

Bolton Conservation Commission
Minutes of Meeting
February 1, 2005

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

1. Farmland and Open Space Planned Residential Development Bylaw (FOSPRD) Ken Swanton was present by appointment to discuss changes to the FOSPRD Bylaw. Mr. Swanton said that he worked with Rose Stanley (former Chair of the Conservation Commission) and Chris Rogers of the Board of Health two years ago, to consider revisions to the FOSPRD Bylaw. Mr. Swanton said that the changes never went forward to Town Meeting because that year residents filed a number of citizen petitions and he was asked to hold off. The following year, Mr. Swanton said he was heavily involved with the article to acquire Agricultural Preservation Restrictions on the Nicewicz and Schartner farms. Mr. Swanton said that he feels this is the right time to bring these changes to Town Meeting. Mr. Swanton said that the major change is to make it clear that the Open Space Restricted (OSR) land is protected in perpetuity. Mr. Swanton reviewed the proposed language noting that with his changes, OSR land will not be able to be held by a Homeowners Association any longer and the OSR land will be embodied in a perpetual Conservation Restriction. Carol Gumbart raised a number of questions and concerns with the proposal including; that if the intent is for the OSR land to be managed as conservation land it should be clear that when it is deeded to the Town so it will be done under Ch. 40 s. 8C; and that if the OSR land has active recreation a Conservation Restriction will not be accepted by the Division of Conservation Services, but that the land could be granted to the Town as Parkland. Ms. Gumbart also questioned the use of the Agricultural Preservation Restriction (APR) for the perpetual protection of Farm Restricted (FR) land. Ms. Gumbart said that she thought it would be simpler for a straight CR that allowed agricultural use. After discussion it was agreed to support the language for a perpetual restriction and remove the Homeowners Association from the Bylaw. Mr. Swanton said that he would meet with the Planning Board tomorrow evening to get their support and hope that they will sponsor the article for Town Meeting.

2. 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. No one was present for the hearing. A motion was made by Bill Fateiger, seconded by Lori Stephenson, to close the hearing. VOTE: Aye, unanimous. Mr. Fateiger asked if anyone had any comments on the draft Order of Conditions? Carol Gumbart reviewed a few of the questions she had put into the draft. After review and discussion, a motion was made by Bill Fateiger, seconded by Lori Stephenson to issue an Order of Conditions as discussed but not to turn it over to the applicant/owner until he submitted a final plan with the revisions we asked for; the legal notice fee and the filing fee. VOTE: Aye, unanimous.

3. K&L Holding, Hudson Road (112-444) & WRPD Bill Fateiger opened the continued hearings to consider new information. No one was present for the hearing. Carol Gumbart said that she received hard copies of the revised plans today. Ms. Gumbart said that the applicant requested to continue the hearing to give the Commission time to review the revisions. Ms. Gumbart said that their consultant Brian Butler via email recommended that several of the notes be deleted from the plan. The Commission briefly looked at plans and found several notes that were inaccurate. Mr. Fateiger said that the Conservation Restriction Plan should show monuments in the corners and be labeled in the legend as to be set. Ms. Gumbart said that she

had electronic copies and would email them out to everyone. The Commission continued the hearing to February 15, 2005, at 8:30 p.m.

4. Minutes The Commission reviewed, discussed and revised the minutes of January 18, 2005. A motion was made by Bill Fateiger, seconded by Lori Stephenson to accept the minutes of January 18, 2005, as amended by Scott Duhaime and Bill Fateiger. VOTE: Aye, unanimous.

5. Upcoming Meetings The Commission discussed the upcoming Planning Board meeting for a FOSPRD subdivision on the Schartner land. Bill Fateiger said that neighbors on West Berlin Road have called him saying that they felt that the project was misrepresented by the Bolton Conservation Trust at Town Meeting. Mr. Fateiger said Jeff Buffum, an abutter to the project told him that the Trust said that they couldn't get the site to perc except next to his house and that he has questioned why the Trust said that 60 or more houses could be developed on the land if it was not protected. The Commission members did not have a consensus on what the Trust said at Town Meeting but all agreed that we supported the project based on what we were told.

6. Balbaky, Teele Road (112-499) Bill Fateiger opened the continued hearing. Mr. Fateiger said that EcoTec and Chuck Caron have completed the wetland delineation review and that some flags have been moved. Mr. Fateiger said that a report was submitted that says that the presence of groundwater breakout is not enough to make the seeps jurisdictional. Mr. Fateiger said that Mr. McManus's report says that he did not find hydric soils and the vegetation was upland plant species. Carol Gumbart said that Mark Donahoe called her asking to postpone the hearing until March 1, 2005, so that his crew could get out in the field to complete the survey. The hearing was continued to March 1, 2005 at 8:00 p.m.

7. Stephenson Land Acquisition Bill Fateiger told the Commission that Town Counsel discovered that the deed reference in the Town Meeting article is incorrect and that the Town Treasurer is checking with her financial advisor to see if it will be a problem for the bonding.

8. Open Space and Recreation Plan Carol Gumbart said that she would get a copy to the library and have one in Town Hall for public review.

9. Bower Springs Conservation Area Bill Fateiger asked the Commission whether they thought that we would combine the entrance and the exit as one or whether we planned to move the entrance over onto Town land. Some members thought we were making one entrance and others thought we were moving it over. Mr. Fateiger said that he met with Harold Brown, Department of Public Works (DPW) Superintendent and they discussed making it a one driveway. Mr. Fateiger said that the work should cost about \$1000 and we have put it in the budget for FY 06. After discussion the Commission agreed to send the Roberts, abutters to the property a letter telling them of our intention and to ask if they are planning to put a fence up to keep dogs from trespassing on their land. The Commission said that their preference is a split rail fence but depending on the type of fence they abutters want they might be willing to contribute to the cost. In the end the Commission agreed they would offer to post signs and see what the Roberts want to do about a fence.

10. Budget Bill Fateiger said that the meeting with the Advisory Committee went well and that the beaver spending will be in our budget with \$1000 in capital and \$6000 in purchase of service.

11. Water Resource Protection District Bill Fateiger opened the continued public hearing on the changes to the WRPD Bylaw. Carol Gumbart passed out comments from Town Counsel on the last round of questions and said that she would email them to everyone. The Commission agreed to provide her with comments by Monday so that Bill Fateiger, Lori Stephenson and Carol Gumbart could conference call with Town Counsel. The hearing was continued to February 15, 2005, at 8:00 p.m.

12. Forest Cutting Plan The Commission asked Carol Gumbart to get an opinion from Town Counsel on whether the applicant for a Forest Cutting project on the Girls Scout land should file under the Town Bylaws or not.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator