

Bolton Conservation Commission
Minutes of Meeting
May 23, 2006

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

1. Mail/Upcoming Meetings/Announcements The mail folder was considered by the Commission. Carol Gumbart said that the Planning Board is meeting on May 24 and the Zoning Board of Appeals next meeting is June 21, 2006.

2. Minutes After discussion a motion was made by Amy Wilson to accept the minutes of May 9, 2006, with Ms. Wilson's editorial changes, seconded by Ed Englemann. VOTE: Aye, 4/0/1 (Scott Duhaime abstained).

3. Wastewater Treatment Facility and Lacrosse Field, Sheep Field Carol Gumbart showed the Commission an aerial plan of the sheep field area with an overlay of the Wastewater Treatment Facility and a schematic of a lacrosse field. Ms. Gumbart said that the Wastewater Treatment Committee was soliciting comments from the Commission before they get too far into the planning for the lacrosse field. Ms. Gumbart said that she asked where the driveway would go and that it was thought that the driveway would go along the wetland edge of the field. The Commission asked why it could not go on the other side of the field? They asked where the parking would be located. Ms. Gumbart said that it was thought that people would park along the edge of the driveway and possibly in the school parking lot. The Commission asked what the elevation of the field is and what the side slopes would be like? They also asked why the other slope could not be filled in and the field shifted away from the wetlands and Riverfront Area (RFA). In general the Commission indicated that they did not have a problem with the leaching field being used for a ball field since it is already an open field. The Commission asked what kind of mitigation might be proposed for alterations in the RFA? Ms. Gumbart will get back to the consultant from Tata and Howard with these questions and comments.

4. Vinger Trail Easement off Berlin Road Jacqueline McGarry was present by appointment to discuss an opinion she and the neighbors received from their attorney regarding the opinion of Donna Cohen, Town Counsel. Also present was her neighbor Jim Sozanski, the owner of Lot 2. Ms. McGarry said that their attorney was not focused on the question of public access but on the cases cited by Attorney Cohen. Ms. McGarry said that their attorney did not find the cases to be relevant to the issues here but their attorney did find a case that was parallel to this situation here. In this case there was a private lot sold for conservation and the question was over access to the parcel. Ms. McGarry said the judge found in favor of the landowner. Ms. McGarry said the judge found there were other paths of access and the public was not inconvenienced. The Commission said that they have read Ms. McGarry's attorney's letter and the cited case.

The Commission reviewed with Ms. McGarry the trail access issues here. Ms. McGarry said that the neighbors have offered to relocate the trail so that the issue of public access on the common driveway and on the trail behind their houses is eliminated. Ms. McGarry, (owner of Lot 4) said that the public would have trail access from Berlin Road via the existing path shown in the trail guide, they would then follow the trail along the field edge of Lot 5 (owned by the town with a Conservation Restriction held by the Bolton Conservation Trust), up toward the Shaker Cemetery, over the common driveway at the bridge and back onto Lot 5 to follow the

existing cart path out to the tail of Lot 1 (crossing Lots 2 and 4) where the public could then go to the main portion of Lot 1 and continue up to Rocky Dundee and Randall Road trails. Carol Gumbart asked if it was clear that the town has access across Lots 2 and 4. Everyone indicated that they believe that access is clear. Ms. McGarry said that this point could be restated for clarification in the relocation documents. Ms. McGarry said that the neighbors clearly want to eliminate the old trail with the exception of using the bridge. Lori Stephenson said that it would not be prudent for the town to give up the access over the common driveway up to the bridge for maintenance purposes.

Scott Duhaime asked what are the next steps? It was agreed that we should determine what parties need to be involved (BCT, Selectmen, Conservation Commission, property owners of Lots 2, 4, 7 and 8). Mr. Duhaime agreed to check the proposed relocation trail route to determine if there are any problems with the relocation layout. Ms. McGarry will contact their attorney to discuss drafting the required documents.

5. Hilton/Greenough, 80 Berlin Road (112-493) The Commission confirmed that they would conduct a site visit to 80 Berlin Road to view the plantings and work performed under the Order of Conditions.

6. Montiero/Latham, 1 Century Mill Road Scott Duhaime agreed to meet David Montiero on May 30, 2006, at 6:45 a.m. to view the work he performed near wetlands.

7. National Grid Carol Gumbart said that National Grid has proposed to clear trees along Main Street from Wattaquodock Hill Road west to the town line. They also propose to cut trees on Harvard Road, Wilder Road and Still River Road for a short distance off Main Street. Ms. Gumbart said that as a public utility the work is exempt from the MA Wetlands Protection Act and based on previous discussions with town counsel it is her opinion that they are exempt from the Wetlands Bylaw too. Lori Stephenson asked if they ever top the trees and leave the base. Ms. Gumbart said that she would ask the Tree Warden if this is ever considered and if it can be encouraged.

8. Appointment to SuAsCo Watershed Council Carol Gumbart said that the Commission has received a request from Ed Sterling to be appointed to represent the town of Bolton on the SuAsCo Community Watershed Council. After a brief discussion a motion was made by Scott Duhaime, seconded by Lori Stephenson to appoint Ed Sterling as the Bolton Representative to the SuAsCo Community Watershed Council. VOTE: Aye, unanimous.

9. Wetland Bylaw Regulations The Commission discussed the draft wetland bylaw regulations that were prepared a couple years ago. It was agreed that the Regulations need to be tied to the changes made to the Bylaw since they were last worked on. Scott Duhaime reviewed some of the items he found that needed to be updated or reviewed further. Mr. Duhaime said that there might be definitions that we want to include that were not considered in this earlier draft such as Extended Drought. Carol Gumbart said that she would like to see how the DEP Habitat Manual could be extended into the Bylaw regulations. Ms. Gumbart said that she would send the Commission members a clean copy of the Bylaw with the changes approved by Town Meeting. Amy Wilson agreed to review the Regulations for consistency with the Bylaw. Sarah Greenough agreed to look at the definitions and see if we need other definitions based on the changes to the Bylaw. Ms. Gumbart agreed to see how the Wildlife Habitat Evaluations could be integrated in to the Regulations and to make sure the changes to enforcement are consistent between the

Bylaw and Regulations. Ed Englemann and Lori Stephenson said that they would reread the Regulations to pick up any items not already noted.

10. Open Space Acquisition Scott Duhaime said that he would contact Tom Parker to see if any discussions with the Crispen family have occurred.

11. Land Management – Bowers Springs Road Repair and Parking Lot Realignment – Carol Gumbart said that the DPW Director is uncomfortable hiring a person not known to him and that if the Commission wants hire someone unknown, they need to put the project out to bid. Ms. Gumbart said that the DPW Director already has hourly bids for several local contractors that he is comfortable working with. After discussion the Commission agreed that they want to get the project done within this fiscal year. The Commission agreed to ask the DPW Director to hire a local contractor that he has hourly bid rates for and that the job is not to exceed \$7500.

12. Year End Expenditures The Commission discussed several year-end expenditures including the purchase of a trailer, chain saws, signs for conservation areas, and vernal pool supplies. The Commission also discussed whether there are any conservation fund expenditures that might be paid for this fiscal year.

Respectfully submitted,

Carol A. Gumbart
Conservation Administrator