

Bolton Conservation Commission
Minutes of Meeting
March 7, 2006

PRESENT: Karen Augustine, Scott Duhaime, Ed Englemann, Lori Stephenson, and administrator Carol Gumbart.

1. Town Meeting Preparation The Commission reviewed the latest revised draft of the Wetlands Bylaw that included comments from Town Counsel. Discussion was suspended to take up the continued public meetings.

2. Ek, 49 Powder Hill Road (RDA) Scott Duhaime opened a continued meeting on a Request for a Determination of Applicability (RDA) filed by Steve Ek. Mr. Ek was present for the discussion. Mr. Duhaime said that he and Lori Stephenson and Karen Augustine attended the site visit. Mr. Duhaime said that the area of the proposed addition is lawn with landscape bushes along the edge of the basement. Mr. Ek said that they are still unsure whether it will be a full basement or slab. Mr. Duhaime said that the water line would be relocated within the existing lawn area. Lori Stephenson said that edge of the lawn is well delineated with trees. Mr. Duhaime said that the wetland is spring fed and is at the bottom of the slope of lawn. Mr. Duhaime said that they discussed the need to use haybales to limit the area of disturbance and keep equipment out of the wetlands; stock pile sediment out in the front or take it off site; that a gutter design for roof runoff is adequate for the new addition; and that they did not feel there was any cumulative impact. Mr. Duhaime recommended issuing a Negative 3 Determination of Applicability with the conditions that haybales be installed to limit the disturbance; stockpiling allowed in the front of the house and that they reseed and landscape the disturbed area. A motion was made by Scott Duhaime, seconded by Ed Englemann to issue a Negative 3 Determination of Applicability with the conditions sated above. VOTE: Aye, unanimous.

3. Mail/Announcements Carol Gumbart said that the Commission received a letter today from Duane and Jean Henry that says they are requesting the Board of Selectmen to remove their land, 47.02 acres (Map 3D, Parcel 33.1) from the Chapter 61 Forestry classification. Ms. Gumbart said that it is unclear whether the letter is intended to provide the town with the right of first refusal or not.

4. Minutes After discussion and revision a motion was made by Scott Duhaime, seconded by Lori Stephenson to accept the minutes of January 17, 2006. VOTE: Aye, unanimous.

5. Gaby, 84 Sampson Road Brett Gaby was present by appointment to discuss the removal of vegetation within a Riverfront Area and Buffer Zone to a vegetated wetland. Mr. Gaby introduced himself as an Equine Veterinarian and new resident. Mr. Gaby said that he bought the farm with the intention of using it as a Veterinarian Clinic. Mr. Gaby said that people bring their animals to him for evaluation. Mr. Gaby said that he is in the process of fixing up the barn so that he can move his offices into it. Mr. Gaby said that he cleared an area of scrub trees and found logs that had been dumped within the overgrown area. Mr. Gaby said that he hoped to be able to install an evaluation ring that would be a 30-foot circle area. Mr. Gaby said that he was contacted by his neighbor Elizabeth, who works for a Conservation Commission in Bedford, concerned with his clearing of the vegetation. Mr. Gaby said that Elizabeth (Bagdonas), found no native species growing on the embankment and that he would like to plant hardwoods along

the embankment. Mr. Gaby showed video footage of the area he cleared. Carol Gumbart asked Mr. Gaby why he cleared all the way to the stream if he only needed a 30-foot circle? Mr. Gaby said that there were already trees that had been cut in the area and that he was trying to clear out trash and debris. Ms. Gumbart asked what work was entailed in the renovation of the barn. Mr. Gaby said that they would need to install a foundation for the outer wall. Mr. Gaby said that a lean too portion of the barn was already removed. Ms. Gumbart asked whether he obtained a demolition permit for the removal. Mr. Gaby had not. The Commission requested a site visit and asked Mr. Gaby to mark out where he would like the evaluation circle to be located. The visit was scheduled for March 11, 2006, at 8:00 a.m.

6. Town Meeting Articles Carol Gumbart explained to the Commission the changes Town Counsel had made to the draft Wetlands Bylaw revisions. The Commission said that they want to keep a “No Disturb Zone”. Ms. Gumbart said that she discussed this with Counsel and Counsel recommended making the 25-foot no disturb zone part of the wetland resource area. Lori Stephenson asked whether the upland resource area would then be 75 feet. The Commission agreed that they would recommend it only be 75 feet.

Ms. Gumbart agreed to send out the articles and summaries for final review.

The Commission adjourned from their meeting to join the Advisory Committee to discuss the proposed Wetlands Bylaw revisions being submitted as an article for the Annual Town Meeting. The Commission explained why they are making the revisions to the Wetlands Bylaw and why they are proposing to eliminate the Water Resource Protection District (WRPD). The Commission said that they still have details to work out with Town Counsel. Chris Slade said that he has been aware of the need to change the Bylaws for a long time.

8. Crispen, 310 Green Road Lori Stephenson said that she walked this property with Rob Held and that she found the house and property to be the “Picture of Bolton”. Ms. Stephenson said that the house was built in the 1700’s and an old ice dam is located within one of the stonewalls. Carol Gumbart asked whether the protection of the land would be best accomplished with a conveyance of the land or a Conservation Restriction. Scott Duhaime said that he will contact Tom Parker, of the Bolton Conservation Trust and discuss this question.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator