

Bolton Conservation Commission
Minutes of Meeting
February 3, 2004

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

1a. Administrative Discussion. The Commission discussed the proposed 2005 fiscal year (FY) budget. At 7:30 p.m. the Commission joined the Advisory Board to review the proposed 2005 FY budget. One point of interest includes comments made by the Chairman of the Advisory Board, Chris Slade. Mr. Slade said that he does feel we (the Town) need to maintain our property since individual property owners do not have the ability to maintain the beaver flooding. Mr. Slade also made the point that we (the Town) do not want abutters of conservation land to hate the Town. The Advisory Board asked if the Commission would be satisfied if they were to allocate some of the requested money to the reserve fund. Rose Stanley spoke for the Commission and indicated that would be satisfactory. Mr. Slade said that the Advisory Board might want to do the same with our request to increase the Conservation Fund. Mr. Slade said they might prefer to put the additional \$5000 requested into the reserve fund. Ms. Stanley said that this money may be needed for appraisals. Mr. Slade said that they expect to begin reviewing Town Meeting articles on March 9th or sometime sooner.

1b. Beaver Policy. Following the meeting with Advisory, the Commission discussed drafting a Beaver Policy. Scott Duhaime agreed to create a first draft for discussion in time for the next scheduled meeting on February 24th.

2. CCR Development, 139 Nashaway Road and Common Driveway (112-486) Bill Fateiger opened the continued hearing on the Notice of Intent proposing to complete work on the single family dwelling located at 139 Nashaway (Lot 4) and the common driveway that leads to that lot. Carol Gumbart reported that she received a call from the project supervisor Vera Rodriguez requesting to continue the meeting, because Dennis Cleary, the applicant was away on a family emergency. Mr. Fateiger reported that he conducted the site visit and said that he feels the pavement needs to go beyond the final wetland crossing, and that they need to install guard rails at each of the four basins. Mr. Fateiger said that he could not observe the condition of the swales as the snow was packed into them. Carol Gumbart recommended that they be required to submit an Operation and Maintenance Plan for both short and long term maintenance of the driveway. Scott Duhaime said that he wants to visit the site and was unable to attend the originally scheduled site visit. Mr. Duhaime agreed to contact Ms. Rodriguez to schedule another visit. Karen Augustine noted that the minutes from January 20, 2004, need to be revised to reflect the Commission's discussion about the Commission having the ability to consider new information and reflect additional requirements in a new Order of Conditions. The hearing was continued to February 24, 2004, at 8:30 p.m.

4. K&L Holding, LLC, Lot 24 Hudson Road (between 291 and 329) (112-444) & WRPD. Bill Fateiger opened the continued public hearing Carol Gumbart reported that the applicants representative, Clare Burhoe, of Lawson & Weitzen, contacted her and Town Counsel requesting to continue the hearing to the next meeting. Ms. Gumbart said that she was expecting Town Counsel to attend tonight's meeting to discuss various issues that have come up since the last hearing but Ms. Gonzales had not arrived. Ms. Gumbart reported that a letter was submitted by Patricia Huckery of the Massachusetts Natural Heritage and Endangered Species Program (MA

NHESP) stating that the Conservation Restriction line was unacceptable, she recommended that the CR cover land within 1000 feet of Danforth Brook and the two isolated wetlands and that she wants final review of the CR and plan. Ms. Gumbart said that she left a message with Joel Lerner's office regarding the changes we discussed last meeting but that he had not returned her call. Ms. Gumbart said that she is hesitant to call again until we have resolved where the CR Line will be located. After checking the Conservation office answering machine Ms. Gumbart reported that Attorney Gonzalez was unable to get here due to the snow storm. The Commission continued the hearing to February 24, 2004, at 8:00 p.m.

5. Bow House (Curran), 32 Rocky Dundee Road (Lot 5) (112-439) A motion was made by Karen Groginsky, seconded by Bill Fateiger to issue an amended Order of Conditions for 32 Rocky Dundee Road with the requirements for a landscape plan to be submitted delineating the new edge of yard with rocks and trees, and a planting plan to be submitted to replicate the 270 sq feet of buffer and revegetate the slope of the leach field with shallow rooted shrubs . VOTE: Aye, unanimous.

6. Park and Recreation Commission Carol Gumbart reported that the Park and Recreation Commission intends to file an application for work at the Town Beach and while they are exempt from wetland filing fees under the state Wetlands Protection Act they are not expressly exempt under the Water Resource Protection District (WRPD). A motion was made by Bill Fateiger, seconded by Joe Myerson, to waive the application fee for the WRPD, for the Park and Recreation Department. VOTE: Aye, unanimous.

7. Fox, 90 Fox Run Road Mark Giunta, the architect and builder for Mr. Fox was present to update the Commission on his and his clients efforts to release the trail easement that runs through the middle of 90 Fox Run Road and south through many other lots. Mr. Giunta said that he is prepared to distribute letters to those owners seeking their approval to release the trail easement as it runs through their individual lots. Mr. Giunta said that he can not imagine that they will have any concern with this proposal. Carol Gumbart said that we have recently received the documents that show that a trail easement was established in the Signet Homes Farmland and Open Space Planned Residential Development (FOSPRD). Ms. Gumbart said that she would like to have Town Counsel review these documents to make sure everything is in place before we release the one Mr. Fox would like to have released. Ms. Gumbart said that she would also like Town Counsel to verify the steps necessary to release the trail easement. Bill Fateiger said that Ms. Gumbart's recommendation was reasonable and she should take such action. Mr. Giunta asked when the Commission might consider the process far enough along to sign a building permit so that his client could go forward with his construction project. Mr. Fateiger said that he'd like to consider that after he hears from Town Counsel.

8. Cingular Wireless, 41 East Main Street (112-411) Carol Gumbart said that she received a construction schedule from Cingular Wireless, to complete construction of the last mono-pole on the concrete pad already established for Sprint Spectrum. Ms. Gumbart asked if anyone would like to take Joel Lindsay's place as project manager. Lori Stephenson agreed to be the project manager.

9. Northwoods, Definitive Subdivision Warner and Harvard Roads Carol Gumbart said that the project developer, Chuck Black of Kendall Homes has requested a preliminary meetings with the project manager to set the stage for the development. Bill Fateiger agreed to be the project manager and proposed a meeting for February 6, 2004, at 7:30 a.m.

10. Annual Report Carol Gumbart asked if anyone had comments or changes to the draft Annual Report. Scott Duhaime suggested adding the Abbreviated Notice of Resource Area Delineation (ANRAD) performed on the Fullam property, at the request of Able Solutions to the list of wetland delineations completed. Karen Augustine had some comments about land management and agreed to send them to Ms. Gumbart for inclusion.

11. Well Exploration Carol Gumbart said that today she had an inquiry about a drill rig that had been working last week on a parcel of land located on Still River Road. The resident that called said that the rig was located across from 71 Still River Road. Ms. Gumbart said that the land that was referenced is owned by the Davis Farm Trust. Ms. Gumbart said that the GIS information shows the site looking like it is quite wet, either floodplain or vegetated wetlands. None of the Commission members had observed any activity. Lori Stephenson agreed to look into the issue.

12. Braman, Rattlesnake Hill Area The Commission signed the revised Purchase and Sale Agreement to acquire 12 acres from Pauline Braman. The revisions included changes to the date of execution, adding notary pages and adding approval by the Board of Selectmen.

13. Taylor land on West Berlin Road Scott Duhaime said that he had observed survey work on one of the parcels owned by Edward Taylor and that according to the surveyors Mr. Taylor was looking to sell 15 acres of land. Mr. Duhaime said that the parcel that was being surveyed provides a critical trail link. Mr. Duhaime said that he spoke with Tom Parker, a representative of the Bolton Conservation Trust, and that he now believes that the parcel Mr. Taylor intends to sell is on the west side of West Berlin. Mr. Duhaime said that this parcel is adjacent to Town owned land, as well as the Nicewicz and Schartner farms, and also next to the proposed Sunset Ridge Comprehensive Permit project.

14. Minutes. A motion was made by Bill Fateiger, seconded by Joe Myerson, to accept the minutes of October 7, 2003. VOTE: Aye, Unanimous.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator