

Bolton Conservation Commission
Minutes of Meeting
January 6, 2004

PRESENT: Scott Duhaime, Ed Englemann, Bill Fateiger, Joe Myerson, Rose Stanley, Lori Stephenson and administrator Carol Gumbart

1. Russell Randall, 170 Long Hill Road. Russell Randall was present to notify the Commission of a potential wetland violation and concerns that it has impacted his property. Mr. Randall said that Duane Henry intends to sell a parcel of land and asked Mr. Randall if he wanted to make an offer on it. Mr. Randall said that Mr. Henry filled in an existing draining ditch and built one along the perimeter. Mr. Randall described the location of the parcels noting that approximately 90 acres of orchard drain across his property. Ed Englemann told the Commission that he abuts this property and recused himself from the Commission. Mr. Randall said that during the 1970's and/or 80's Mr. Henry conducted percolation tests on the property and that the land is always wet, and that a backhoe got stuck in mud, even in June, about 10-15 years ago. Mr. Randall said that his own property is always wet but since the new house was built last year on Annie Moore Road his cellar has been damp in places it never was damp. Mr. Randall said he is concerned that if another house is built on Mr. Henry's property their will be impact on the groundwater and wonders what will happen to his property in terms of run-off. Bill Fateiger asked Mr. Randall to describe the drainage ditch. Mr. Randall said that about 20 to 30 feet of ditch was filled in and that the ditch runs into a 12 inch pipe that goes across the road into a fire pond. The Commission said that without making a site visit they can not conclude whether they have jurisdiction in the matter. A site visit was scheduled by Mr. Fateiger along with Lori Stephenson and Mr. Randall for Saturday January 10, 2004, at 8:00 a.m.

2 Administrative Discussion Rose Stanley announced that she will be taking a sabbatical from the Commission and is resigning as Chair, for personal reasons. Ms. Stanley said that she will ultimately need to leave the Commission but that she hopes by taking a sabbatical she can assist the Commission with a smooth transition. After discussion over the use of the term sabbatical it was agreed that Rose will be available to act on behalf of the Commission until she resigns from the Commission. After further discussion, a motion was made by Bill Fateiger, seconded by Joe Myerson, to elect Lori Stephenson as the new Chairperson. VOTE: Aye, unanimous.

3. Stephenson, Bolton Woods Way & Main Street (112-484) & WRPD Lori Stephenson recused herself from the Commission. Rose Stanley opened the continued hearing on the Notice of Intent and request for a Special Permit pursuant to the Water Resource Protection District. Carol Gumbart told the Commission that since the last meeting she distributed the revised plans to Bill Fateiger and proceeded to draft an Order of Conditions (OOC) and Special Permit. Ms. Gumbart said that in discussion with Mr. Fateiger, it was decided to ask the Stephenson's representatives at Ducharme and Wheeler, Inc., where the utilities where going as nothing was shown on the plans or discussed at the last meeting. Additionally, Ms. Gumbart said that she and Mr. Fateiger discussed the escrow requirements in the OOC boiler plate and decided to ask Ducharme and Wheeler, Inc., if they could narrow the cost down for the portion of the driveway located within the wetlands and buffer zone; and to figure the costs for the wetland replication based on the Commission's increase in the size for the replication discussed at the last meeting. Ms. Gumbart said that she has received a facsimile that addresses those questions. Ms. Gumbart said that she had a discussion with Brandon Ducharme about the request for the additional

information, as he felt that at the last meeting the Commission said they were all set with everything that had been submitted. Ms. Gumbart said that it was her recollection that Scott Duhaime had recommended keeping the meeting open to give Mr. Fateiger the opportunity to comment on the revised plans that were submitted the night of the hearing since Mr. Fateiger was ill and unavailable to attend the meeting. Ms. Gumbart said that Mr. Ducharme disagreed and felt that the only reason the meeting was held open was because the Commission was not meeting within 21 days and would not be able to issue the OOC in a timely manner. Ms. Gumbart said that Mr. Ducharme initially felt that he should attend the meeting to discuss his concern as he indicated that it is a pattern. Ms. Gumbart said that she explained her position to him, noting that when the Commission receives revised plans the night of the meeting it is difficult to know if there is any additional information needed. Ms. Gumbart said that often when she is preparing the draft OOC's issues come to light that may or may not have been addressed prior to closing the hearing. Ms. Gumbart said that she recommends the Commission not close the hearing if the plans and additional information has been submitted at the meeting. Ms. Stephenson said that it was her recollection that everything was all set and that the continuation was only to cover the timing issue due to the holidays. Mr. Fateiger said that that the hearing was still open and it was within our discretion to ask for the information.

Ms. Gumbart reviewed the escrow figures and the proposed utility location provided by Ducharme and Wheeler, Inc. A motion was made by Bill Fateiger, seconded by Rose Stanley to close the Water Resource Protection District, Wetlands Protection Act and Wetland Bylaw hearings. VOTE: Aye, unanimous. After a break to hear the next case (CCR Development 112-376), and return for further discussion, a motion was made by Bill Fateiger, seconded by Joe Myerson to issue the Orders of Conditions under the Wetlands Protection Act and Wetland Bylaw. VOTE: Aye, unanimous. A motion was made by Bill Fateiger, seconded by Rose Stanley, to issue a special permit under the Water Resource Protection District. VOTE: Aye, unanimous.

4. CCR Development, 139 Nashaway Road (Lot 4 and Common Driveway) (112-376) Denis Cleary was present by appointment with Vera Rodriguez and Gary Omasta, his construction managers. Mr. Cleary said that he was here to request occupancy to house at 139 Nashaway Road. Mr. Cleary said that they have completed the project with the exception of certain work on the common driveway that can not be completed until the spring. Carol Gumbart said that she has not made a site visit to the property for some time but that at her last inspection there was erosion occurring along the private driveway of Lot 4 (139) and that the slopes were not stabilized. Ms. Gumbart said that the Commission received a report from Ducharme and Wheeler, Inc., noting what remains to be completed. Mr. Cleary said they need to crown the road; add a 20 foot berm to each side of the driveway and clean the swale. Carol Gumbart said that their permit has expired and a new Notice of Intent has been filed. Ms. Gumbart said that they hoped to be heard tonight but that due to the holidays she was not able to get a notice to the paper. Mr. Cleary said that he is trying to finance the purchase of the property for himself and needs to have occupancy to secure the financing. Rose Stanley asked if the work included paving the driveway. Mr. Cleary said that they are not paving the driveway. Ms. Stanley said that she recalled that a portion of the driveway was to be paved. Ms. Gumbart said that at the crossing the driveway was paved. Ms. Stanley explained the options available to Mr. Cleary and the Commission: the Commission could issue an enforcement order to Mr. Cleary for not completing the project within the approved time frame; or require a new filing, which Ms. Gumbart noted has been made; and/or Mr. Cleary could provide an escrow for the work remaining to be completed. Mr. Cleary said that he was prepared to submit an escrow and had a cost estimate for the outstanding work. A motion was made by Bill Fateiger, to require a bank

check made payable to the Town of Bolton for \$5,200, for the outstanding work and in return to sign the occupancy release and the escrow will be rolled into an Order of Conditions, seconded by Scott Duhaime. VOTE: Aye, unanimous.

5. Administrative Discussion Lori Stephenson said that she feels we should have a standard operating procedure for determining escrow amounts. In discussion it was noted that, we have already established that the minimum amount is \$5000 with exceptions due to site specific consideration; that if the incursion is minimal an escrow might not be needed; that separating out driveway work from replication/restoration work makes sense.

6. Land Maintenance and Trails Scott Duhaime reported that he discovered an underground dog fence installed at 100 West Berlin Road that may run over the town's Right of Way running from the town owned H. Mitchell Gould parcel to West Berlin Road, and recommends the line be surveyed. In addition, Mr. Duhaime said that he has started clearing an overgrown trail on the conservation land known as Vinger located between Berlin Road and Randall Road. Mr. Duhaime said that the trail will need signage and cited an example of a 4-wheeled vehicle driving down the path that he'd just cleared. Mr. Duhaime said that the Town owns the land and the Bolton Conservation Trust holds a Conservation Restriction on the property. Mr. Duhaime asked who pays for the signage. The Commission agreed that the Commission typically pays for the materials on Town land and that we should discuss it further in our budget discussion.

7. Cahill, Nourse Road (112-167) & WRPD Carol Gumbart reported that she received a report from Brandon Ducharme of Ducharme and Wheeler, Inc., stating that the replication work had been successfully completed. Bill Fateiger said that he has checked the site and found all of the plantings, noting that because they put in such a thick shrub layer the herbaceous layer was not as dense. Mr. Fateiger said that they had effectively removed all of the Canada Goldenrod from the replication area. A motion was made by Bill Fateiger, seconded by Rose Stanley, to issue Chris Cahill a letter copying the DEP stating that the Commission accepted Brandon Ducharme's report as required by the Water Resource Protection District permit. VOTE: Aye, unanimous.

8. Roadside Vegetation Management At the request of the Department of Public Works (DPW) the Commission signed the plan for roadside spraying and management.

9. Budget The Commission discussed the proposed budget and revised accordingly.

10. Annual Goals The Commission established the following goals for 2004:

1. Update the 1998 Open Space and Recreation Plan.
2. Acquire and/or protect with Conservation Restrictions and other creative methods strategic land for conservation purposes.
3. Continue to improve the maintenance and management of the Bolton Trail System
4. Contribute material to the Town Web Site such as maps of conservation land; Commission policies; and frequently asked questions.
5. Begin to use accurate survey to define Town Conservation property boundaries and continue to use GPS/GIS to identify easements and expand the trail system.

And for Town wide goals established the following:

1. Encourage the Long Range Planning Committee to work with the Conservation Commission and other committees to establish priority projects.

2. Be innovative in the 40B process to meet Town goals, including the Conservation Commission's goal of acquiring land in large blocks.
3. Utilize computers, the Town Web site and GIS more effectively.
4. Develop a beaver management policy.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator