

Bolton Conservation Commission
Minutes of Meeting
December 6, 2005

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

1. Minutes A motion was made by Scott Duhaime, seconded by Ed Englemann to approve the minutes of 11/15 as amended. VOTE: Aye, unanimous.

2. Glover/Dragon, 412 Main Street Carol Gumbart reported that she has not had any response from Steve Glover on her request for an application to be submitted, *after the fact*, for the removal of a dilapidated barn within the buffer zone of an off-site wetland. Ms. Gumbart said that it looks like it is only a wetland under the Bolton Wetland Bylaw. Scott Duhaime said that it probably would not meet the state standards for Isolated Land Subject to Flooding. It was agreed that Ms. Gumbart would send a letter to the owner of record with a copy to the Building Inspector explaining the need for a wetland filing.

3. Bower Springs Conservation Area Scott Duhaime said that the Bolton Trail Loop folks have been through the area and put up new trail markers and Bolton Trail Loop signs. Mr. Duhaime said that he plans to evaluate the beaver impacts to the boardwalks and bridges. The Commission later came back to this property for discussion of the relocation of the driveway. It was agreed that Carol Gumbart would prepare a Notice of Intent under the Bolton Wetland Bylaw for the project. Ms. Gumbart said that Chris Rogers told her that he completed the mowing of the upper field and the forested edge of the lower field. Ms. Gumbart said that these areas contained the most brush. The Commission expressed their gratitude for Mr. Rogers help mowing the fields.

Later in the evening, John and Jean Jesensky, of 166 Harvard Road, came before the Commission to express their concern with the beaver destruction at Bower Springs. Mrs. Jesensky said that the beaver are stripping off the bark of the trees, killing them and cutting them down. Mrs. Jesensky's said that the beaver are ruining the surrounding environment for the people that use Bower Springs. Mr. Duhaime said that the Commission needs to balance the public interests and the interests for wildlife habitat. Mr. Duhaime said that it is also a question of money. How do we spend the public's money on land management? Lori Stephenson said that if beaver cannot live on conservation land then where could they live? Mr. Duhaime said that the Commission would look into the beaver damage. Mr. Duhaime asked Ms. Gumbart to contact beaver solutions to see if they can give us an assessment of the situation. Ms. Gumbart agreed to keep the Jesensky's informed as to any action the Commission might take.

4. Fyfshire Conservation Area A motion was made by Scott Duhaime, seconded by Amy Wilson to support the grant application submitted to the Boston Foundation for \$10,000 for the purchase of a conservation restriction and wildlife habitat improvements. VOTE: Aye, unanimous.

5. Coolidge, 183 Berlin Road Carol Gumbart said that she did not receive any response to the letter she sent to Robert Coolidge. The Commission recommended that Ms. Gumbart call Mr. Coolidge and find out if he received the letter and how he plans to handle the illegal stockpile. Mr. Duhaime recommended that he be invited to attend the next meeting if necessary.

6. Byrne, 113 Burnham Road (RDA) Scott Duhaime opened the continued 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. Mr. Duhaime said that he met with Mr. Byrne over the weekend and that he found that the garage addition would have very little impact on the wetland resource areas. Mr. Duhaime said that the site does slope off toward the wetlands and he recommended installing a haybale barrier from the proposed addition to a lamppost to keep equipment away from the wetlands. Mr. Byrne said that they would stockpile any soil in the front yard. Scott Duhaime made a motion, seconded by Ed Englemann, to issue a Negative 2 and 3 Determination of Applicability with the conditions that a hay bale barrier be installed between the proposed work area up to the lamp post and that any excavated soil be stockpiled in the front yard. VOTE: Aye, unanimous.

7. Wilder Pond Conservation Area Scott Duhaime said that he has not yet contacted the neighbors about their stewardship ideas. Carol Gumbart said that she has contacted the Office of Dam Safety to see if they will evaluate the condition of the dam but she has not received a response yet.

8. 36 Powder Hill Road Trail Easement The Commission discussed the letter Carol Gumbart prepared to send the property owners regarding non-compliance with their Order of Conditions and granting of the trail easement. The Commission agreed to send it to the owners of 36 Powder Hill Road (Lot 12) but to hold off in involving 32 Powder Hill Road (Lot 11) until there was some response from Lot 12.

8. Land Management Signs Scott Duhaime said that he met with Ed Sterling this fall and identified all of the locations where the “No Motor Vehicle” signs should be installed. Mr. Duhaime said that he did not know if Mr. Sterling and the Boy Scouts installed any or all but they do know where they need to be located.

9. Drugee, 289 Sugar Road (RDA) Scott Duhaime opened a public meeting on a Request for a Determination of Applicability (RDA). David Drugee, the owner of 289 Sugar Road and his consultant Gary Prime of P&S Land Development were present. Mr. Prime said that the site is located across from Pinewood Road near Laurel Drive. Mr. Prime said they are proposing to construct an attached garage that would intrude 8 feet into the buffer zone. Mr. Prime said that they would reconstruct a dry stone masonry wall by rotating it and extending it, to provide for space around the back of the garage. Mr. Prime said that about 50 yards of clean fill would be added to bring the elevation up to 100 feet. Mr. Prime said that the driveway currently drains towards Sugar Road and they have provided a dry well for the roof runoff of the garage. Mr. Drugee said that the area where the garage is proposed is existing lawn and has been maintained as a field or meadow for years. Mr. Duhaime proposed that the Commission do a site visit on Saturday, December 10, 2005, at 9:00 a.m. The meeting was continued to December 20, 2005, at 7:30 p.m.

10. Henderson, 8 Rocky Dundee Road (Lot 8) Chris Rogers, told the Commission that Ron Henderson has asked him to approach the Commission with a proposal to construct a barn/garage on his property. Mr. Rogers said that because the riverfront and buffer zone encroach onto the property, Mr. Henderson wanted to seek an informal review with the Commission before he makes an application for the project. The Commission discussed whether the riverfront area is true since the stream has been observed dry at different periods of time. Mr. Rogers said that he has not taken pictures of the dry streambed but that he has observed it dry. Carol Gumbart

confirmed that she also saw that it was dry at the road crossing and suggested that it should be photographed from behind Mr. Henderson's house since it is unknown where the stream might become perennial. Scott Duhaime said that he has seen that same stream dry also. Ms. Gumbart asked if there would be any visual impact for users of the open space adjacent to this lot. Mr. Rogers and Mr. Duhaime said that the area is too wet to use for a trail and that the public view would not be of concern. Ed Englemann asked if the work is within the Water Resource Protection District (WRPD). Mr. Rogers said that he would review the town's Zoning Base Map and try to determine whether the site is in the WRPD or not. Mr. Englemann said that there is no guarantee that the Commission will approve the work but that they will consider the cumulative impacts. Mr. Englemann said that they could wait until the summer to address the issue.

11. Wetland Bylaw Revisions Ed Englemann said that he sent out revisions to the Wetland Bylaw and was soliciting questions about the draft. Mr. Englemann said that he considered the comments from Town Counsel and made the changes where it was appropriate. Mr. Englemann said that there are two main things in the revisions 1) the riverfront area has been added and 2) the corrections recommended by Town Counsel have been made. Mr. Englemann said that one change is that the riverfront area has been extended in Areas of Critical Environmental Concern (ACEC's) to 300 feet. Mr. Englemann said that the 200 feet in the Wetlands Protection Act is a political compromise and that science would put the habitat areas in some cases at 500 feet. Scott Duhaime questioned whether all of the interests were covered adequately in the revisions. In particular, Mr. Duhaime said that water quality should be expanded to include the interests of pollution prevention, and prevention of erosion and sedimentation. Carol Gumbart said that there are some revisions that she and Mr. Englemann discussed today that will be included in the next draft.

12. Request to Place Riprap on the Bridge Behind the Historic Society Building Carol Gumbart said that she had received mixed opinions from members on whether a permit application was needed to repair the bridge behind the Historic Society building at 676 Main Street. Ms. Gumbart said that in addition to putting gravel or riprap on the bridge Pat Bensetler has informed her that a large stone has fallen into the water. Ms. Gumbart said that when she asked Ms. Bensetler how they would get it out she was told that it probably a backhoe would be used. The Commission said that they need a project plan for both short term and long-term maintenance. The Commission said that a Notice of Intent was the appropriate filing application since the work would be taking place within a resource area. Lori Stephenson suggested that if the Historic Commission were the applicant then the wetland-filing fee would be waived. Ms. Gumbart will contact Ms. Bensetler with this decision.

13. Route 117 Ponding Problem east of 58 Main Street Carol Gumbart said that she has routinely received complaints of the ponding of water on the eastbound side of Route 117 just past the Chelton Microwave Corporation building. Scott Duhaime said that the water is quite high now and could possibly overtop onto the road with any new rainfall. Mr. Duhaime suggested that a picture of the flooded area be taken. Ms. Gumbart said that MA Highway has not received a Certificate of Compliance for the work they did in 2000 and that she could send them a reminder letter and put them on notice about this ponding area that was created when they repaired Route 117. It was suggested that the letter be copied to the Board of Selectmen and Department of Public Works.

14. Conversion of Main Street Historic Areas to Meadow Carol Gumbart said that she has received emails from Pat Bensetler expressing an interest in converting the forested area behind

her Main Street home to meadow as part of a historic restoration project. Ms. Gumbart said that Ms. Bensetler brought to her attention a program being conducted in Athol with MA Fish and Wildlife. Ms. Gumbart said that she has made some preliminary inquiries to the Program since she was curious about their work in the floodplain of the Millers River. Ms. Gumbart said that the F&W agency told her that the site was endangered species habitat that was being threatened because of the lack of management and growth of small saplings and shrubs. The Commission said that they would need more detail to consider converting the forested wetland into a meadow.

15. Boots, 584 and 588 Sugar Road (112-469) Carol Gumbart said that she received a letter from Terry Boots stating that he is getting close to completing his work at 584 and 588 Sugar Road. Ms. Gumbart said that he raised two questions 1) whether the original driveway could remain since the project added less impervious area than approved even with the original driveway remaining in place, and 2) what plants could be used in the restoration area. After discussion the Commission agreed that the request to keep the driveway was reasonable. Lori Stephenson said that the restoration area should consist of plants that provide good wildlife habitat including evergreens for cover and fruiting bushes for food. The Commission noted that the Order of Conditions will expire this spring and asked Ms. Gumbart to notify him that an extension permit should be requested.

16. Fox, 99 Fox Run Road Amendment to Trail Easement Carol Gumbart said that Town Counsel is trying to obtain the abstract for the property so that we can determine if we have a complete chain of title.

17. Budget/Articles Carol Gumbart will send out drafts for the next meeting.

18. Conservation Administrator Performance Evaluation Scott Duhaime reminded everyone to get his or her comments into the Town Administrator. Mr. Duhaime agreed to send the evaluation form to everyone. Carol Gumbart said that it was her understanding that the Town Administrator was looking for written comments and not just a rating.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator