

Bolton Conservation Commission
Minutes of Meeting
May 17, 2005

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

1. Town of Bolton, Between Main St., Mechanic St. and the “Sheep Fields” (112-491) Bill Fateiger opened a hearing on a request to amend the Order of Conditions for the breaching of the beaver dams located between Main Street, Mechanic Street and the “Sheep Fields”; the removal of vegetation and spraying of poison ivy to accommodate the breaching and clearing of the protective fencing; and the lowering of the beaver pipes. The request was made through residents to the Board of Selectmen. Present for the hearing were Advisory Committee members David Lindsey and Chris Slade, also an abutter; Martha Remington of the Historic Commission; Tim Fiehler of the Historic Society; and abutter Jack Quinlan. Bill Fateiger told the audience that he told the Selectmen over a year ago that the process to manage the beaver problem would involve putting in pipes, trapping and breaching and then additional pipes. Mr. Fateiger said that the Selectmen recommended holding off on the trapping, installing the pipes and monitoring the conditions. Carol Gumbart read an email from Board of Health member Mark Sprague. Mr. Fateiger reiterated part of the letter asking the audience if they understood that breaching could cause the beaver to cut more trees. Ms. Remington said that once the dam is breached there are people in town that are willing to make sure it does not get rebuilt. Mr. Fiehler said that they are constantly cutting down trees anyway. Mr. Slade said that it is his understanding that they have to chew to keep their teeth from growing too much. Mr. Quinlan said that as the season goes on the brook will get dry and without the flowing water they will not reconstruct the dams. Mr. Fateiger said that the Commission is trying to help with the problem and that he was not pleased with a recent newspaper article that accused the Commission of stalling the process. Mr. Fiehler said that the Town Administrator felt there was a gray area that would allow the Board of Health to issue an emergency permit. Lori Stephenson asked if the timing is important for when the dams are breached. Mr. Slade said that the beaver would repair the breach everyday so that they can maintain the water level so they can swim to their lodge. Mr. Slade said that he suggests we focus on a portion of the stream we want to keep them off of such as from the center of town to the sheep field and let them do what they will further downstream. Mr. Slade said that if Mass. Highway maintains the down stream culverts the area downstream of the sheep fields is a large watershed that can handle beaver flooding. Ms. Gumbart said that the Commission could regain the boardwalk if and when the water levels are lowered.

A motion was made by Bill Fateiger, seconded by Lori Stephenson, to close the hearing.
VOTE: Aye, unanimous.

A motion was made by Bill Fateiger, seconded by Lori Stephenson to issue an amended Order of Conditions that allows for the breaching and continuous maintenance, maintenance of the historic culvert including the spraying of poison ivy near the culvert and the restoration of the boardwalk. VOTE: Aye, unanimous.

2. Water Resource Protection District (WRPD) Bill Fateiger opened the continued public hearing on the WRPD Bylaw. Martha Remington was present as resident interested in the bylaw. Mr. Fateiger recommended that we go through the comparison chart. Ed Englemann volunteered to review the chart and write something up for the Commission. Carol Gumbart said that she had already provided an objective statement. Mr. Fateiger said that the Commission

needs to decide if we want to amend the Bylaw or regulations. The Commission reshaped the work they have done so far on the WRPD including the redraft of the bylaw, discussion on the costs of producing a base map. Ms. Remington said that her feeling is that the Bylaw should be kept as an administrative cushion. The hearing was continued to June 7, 2005, at 7:30 p.m.

3. Century Mill Estates FOSPRD, Century Mill Road and Spectacle Hill Road

Andrew Bendetson was present to hear the Commission's discussion on his proposed FOSPRD Subdivision Plan. Mr. Bendetson said that he wanted to make sure that the Commission understands that he has left Area B in the purview of the Town in that if he proposes and is approved for a common septic system Area B will go to open space. Mr. Bendetson said that if Area B is not needed it will go to open space. Amy Wilson said that what she understands him to be saying is that Area B is a different cushion with a specific purpose. Bill Fateiger said that he understood that Mr. Bendetson was looking for the Commission to accept the FOSPRD over the conventional subdivision plan layout. The discussion was postponed due to a scheduled hearing. The discussion resumed after the hearing for a considerable period of time. Mr. Bendetson provided input and commentary as the Commission reviewed the draft memorandum Carol Gumbart prepared for the Planning Board. After the discussion it was agreed to submit the memorandum with the modifications discussed.

4. Pondsides, 893 Main Street (NOI) Bill Fateiger opened the hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act. Present were Bandon Ducharme of Ducharme and Wheeler, Inc., Ken Dallamora and Mark O'Hagan of Heritage Development LLC, and Mrs. Wilson (abutter to the project site). Mr. Ducharme said that he and the Commission held a site walk last Sunday and viewed the limit of clearing staked in the field. Mr. Ducharme said that they were able to look at the pine trees to be removed and saved. Mr. Ducharme said that they have a restoration plan aimed to mitigate and enhance the area. Mr. Ducharme said that it shows wells around some of the trees and three (3) trees to be removed. Mr. Ducharme said that the restoration plan provides both coniferous and deciduous trees and they have added a New England wetland mix for stabilizing the sediment forebay. Mr. Ducharme said that the area behind the community building would be planted with a native New England grass mixture. Mr. Ducharme said that the top of the berm between the detention basin and sediment forebay will be mowed. Mr. Ducharme said that area behind the community building will only be mowed 2 times a year except for an area of 15 feet around the building that will be mowed routinely. Mr. Ducharme said that either rocks, fence or plants can be used to delineate the regularly mowed area. Mr. O'Hagan said that it is not the intention that the area become a recreational area but that the objective is that it is an aesthetically pleasing area that goes from manicured lawn to meadow. Mr. Ducharme said that they added a four (4) foot wide vegetative swale to the plan. Carol Gumbart asked if any operation and maintenance details were provided for the swale. Mr. Ducharme said that they can provide a detail for construction. After discussion Mr. Dallamora said that they will maintain it during construction and the Association will maintain it after construction. Mr. Ducharme said that they looked at the area in the back corner of the property and that it was agreed that the excavated drainage swale is non-jurisdictional. Mr. Ducharme said that off-site the soils were originally marginal but not hydric and there was no evidence of wetland vegetation. Mr. Ducharme said that during the site walk they observed that the hydrology has increased, that the herbaceous vegetation is wetland vegetation but the shrub layer was not and that if we went off site we would likely find the hydrology to be there too. Ed Englemann asked what the importance of the off site wetland is? Mr. Fateiger said that if it is a Bordering Vegetated Wetland (BVW) with water flowing out of it then the drainage swale is an intermittent stream with bank. Mr. Fateiger said that it is up to the applicant then to rebut the

presumption of significance. Mr. Fateiger said that if they work alters 50 feet of bank or more than the applicant must conduct a wildlife habitat analysis. Scott Duhaime asked whether the drainage design was changed. Mr. Ducharme said that the original design was done to pick up and attenuate the existing flows. A lengthy discussion pursued whether the drainage swale was an intermittent stream or not. After reviewing the definition of a stream the Commission determined that it was not groundwater flowing but surface runoff and that they did not consider it to be defined as an intermittent stream. Ms. Gumbart asked Mr. Ducharme if there was any concern with putting the roof drainage into drywells because of highground water. Mr. Ducharme said that there were no concerns. Mr. Fateiger and Mr. Ducharme agreed to meet on the site to eyeball the edge of wetland off-site and to add it and the associated buffer zone to the plans. Mr. Duhaime asked if they Town was bonding the project? Mr. O'Hagan said that the Zoning Board of Appeals would have a tripartite agreement. Mr. O'Hagan went through the list of things to be completed before the next meeting including: adding the BVW locus and buffer zone for the off-site wetland; adding language to the Operation and Maintenance Plan after the Commission provides their input; delineate the area around the pond in the Order of Conditions so that it does not become lawn. The hearing was continued to June 7, 2005, at 8:30 p.m. with the consent of the applicant.

5. Bower Springs Conservation Area Bill Fateiger said that it will cost \$7800 for a split rail fence with chain link fence behind it and \$5000 for a title exam and work related to the land swap. It was estimated that to move the driveway would cost a couple thousand dollars. Carol Gumbart asked what the length of fencing was and Mr. Fateiger said it was 600 feet. It was agreed to get other prices.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator