

Bolton Conservation Commission
Minutes of Meeting
July 19, 2005

PRESENT: Karen Augustine, Ed Englemann, Bill Fateiger, Sarah Greenough, Lori Stephenson (at ZBA meeting between 7:30 and 8:30), Amy Wilson, and administrator Carol Gumbart

1. Riverside, 396 Still River Road Carol Gumbart distributed a copy of a letter from resident Pat Westwater-Jong. After the Commission reviewed the letter they asked Ms. Gumbart to send a copy of the Commission's memorandum, sent to the Zoning Board of Appeals (ZBA), to the Division of Fisheries and Wildlife - MA Natural Heritage Program, the manager of the Bolton Flats and Ms. Westwater-Jong.

2. Caless, 21 Nourse Road (112-501) Carol Gumbart informed the Commission that the contractor for the Caless addition asked her to sign the building permit application form today. Ms. Gumbart said that she signed it and told the contractor she would mention it tonight, that he was ready to start the addition.

3. Century Mill Estates FOSPRD Ed Englemann asked whether the erosion controls were installed as the Commission requested. Bill Fateiger said that he called Andy Bendetson and asked to have it taken care of. Carol Gumbart said that she would check the access road on Spectacle Hill Road to see if the haybales were properly installed. Mr. Fateiger said that he spoke with Russ Karlstad, Associate Member of the Planning Board, and that Mr. Karlstad said that the open space is supposed to be left open in perpetuity and that the developer wants it to be. Ms. Gumbart said that the Planning Board has two upcoming meetings that we could attend. After discussion it was agreed to request an appointment for the Planning Board's August 10th meeting to discuss our concerns with the Farmland and Open Space Planned Residential Development (FOSPRD) decisions. Mr. Fateiger said that if we are not satisfied that he has no problem bringing this to the Town with changes to the FOSPRD Bylaw.

4. Gift of Land, in Honor of Russell Wheeler, Jr. The Commission considered two options for a gift of land proposed by Abby Wheeler Baker and Tracy Wheeler, to honor their father and his love of nature. One scenario provided a long narrow finger of land with a dogleg to the right. The other scenario provided a strip of land encompassing the brook. After discussion, a motion was made by Bill Fateiger, seconded by Amy Wilson to send Abby Wheeler Baker and Tracy Wheeler, a letter telling them that the Commission would like to pursue the second proposal as a gift of land to the Town, with a copy of the letter going to the Board of Selectmen. VOTE: Aye. It was noted that the next step is for them to put together a plan and Quitclaim Deed. Carol Gumbart said that she would check to make sure the property is not tax delinquent.

5. Vinger Public Access, 387, 389, 393 and 397 Berlin Road Carol Gumbart distributed a letter from the residents of the above listed addresses. The Commission agreed to read the letter after the meeting and discuss it at their next meeting. Bill Fateiger said that the Commission might need for the residents to survey where the cart path goes. Ms. Gumbart will forward a copy of the letter to Scott Duhaime. Mr. Fateiger said that he would like Mr. Duhaime to draft his concerns if he is unable to be in attendance for the next meeting.

6. Pan Cemetery, Main Street (112-502) Bill Fateiger opened the continued hearing on the Notice of Intent proposal to expand Pan Cemetery. Brandon Ducharme of Ducharme and Dillis Civil Design Group Inc., was present to represent the applicant. Ed Englemann went next door to let Martha Remington know that the hearing was starting. Mr. Ducharme said that the plan includes 28 shrubs 3 feet on center on a 3:1 slope. The Commission discussed the lack of available water for watering the new shrubs and trees. Carol Gumbart suggested that the Commission could require in the Order that the plants have a 75% success rate. Karen Augustine said that she wants to make it clear in the Order that they need to water the plants. With no further questions and no one from the public in attendance, a motion was made by Bill Fateiger, seconded by Amy Wilson, to close the hearing. VOTE: Aye.

Presently Martha Remington arrived at the meeting. Ms. Remington submitted two Massachusetts Statutes that deal with cemeteries and burials. Mr. Fateiger said that these involve the Board of Health and the Department of Environmental Protection (DEP) but not the Conservation Commission. Ms. Remington said that she spoke with Robert Kimball, at the DEP and that she assumed that since it is an environmental agency the Commission would be involved. Ms. Remington said that she brought with her a photograph of Great Brook near the fire hole at the intersection of Main Street and Sugar Road. Ms. Remington said that the photograph was taken in 1992 and that the brook has deteriorated since that time. Mr. Englemann said that the Organization for the Assabet River has studied the Elizabeth Brook and perhaps they have studies on Great Brook that would show whether this is a natural phenomenon or not. Ms. Remington said Great Brook all the way up to Mechanic Street has suffered. Mr. Englemann said that volunteer groups could perform clean ups and rehabilitation of the stream. Ms. Remington sited the intermittent stream between 460 and 470 Main Street as an example of cumulative impact. Ms. Remington said that Mass Highway does not clean up the road sands and salt satisfactorily and that it changes the flows of the streams and brooks. Mr. Englemann said that he feels this deterioration is a concern for the Commission.

The Commission proceeded to review the draft Orders of Conditions for the project. Ms. Gumbart will include in addition to those in the draft a condition requiring 75% success rate for the landscape plants and that they will be watered. Ms. Remington said that she is concerned about some of the trees that will be cut. Mr. Ducharme that no trees are to be cut. The Commission asked Ms. Gumbart to notify the Board of Health about the statues on cemeteries and burials and to let them know that the Commission feels these are outside the Commission's jurisdiction. A motion was made by Bill Fateiger, seconded by Ed Englemann to issue the Orders of Conditions for DEP File 112-503, as discussed. VOTE: Aye, unanimous.

7. Water Resource Protection District (WRPD) Bill Fateiger opened the continued hearing. Present for the hearing was resident Martha Remington. Ed Englemann said that he and Carol Gumbart met a couple times to clarify what is going on and that he feels that within the bigger picture there are two major issues; (1) what does the WRPD Bylaw give us above the Wetland Bylaw and (2) does the public or the Commission want the stronger protections. Mr. Englemann asked if we want a Riverfront Area (RFA) that allows for grand fathering similar to the situation we encountered with Peter Waldron for work in the RFA. Mr. Englemann said that the current WRPD language forbids grandfathering. Amy Wilson said that it is silent on the issue therefore it is not allowed. Mr. Englemann agreed and said that this is one way that the WRPD provides stronger protection.

Mr. Englemann said that on page 5 of the comparison chart there is no reference to the RFA and it is hard to follow or it is incorrect. After review of the chart the Commission agreed that it is confusing. Mr. Englemann asked whether the Bylaw protected isolated areas and 25

feet around it? The Commission said that isolated areas are protected and that except for wetland crossings activities are prohibited within 25 feet of them.

The Commission discussed updating the base map and said that it can be updated electronically. Mr. Englemann asked whether the electronic version was sufficient or whether a hard copy needed to be produced as well. Mr. Fateiger said that a hard copy plan would also be required.

Mr. Englemann said that he could see getting rid of the WRPD and sticking it into the Wetland Bylaw. Mr. Englemann said that if we were to do this we would need to modify other Bylaws that refer to the WRPD.

A motion was made by Bill Fateiger, seconded by Ed Englemann to close the public hearing on the WRPD. VOTE: Aye, unanimous.

8. Upcoming Meetings The Commission decided to postpone their next meeting from August 2 to August 10, 2005.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator