

**Bolton Conservation Commission**  
**Minutes of Meeting**  
**October 4, 2005**

**PRESENT:** Scott Duhaime, Ed Englemann, Sarah Greenough, Amy Wilson, and administrator Carol Gumbart

**1. Mail** Carol Gumbart reviewed the recently received mail including a public notice from the Planning Board to hold hearing on a proposal to rezone the Slater and Skinner parcels on Main Street on October 26, 2005, at 7:45 p.m.

**2. Upcoming Meetings** Scott Duhaime said that the Zoning Board of Appeals postponed their meeting on Sunset Ridge to October 19, 2005.

**3. Minutes** A motion was made by Scott Duhaime, seconded by Sarah Greenough, to approve the minutes of September 13, 2005, as amended. VOTE: Aye, unanimous. A motion was made by Scott Duhaime, seconded by Amy Wilson, to approve the minutes of September 20, 2005, as amended. VOTE: Aye, unanimous.

**4. Department of Public Works, Hudson Road (Between 48 and 74) (RDA)** Scott Duhaime opened the public meeting on a Request for a Determination of Applicability proposing to remove sand from the shoulder of Hudson Road between houses 48 and 74. Harold Brown, Superintendent of the Department of Public Works (DPW) was present. Mr. Brown said that the road was designed to allow for sheet drainage and that over the years sand has built up so that it is creating a point source discharge. Mr. Brown said that the point source discharge has washed out one of the driveways causing the movement of sediment towards the wetlands. Mr. Brown said that they would use a tractor, backhoe and shovels to remove the build up. Mr. Brown described the shoulder area as flat with a steep drop off. Mr. Brown said that the pond is about 70 to 80 feet from the proposed work. Mr. Brown said, in response to a question from Mr. Duhaime that the shoulder is approximately 17 feet from the center of the road. Mr. Brown said that they would put down loam and cover with hay to stabilize the area for now. Mr. Brown said that he hopes to generate a boilerplate Notice of Intent sometime this winter that will allow him to perform this work as needed.

A motion was made by Scott Duhaime, seconded by Ed Englemann to issue a Negative 3 Determination with the condition that the heavy equipment stays on the road. VOTE: Aye, unanimous.

**5. Purchase Equipment** Scott Duhaime asked Harold Brown his opinion on the purchase of a trailer for hauling the brush hog and lumber. Mr. Brown said that he recommends purchasing a new single-track snowmobile trailer. Mr. Brown suggested a couple companies to check, Brad's in Clinton and Culley's in Lancaster.

**6. Apple Valley Homes, W. Berlin Road** Sarah Greenough said that she met last Sunday morning with John Barbadora of Apple Valley Homes. Ms. Greenough said that the 1 acre parcel that Apple Valley Homes plans to gift to the Town was clearly marked by survey stakes except at the rear of the property where it abuts Town land. Carol Gumbart asked if Mr. Barbadora discussed the property line dispute? Ms. Greenough said that the dispute has been resolved since Mr. Barbadora had the line surveyed by two separate surveyors and the

Schartner's had it surveyed once and came within one click of each others points. Ms. Greenough said that Mr. Barbadora told her that the Schartner's survey was wrong and that they apologized to him for the mistake. Ms. Greenough said that the rear of the property is very densely vegetated and very nice. Scott Duhaime said that the property is subject to a 30-year deed restriction that is about to expire. Since the restriction was expiring a gift and Conservation Restriction (CR) on the rear of the back two parcels was negotiated with the landowner, Edward Taylor. Mr. Duhaime said that Mr. Taylor owns other property in town with conservation interests. Mr. Duhaime said that the rear of these two parcels would create a buffer to the trail system on the Welch Bog property. It was agreed that there is a very desirable public interest for a CR.

**7. Nitzsche, 2 Wheeler Road (112-507)** Scott Duhaime opened the public hearing on a Notice of Intent to remove a driveway and construct a new driveway. Kyle Nitzsche, the applicant was present. Mr. Nitzsche provided a brief history as to why he has made this application and its relationship to a prior Determination of Applicability issued by the Commission. Mr. Nitzsche said that the old driveway is 95 feet long and the new driveway is 40 feet long. Mr. Nitzsche said that he has already installed haybales along the edge of the old driveway for the construction of the previously approved addition and garage. Mr. Nitzsche said that he plans to have the old asphalt removed from the site by the paving contractor. Carol Gumbart reminded the Commission that they raised the question during the prior application review of whether the work in the buffer zone needed to be permanently delineated. Sarah Greenough said that it is heavily vegetated and drops fairly steeply from the edge of lawn. Mr. Nitzsche said that he proposes to loam and seed the area after the tar is removed from the old driveway. Mr. Nitzsche asked whether he would be allowed to use the new driveway this winter if he has not been able to remove the old driveway this fall. After discussion it was agreed that he can use the driveway but it cannot be paved until the old driveway tar is removed.

A motion was made by Scott Duhaime, seconded by Sarah Greenough, to close the public hearing. Mr. Duhaime said that they would plan to issue an Order of Conditions at the next meeting.

**8. McCarthy, 24 Harvard Road (112-506)** The Commission reviewed and discussed an Order of Conditions prepared by Carol Gumbart approving with conditions the proposed replacement sewage disposal system within the buffer zone and Riverfront Area. A motion was made by Scott Duhaime, seconded by Amy Wilson to issue an Order of Conditions to Melissa McCarthy, 24 Harvard Road, as drafted by Carol Gumbart. VOTE: Aye, unanimous.

**9. Conservation Restrictions** Carol Gumbart said that she recently attended a workshop sponsored by the Trustees of Reservations (TTOR) on Conservation Restrictions (CR). Ms. Gumbart said that the speaker was from the Columbia Land Trust (CLT) in New York and that the meeting was well attended by other conservation administrators, land trust members, attorneys, consultants, many staff of the TTOR and the new staff person, Irene Del Bono, that is reviewing CR's for the Executive Office of Environmental Affairs. The workshop focused on preparing baseline data to go with every CR and being sure that the Grantee can uphold the interests in the CR. Ms. Gumbart handed out a couple of papers from the workshop and said that the Commission should consider getting baseline data for all its existing CR's and any that we accept in the future. Ms. Gumbart said that she did not make copies of all the handouts from the workshop but that she has sample letters to send to the landowners about monitoring of the CR. The CLT strongly encourage building relationships with the landowners and had several techniques for doing this. Ms. Gumbart stressed that the language in the CR needs to be simple

enough for everyone to interpret and clear enough that it can be enforced. Scott Duhaime said that CR's should fit into our overall strategy and questioned some CR's that we currently hold.

On another note, Mr. Duhaime asked if Town Counsel has addressed our concerns raised to the Planning Board about the FOSPRD Bylaw. Ms. Gumbart said that the Planning Board has not finalized the letter to be submitted to Town Counsel. Mr. Duhaime said that he would contact Larry Delaney, the Chair of the Planning Board to see why this has not occurred.

Mr. Duhaime also said that he observed an abandoned vehicle on the Rocky Dundee Open Space and said that he will call Chris Rogers to find out if he has any knowledge of the vehicle ownership.

Carol Gumbart said that Chris Rogers has volunteered to mow the Bower Springs fields. Ms. Gumbart said that she walked the property with him and showed him the property boundaries. Ms. Gumbart said that he is going to begin with the rear portions of the field where the growth is heaviest.

Ms. Gumbart suggested that the CR Table in the Open Space Plan should include the Grantee. Ms. Gumbart said that in some cases the Town and the Bolton Conservation Trust jointly hold the CR. Mr. Duhaime suggested that we begin our baseline record keeping by dividing up the list of CR's and searching the Registry of Deeds for the recorded copy of the CR and any associated map, followed by creating a file and then adding stewardship issues and management for each CR.

**10. Commonwealth Capital Application** Carol Gumbart told the Commission that the Town needs to update their Commonwealth Capital Application every year to remain eligible for any number of grants the state issues. This year the Town is hoping to receive funding through the APR Program. Ms. Gumbart reviewed some of the questions in the CCA application and the APR application with the Commission. Scott Duhaime said in response to the question whether the Town has demonstrated support for farmland preservation by exercising the right of first refusal under Chapter 61A, that the Town should respond in the affirmative. Mr. Duhaime said that because of proactive planning the Town has been able to protect land before it comes out of Chapter land. Ms. Gumbart said that since some of the questions provide for commitment from the Town to take certain actions within the next year the Board of Selectmen and/or Town Administrator will need agree to the commitments. Ms. Gumbart said that an example of a commitment is agreeing to complete a forest management plan on a municipal property. Ms. Gumbart said that perhaps the Commission could speak to the Girl Scouts about their decision to have forest management complete on their property. The Commission agreed that this might be a good way to make contact with the Girl Scouts.

**11. Water Resource Protection District** Ed Englemann said that he has discussed revisions with Carol Gumbart but that he is not prepared tonight to review the Bylaw.

Respectfully submitted,

Carol A. Gumbart  
Conservation Administrator