

Bolton Conservation Commission
Minutes of Meeting
November 15, 2005

PRESENT: Scott Duhaime, Ed Englemann, Sarah Greenough, Lori Stephenson, Amy Wilson and administrator Carol Gumbart.

1. Bills/Payroll The Commission approved the bills and payroll.

2. Upcoming Meetings Scott Duhaime said that he would try to attend the Board of Selectmen's meeting on November 17, 2005, to assist with the discussion of the Grant of Trail Easement on 40 Powder Hill Road (Lot 13).

3. Minutes A motion was made by Scott Duhaime, seconded by Sarah Greenough to approve the minutes of 7/19, 10/18, 10/25 and 11/1 as submitted. VOTE: Aye, unanimous. A motion was made by Scott Duhaime, seconded by Sarah Greenough, to approve the minutes of 10/04/04, as amended by Ms. Greenough and Amy Wilson. VOTE: Aye, unanimous.

4. Wade, 28 Century Mill Road Carol Gumbart said that the owners of 28 Century Mill sent her an email asking for advise on how to proceed with a project involving the cutting of trees on their property. Ms. Gumbart said that Danforth Brook crosses through their yard and they are concerned with trees that are near their house and also a couple that are on the bank of the brook that have fallen over. Ms. Gumbart asked the Commission whether they want a Request for a Determination of Applicability (RDA) or a Notice of Intent (NOI)? The Commission said that a RDA was fine.

5. Byrne, 113 Burnham Road (RDA) Scott Duhaime opened a public meeting on a Request for a Determination of Applicability (RDA) filed by Dawn Byrne, for work at 113 Burnham Road. Present were Dawn and Bill Byrne, owners of 113 Burnham Road. Ms. Byrne said that they are proposing to expand the garage by adding 8' by 18', which is approximately 136 square feet. Ms. Byrne said that the addition is a slab foundation that will be over a portion of the existing flat gravel driveway. Ms. Byrne outlined the edge of wetlands shown on her as-built plan. Carol Gumbart told the Commission that the wetland is associated with a perennial stream. Ms. Gumbart said that the former owner had been before the Commission requesting permission to trap beavers on adjacent town owned land. Lori Stephenson recommended that the Commission conduct a site visit. A site visit was scheduled for December 3, 2005 at 9:00 a.m.. The public meeting was continued with the consent of the applicants to December 6, 2005, at 7:30 p.m.

6. Blatchford, 40 Powder Hill Road (112-239A) Attorney Mark Curley was present with a Grant of Trail Easement from his clients, Robert and Kimberly Blatchford. Mr. Curley explained that this easement was required in the Order of Conditions and that with the granting of this he has requested a Certificate of Compliance. The Commission reviewed the Easement and the referenced plan. A motion was made by Scott Duhaime, seconded by Amy Wilson, to accept the trail easement as presented and laid out in the easement deed. VOTE: Aye, unanimous.

A motion was made by Scott Duhaime, seconded by Sarah Greenough, to issue a Certificate of Compliance to Mr. and Mrs. Blatchford. VOTE: Aye, unanimous.

7. Waldron, Forbush Mill Road (112-497) The Commission considered the surety bond that was presented in lieu of a certified bank check. After discussion it was agreed that the Commission would not accept the surety bond for the following reasons: that (1) the surety bond could be terminated at any time by the surety company; (2) the Town treasurer is not comfortable with the surety bond; (3) there is no safe to keep the bond in; and (4) the Order of Conditions does not adequately protect the town if the surety bond was accepted.

8. Glover/Dragon, 412 Main Street Carol Gumbart said that she has been in contact with Steve Glover since he pulled a building permit to relocate the house at 412 Main Street to the rear of the property. Ms. Gumbart said that she and Mr. Glover had an understanding that the garage would not be torn down without further review as it is within the buffer zone of a neighboring wetland. Ms. Gumbart said that after she noticed that the garage had been removed she contacted Mr. Glover. Ms. Gumbart said that Mr. Glover had sold the property but he still seems to have some relationship to the project and that he is planning to make an application *after the fact*. Scott Duhaime said that the application should be a Notice of Intent since we now have no knowledge of what is going on with the project.

9. Coolidge, 183 Berlin Road Carol Gumbart said that she received an email from a resident concerned with a pile of woodchips on the Coolidge Farm near a wetland. Scott Duhaime said that he observed the pile getting bigger over the past week. After discussion it was agreed that Ms. Gumbart would send Bob Coolidge a letter asking him to stop dumping woodchips near the wetlands and either remove the pile to a more suitable area or come in to meet with the Commission to determine what type of wetland application would be required to keep the pile there.

10. Riverside Comprehensive Permit The Commission discussed the revised plan that the Zoning Board of Appeals (ZBA) distributed with their request for comments on the Riverside comprehensive permit application. After discussion the Commission agreed to send comments to the ZBA confirming their position that this project should not be approved for the following reasons: that (1) the habitat extends beyond the boundaries established as priority habitat; (2) the site is almost entirely within an Area of Critical Environmental Concern (ACEC); (3) the historic and archeological interests will not be protected; and (4) the density is too high. The Commission agreed that they would support a project that meet the zoning requirements for density; had less impact on the viewsapes and habitat. The Commission also agreed that the remainder of the land should be given to an organization that could actively manage the habitat.

11. Bower Springs Conservation Area Carol Gumbart said that Chris Rogers is continuing to mow the fields at Bower Springs. Ms. Gumbart said that she walked the property recently and found that Mr. Rogers may have encroached into Harvard slightly but that the mowing matches Harvard's management of their open space. Ms. Gumbart showed the Commission photographs she took that show areas where boardwalks are needed to follow the trail and a bridge that should be replaced. Ms. Gumbart said that since a house was constructed on a neighboring property the Commission might want to consider planting some trees as a buffer. Ms. Gumbart also said that the Commission has not taken any action on relocating the entrance driveway. Ms. Gumbart said that she observed the area with ponded water while she was there. Scott Duhaime said that he would check out the property this weekend with trail committee members, Dan Gaffney and Becky McEnroe since Ms. Gumbart was *chomping at the bit*, to get work done here. Ms. Gumbart said that if a Notice of Intent is needed this would be a good time to prepare one.

12. Fyfeshire Conservation Area Carol Gumbart asked if everyone had seen Karen Augustine's email about the site visit to Fyfeshire with Ken Swanton, Rona Balco and members of the Galeski family. Ms. Gumbart said that she was not sure whether she needed to contact the Sudbury Valley Trustees or if Ms. Augustine would be contacting them. All agreed that Ms. Gumbart should follow up so that we can be prepared to either add the costs of an easement to our budget or submit an article.

13. Wilder Pond Conservation Area Scott Duhaime said that he has not yet contacted the neighbors about their stewardship ideas. The Commission asked Carol Gumbart to contact the Office of Dam Safety to see if they will evaluate the condition of the dam and see if we can get an estimate on the costs to restore it. Mr. Duhaime said that he thought Martha Remington was looking into available funding. Ms. Gumbart said that she believed that Ms. Remington was checking into whether it was a historic structure or not.

14. Conservation Restriction Baseline Information Project Several Commission members said that they are still working on getting the baseline information from the Registry of Deeds.

15. Fox, 99 Fox Run Road Amendment to Trail Easement Carol Gumbart said that she was in touch with Town Counsel about the processing of this amendment and found that it had not been processed. Ms. Gumbart said that since there has been considerable passage of time, Counsel is recommending that the amendment be resigned. Ms. Gumbart said that Counsel also has remaining questions on the title and does not feel it should be submitted to the state for their approval. The Commission said that it is their preference not to have to resign the document.

16. Budget/Articles The Commission identified a number of potential budget/article items to be considered including: repairing/maintaining the dam on the pond at the Wilder Conservation Area; the acquisition of an easement around the pond at the Fyfeshire Conservation Area; hiring consultants for land management plans; and passing the revisions to the Wetland Bylaw and eliminating the Water Resource Protection District Bylaw.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator