspector sent Mr. Monterio a letter telling him that he did not have a permit for the fence and that he needed to remove the wall. Mr. Fateiger said that he needs to visit the site. A site visit was scheduled for October 25th at 7:45 a.m. With the consent of Mr. Crossman the hearing was continued to November 14, 2006, at 9:00 p.m. Mrs. Latham asked if anything was to be done about the driveway? Mrs. Latham said that part of it is on her land. Mr. Crossman said he has not been able to get Mr. Monteiro to address the issue of the driveway. It was described as formerly being overgrown all the way up to the building. Mr. Crossman said that when he made the improvements he got carried away.

9. Northwoods Subdivision, between Warner and Harvard Road (112-478) Carol Gumbart reviewed a request for an extension permit and the status of the work. A motion was made by Bill Fateiger, seconded by Amy Wilson, to issue a one-year extension permit to Charles Black of Kendall Homes. VOTE: Aye, unanimous.

10. Survey Work off Berlin Road The Commission members said they had reviewed the quotes and they would like to offer the job to David E. Ross Associates, Inc. Mr. Ross' firm was the lowest price and the work offered by all was essentially the same.

11. K& L Holding, Inc., Hudson Road (112-444) Carol Gumbart said that she received the comments on the Conservation Restriction (CR) from Irene Del Bono, of the Executive Office of Environmental Affairs (EOEA) and she responded back in turn. Ms. Gumbart said that the K&L Holding have been waiting for the hearing on their adjudicatory hearing and have postponed it until the CR is completed and accepted.

Respectfully Submitted

Carol A. Gumbart
Conservation Administrator