

Bolton Conservation Commission
Minutes of Meeting
January 18, 2005

PRESENT: Karen Augustine, Scott Duhaime, Ed Englemann, Bill Fateiger, Lori Stephenson, Amy Wilson, and administrator Carol Gumbart

1. Minutes A motion was made by Scott Duhaime to accept the minutes of November 30, 2004, as amended with his comments. Karen Augustine seconded the motion. VOTE: Aye unanimous. A motion was made by Bill Fateiger to approve the minutes of January 4, 2005, with the comments provided by Scott Duhaime and Karen Augustine. Amy Wilson asked if Jon Delli Priscoli goes by Jon Delli or Jon Priscilla. Carol Gumbart said she would check and then adjust the minutes accordingly. Ed Englemann seconded the motion. VOTE: Aye, unanimous.

2. Annual Town Meeting Articles Carol Gumbart said she would submit four (4) articles for the Annual Town Meeting (ATM). The articles will include: revisions to the Water Resource Protection District Bylaw; two (2) revisions the general bylaw section 1.1.5. for the inclusion of non-criminal disposition ticketing as allowed under the Wetlands Bylaw and WRPD; repair and restoration work at Bowers Springs to relocate the driveway and sign onto town land.

3. Accept Gifts of Land Carol Gumbart told the Commission that it is required that the Conservation Commission vote to accept the gifts of land that are given to the Town for Conservation purposes. Ms. Gumbart said that it was not clear if the Commission had done this over the past 5 years and she recommended that those gifts. A motion was made by Bill Fateiger, seconded by Ed Englemann to accept the foregoing deeds of gifts from: Danforth Brook LLC (44 acres); Butternut LLC (16 acres); Cooke and Garneau (2.19 acres); Tracey (17 acres); Wilruth (from the Warner Road Joint Venture Group) (33 acres). VOTE: Aye, unanimous.

4. Open Space and Recreation Plan Carol Gumbart said that the draft Open Space and Recreation Plan has been distributed to the Town Administrator; Town Planner and Massachusetts Area Planning Council (MAPC). Ms. Gumbart said that she still needs to make hard copies for the Board of Health and to put in the library and in Town Hall. Lori Stephenson suggested that we plan to update the information over the course of the next five years so that the next update is not as time consuming. Scott Duhaime said that he met with Ms. Gumbart, Nat Tipton and Tony Bryan to discuss updating the open space parcel data. Mr. Duhaime said that for now he will continue to update the database and that the current information has been placed on the Town's shared drive with a meta file that explains what the data includes. Mr. Duhaime said that the assessors would continue to update the base map and provide us with their updates. Ms. Gumbart said that they have spoken with the Town Clerk and Bolton Conservation Trust to ask that they provide the information as gifts, acquisitions and conservation restrictions occur.

5. Water Resource Protection District Bylaw Hearing Bill Fateiger opened the continued hearing on the Water Resource Protection District (WRPD) Bylaw. Mr. Fateiger said that Carol Gumbart, Lori Stephenson and he had a conference call last week with Town Counsel, Yvonne Gonzalez. Ms. Gumbart distributed the revisions to the Bylaw that she received from Counsel today. Scott Duhaime asked if the revisions reflect the discussion. Ms. Gumbart said that the discussion was not that specific and that the revisions are Ms. Gonzalez's attempt to save the bylaw. Ms. Gumbart noted that many of the changes seem to consider aquifer protection. Mr.

Fateiger said that he met with the Planning Board and discussed the problems we are having with the WRPD. Mr. Fateiger said that he told them that our choices are to eliminate it redo it and what might be involved with each consideration. Mr. Fateiger said that the Planning Board did not think we should eliminate the WRPD. Mr. Fateiger said that the other problem is that the base map does not show the areas currently defined by the WRPD. Mr. Fateiger said that Counsel has recommended that it be as close as possible. Ms. Gumbart said that if we use the Mass GIS Wetland Overlay we could get close but that it would not include Riverfront Areas. Ms. Gumbart agreed to confer with the Town Clerk and Town Administrator about who should revise the base map. After further discussion it was agreed that members would review the proposed revisions and submit their comments to Ms. Gumbart by Tuesday, January 25th and that Mr. Fateiger, Ms. Gumbart and Ms. Stephenson would again conference call with Counsel. The hearing was continued to February 1, 2005 at 8:30 p.m.

6. Balbaky, Teele Road ANRAD (1112-499) Bill Fateiger opened the continued public hearing on the Abbreviated Notice of Resource Area Protection (ANRAD). Mr. Fateiger said that the applicant has requested to continue the hearing. Mr. Fateiger said that EcoTec went out today with Chuck Caron but they have not finished the wetland delineation review. Mr. Fateiger said that when they are finished they would contact Carol Gumbart to set up a field visit for the review of the changes. Ms. Gumbart said that Mr. Caron conferred with Mark Donahoe of Acton Survey and Engineering and confirmed that if the hearing was continued to February 1, 2005, that was sufficient amount of time for him to revise the plans. Scott Duhaime asked if the applicant made the request. Ms. Gumbart said that she faxed Mr. Donahoe a continuation form and he returned it signed for a continuation to February 1. The hearing was continued to February 1, 2005, at 8:45 p.m.

7. Stephenson Land Acquisition Lori Stephenson said that the attorneys are reviewing the Purchase and Sale agreement. Ms. Stephenson said that they want it to be clear that nothing can ever be done on the land with the exception to trails and access. Carol Gumbart said that Town Counsel might have some standard language that they will want to include that reflects that the property does not have any hazardous waste. Mrs. Gumbart said that she received verbal confirmation from Jennifer Soper from Division of Conservation Services that The Commonwealth will appropriate \$166,000 in support of the Stephenson purchase, but has received nothing in writing as of yet.

NOTE: Bill Fateiger excused himself from the meeting.

8. Winter Carnival Karen Augustine said that the Trail Committee is planning to sponsor a Winter Carnival that will show trails on the Atlantic Union, Braman, Stephenson and Phillips properties. Ms. Augustine said that they plan to have guides on cross country skis and snowshoes. Ms. Augustine said that they are hoping to get boy scouts to run a hot chocolate kiosk. Ms. Augustine said that they are asking the Bolton Conservation Trust to make posters for the Carnival and would like the Commission to contribute money to the event. The Carnival will be held on February 12 from 12 to 4 p.m. Members all expressed support for the Carnival. Karen Augustine made a motion to allocate \$100 for the 2005 Bolton Winter Carnival. Scott Duhaime seconded the motion. VOTE: Aye, unanimous.

9. Smith, 715 & 719 Main Street Carol Gumbart said that the Town Administrator told her that the consultants performing the environmental assessment on the Smith property plan to perform radar scan of the property looking for any "hot spots". If they encounter anything buried they

may need to explore the area with equipment. Ms. Gumbart asked the Commission if they would require a filing for exploration with equipment. Members said that they would need more detail but that in general if heavy equipment is to be used in a resource area they will require a filing.

Note: Bill Fateiger returned to the meeting.

10. Beaver Complaint, Main Street Carol Gumbart said that Friday she received a complaint from Jack Quinlain about the amount of flooding that was occurring on his property due to the beaver behind Main Street. Bill Fateiger said that he drove by his property in the morning and that he could see both banks of the stream at that time. Scott Duhaime said that a flood advisory was in effect for the major rivers in our area. Mr. Duhaime said that we received a large amount of rain with snowmelt. Carol Gumbart said that she has not heard from Beaver Solutions yet with the pipe length and size that we need to purchase to add to the existing beaver flow pipes. Ms. Gumbart will call Beaver Solutions to follow up with them.

11. Cub Scout Project Bill Fateiger said that Den 5 are working on their conservation badge and have inquired if there is a project we would like them to work on. Carol Gumbart suggested that they provide a trail sweep of the trails that will be used for the Winter Carnival. Karen Augustine said that those trails are in good shape. After discussion it was agreed to recommend that they do a sweep of the Powder House Trail behind Town Hall.

12. Moss, Common Driveway & 5 Lots off Harvard Road (112-498) Bill Fateiger opened the continued public hearing on the Notice of Intent for the common driveway and construction of 5 lots off Harvard Road. Bob Moss was present for the continued hearing. Mr. Moss reviewed changes that he made reflecting a punch list he received from Carol Gumbart. Mr. Moss submitted a revised set of plans, an Operation and Maintenance Plan for activities during construction, and a Stormwater Maintenance Plan for activities the Homeowners Association will need to perform. Carol Gumbart asked Mr. Moss if he could provide the O&M Plan and the Stormwater Plan digitally so that it could be sent to the Commission and used in the Order of Conditions. Mr. Moss agreed. The new plans showed that the driveway for lot 1 was moved out of the buffer zone, and added stockpiled areas out of the buffer as well. The Commission requested he move the fence shown on lot 1 to parallel the haybale line. Karen Augustine thanked Mr. Moss for including the 25-foot access easement and said that we can provide him with draft language for the easement. Ms. Augustine asked Mr. Moss if he has prepared the bond estimate. Mr. Moss said that he was a little unsure what they needed to include in the estimate. Mr. Moss said that they used the Massachusetts Highway Bids for the prices of the blueberry bushes. Mr. Moss said that the figured \$33/bush at 80 bushes would be \$2632. Ms. Augustine said that the Commission triples the planting estimate. Mr. Fateiger said that he thought that price seemed low. Mr. Moss said that they are altering 5600 square feet within the buffer zone. Mr. Moss said that they have estimated \$8200 for hydroseeding the buffer zone. Ms. Gumbart said that usually the Commission requires bonding for the drainage work in the buffer zone and the driveway. Mr. Moss said that the Planning Board would hold a lot until the driveway is satisfactorily completed. Mr. Fateiger explained that the Commission holds money for projects when they occur in the buffer zone and it is available to them if for any reason they need to restore the area close to it's original condition. After further discussion Mr. Moss agreed to submit a check for \$20,000. Ms. Augustine recommended that the Commission include this in the Order of Conditions with the normal release procedure. Mr. Fateiger said that the Commission releases half of the money for plants after the first growing season. Mr. Moss

agreed to continue the hearing to February 1, 2005, at 7:30 p.m. to provide the Commission with time to review the revised plans, O&M Plan, and Stormwater Plan.

13. Taylor Chapter 61 Land Scott Duhaime said that he attended the Board of Selectmen's meeting with representatives of the Bolton Conservation Trust, Ken Swanton and Tom Parker to discuss exercising the Town's right of first refusal. Mr. Duhaime said that the developer has agreed to deed 2 acres to the Bolton Conservation Trust, place a Conservation Restriction on 3 acres in the rear of the 15-acre property and develop no more than 4 lots. Mr. Duhaime said that the developer is Apple Valley Homes. Mr. Duhaime said that the Board of Selectmen acknowledging the restrictions voted to pass on the right of first refusal, and would send a letter thanking Mr. Taylor and Apple Valle, outlining the above.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator