

Annual Report 2004
Conservation Commission

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| William Fateiger, Chairman | 2004 |
| Karen Augustine | 2004 |
| Scott Duhaime | 2005 |
| Amy Wilson | 2005 |
| Edward Englemann | 2006 |
| Lori Stephenson | 2006 |
| Carol Gumbart, Conservation Administrator | |

Membership: Rose Stanley resigned in the spring after serving the Town for the past nine years and serving as Chair of the Commission since 1997. Ms. Stanley contributed generously of her time and knowledge. Joseph Myerson resigned during the summer after considerable deliberation. Amy Wilson was appointed in December to fill Mr. Myerson's term. One vacancy still remains to be filled. The Commission is grateful to all the non-member volunteers that assist the Commission with their work, especially with land management tasks including: the de facto Bolton Trails Committee, Eagle Scouts, Boy Scouts, 4H Club, the Bolton Conservation Trust and many others.

Key responsibilities of the Bolton Conservation Commission include the administration of the State's Wetland Protection Act and the Rivers Protection Act, as well as the local Water Resource Protection District Zoning Bylaw and the Wetland Administrative Bylaw. The administration of these acts and bylaws occupy the bulk of the Commission's time and resources. The Conservation Commission Act charges the Commission with the responsibility to protect the Town's natural resources including "the promotion and development of natural resources and the protection of watershed resources." To achieve this protection the Commission routinely reviews and makes recommendations on projects submitted to the Zoning Board of Appeals, Planning Board, Board of Health and the Board of Selectmen. Additionally, the Commission protects land by accepting gifts of land, conservation restrictions and acquisition of land in fee. The Conservation Commission Act places the care and custody of conservation land with the Commission.

Administration: The Conservation Commission consists of volunteer residents. Presently the Commission has 6 voting members. The Commission meets the first and third Tuesday of the month at the Town Hall. All meetings are open to the public. Formal meetings and public hearings are held to review specific projects involving impacts to wetland and water resources within the Town. Public hearings are advertised in the Bolton Common. During 2004, the Commission held 27 public meetings and reviewed new applications including: 14 Notice of Intents; 2 Abbreviated Notices of Resource Area Delineation; 9 Water Resource Protection District Special Permit Applications; and 22 Requests for Determination of Applicability. The Commission made site visits for each application and held numerous informational meetings with citizens, town boards, and developers. The Commission also responded to numerous complaints including concerns about flooding caused by beaver, mowing of fields on conservation land, wetland violations and use of off road vehicles on conservation land.

Wetland Protection: In the administration of the State Wetlands and River Protection Acts and the local bylaws, the Commission serves the town in a regulatory as well as a conservation capacity. Under these laws, the Commission is charged with the review and control of activities in or near the town's fragile and valuable wetland and water resources to prevent any adverse impact on those resources. Through a public review and decision-making process, the Commission regulates the work done in these areas to ensure the protection of public and private water supply, the protection of the groundwater supply, flood control, storm damage prevention, the prevention of pollution, and the protection of fisheries and wildlife habitat. The local wetland bylaw provides additional protection wetlands for water quality and rare species habitat including rare plant species. The interests of the bylaw extend to agriculture, aquaculture and recreation deemed important to the community. The Commission also administers Special Permit Applications under the Water Resource Protection District (WRPD). This year the Commission found several conflicts

in the WRPD Bylaw and held hearings to consider making changes to the Bylaw at the next Annual Town Meeting. Additionally, the Commission is charged with the responsibility of confirming wetland delineations for all protected wetland resource areas.

During 2004, the Commission approved a wetland delineation on a parcel of land adjacent to the Nashua River. A future Comprehensive Permit application is anticipated for the development of the land. The approval of the delineation provides the developer with a three-year window to design plans without the protected resource areas changing. The Commission finds that the delineation approval process provides the Commission with an opportunity to discuss the projects with the owners/developers in the early stages. The Commission's goal with these early discussions is to lead development away from wetland resources, look for trail linkage opportunities and establish where open space corridors should be maintained.

A large portion of the Commission's work during 2004 was devoted to reviewing plans for the development of individual lots, improvements to existing dwellings located within 100 feet of wetlands and construction activities to repair or replace failed septic systems. During the early part of 2004 the Commission held numerous hearings on a single-family house project, impacting rare species habitat. That project had been denied by the Commission in 2002, and appealed to Superior Court. At the end of 2003, the Commission reopened hearings on the project to consider new information with modified plans. The hearings continued into 2004 and while resolution was not reached it is anticipated that it will be in the near term. In the fall of 2004, the Commission held half a dozen hearings on the development project entitled "Bolton Manor". This project involves the construction of 42 single-family units in a condominium association off Sugar Road (across from Hebert's Candy). The project was not reviewed under the Town's Wetland Bylaw or Water Resource Protection District Bylaw, as the applicant received waivers from the Zoning Board of Appeals to these local bylaws through the Comprehensive permit process.

Representatives of the Commission attended meetings of the Zoning Board of Appeals to provide input on the Comprehensive Permits entitled "Bolton Manor" and "Pondside". The Commission met with the Library Building Planning Committee providing input into the proposed drainage associated with the expanded parking lot. The Commission assisted the Board of Selectmen by investigating solutions to flooding caused by several beaver dams located on municipal land behind the Emerson and Sawyer Schools. During this time the Commission developed a Beaver/Muskrat Policy to help individuals affected by beaver flooding, hired a company, Beaver Solutions, to install flow control pipes and permitted the project under the Wetlands Protection Act and Bolton Wetland Bylaw.

Open Space Preservation: The Commission completed the draft update of the 1998 Open Space and Recreation Plan. The Plan will be circulated to various Boards, Committees and Agencies for review and then submitted to the Executive Office of Environmental Affairs for final approval. The Plan is used by the Commission to prioritize the protection of strategic land parcels; to evaluate the demographic trends in Town, and determine strategic priorities of land preservation based on these trends; to show compliance with state initiatives enabling the Town to be eligible for state grants; and to set goals and objectives for the next five years.

The Commission entered into a Purchase and Sale Agreement with Pauline Braman for the acquisition of 12 acres in the Rattlesnake Hill area. After successfully negotiating a purchase price the acquisition was brought to Town Meeting where it was approved. The parcel was acquired in July. The Commission received two tracts of land as part of the approved Farmland and Open Space Planned Residential Development (FOSPRD) entitled "Northwoods 36-2 Subdivision". The 33 acres gifted to the Town will be managed under the care and custody of the Conservation Commission. This land is adjacent to other preserved conservation land known as the "Sochalski" land. The Town received a 2-acre gift of land from the developers of "Wachusett Estates" to be managed as conservation land. The Commission also presented the purchase of the 77-acre Stephenson parcel at town meeting, and while the town voted to procure this parcel, agreements were not complete by year-end.

The Commission worked with the developer of the Quail Run Subdivision to see that 21 acres of open space was given to the Bolton Conservation Trust. The Commission supported the Trusts efforts in preserving over 10 acres of land through a generous conservation restriction from Bradley and Nancy Reed. The Commission continues to support the Conservation Trust and the Trust for Public Lands work

to preserve the Nicwicz and Shartner farms with Agricultural Preservation Restrictions. The joint efforts of the Conservation Commission and the Conservation Trust have strengthened land preservation in Bolton.

Land Management: The de facto Bolton Trails Committee with representatives from both the Bolton Conservation Commission and the Bolton Conservation Trust (BCT) continued to actively maintain, improve and expand the Bolton trail system. They supported the maintenance of existing trails in conservation areas throughout town.. Its main focus is to develop a 15-mile cross-town connection trail, called the Bolton Loop Trail, connecting Bolton conservation areas to those in neighboring towns of Stow, Harvard, Berlin, Hudson and Lancaster. Trails were cleared and marked for public use, on the Vinger properties off Berlin Road and Rocky Dundee Open Space on Randall Road Trails were rerouted in Bowers Springs because of beaver flooding, and bridges were repaired at Fyfeshire Conservation Area and the Vaughn Hills Conservation Area.

In November, the Massachusetts Department of Conservation and Recreation, the Massachusetts Recreational Trails Advisory Board, and the Massachusetts Highway Department recommended a \$2600 Grant request for approval. This money, when awarded, will be used for trail signs displaying the Bolton Trail Loop logo and the more familiar yellow triangular blazes.

The Bolton Trails Committee continued their effort to map existing and potential conservation trails using plot plans to identify boundary marks supplemented with GIS data overlaid onto town assessors data and topographic maps. New maps produced by the Trail Committee were installed on map posts by Eagle Scouts in the Bowers Springs, and Vaughn Hill Conservation Areas.

Two approved Eagle Scouts projects were completed. One project involved replacing and improving the signs posted along the Bob Horton Trail at the Lime Kiln Conservation Area. These signs identify 120 plant species along this interpretive trail. An existing guide for this trail encourages people to stop and look more closely at their surroundings. Another Eagle Scout replaced the entrance sign to Bowers Springs and pruned back some of the overgrowth around the parking lot.

The Commission continues to depend on volunteer Janet Pesaturo and members of the 4H Club, for monitoring of the bird nesting boxes at Bower Springs, Butternut Farm and in the Lime Kiln. Ms. Pesaturo has recently formed a Tracking Group called Nashaway Trackers. This group will be trained to track mammals and will help us to identify wildlife corridors being used by mammals. Reporting of wildlife sightings in town is encouraged to assist the Commission with management strategies.

During June the Commission, with the help of the Bolton police, encountered vandalism at Bowers Springs. A former resident of the Town attempted to clean up the property by cutting the shoreline vegetation along the ponds. The vandal also took down several trees along the entrance path. Mark Case, the Bolton Tree Warden, volunteered his time and equipment to chip the debris. Other volunteers, including members of the trail committee, hefted the wet clippings out of the pond to the chipper. The chipped wood was later used by the Tom Denney Nature Camp to control runoff under their tent. The Tom Denny Nature Camp, run by the Bolton Conservation Trust, uses Bowers Springs as their home base during the summer months. Bowers Springs is also used by the Nashoba Regional High School's Track and Field Team and Cross Country Ski Team

Earlier in the spring the Commission was notified of off-road vehicular use at the Annie Moore Conservation Area. It was determined that access was gained through Stow. The Commission acquired signs that identify that motorized vehicles are not permitted on conservation land. These signs will give the police the notice they need to stop violators.

Financial Statement
July 1, 2003 to June 30, 2004

Wages

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| Appropriated: | \$30,649.00 |
| Expended: | \$27,956.63 |
| Unexpended balance returned to General Fund: | \$2,692.37 |

Expenses

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|---------------|-------------|
| Appropriated: | \$31,030.00 |
| Expended: | |

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|--------------------|---------------|
| Land Maintenance | \$4,426.50 |
| Training | \$92.40 |
| Vernal Pool Study | \$459.95 |
| Adv./Legal Notices | \$2,074.91 |
| Supplies | \$94.08 |
| Travel/Mileage | \$29.48 |
| Dues & Membership | \$30.00 |
| Other | \$33.05 |
| Capital | \$15,000.00 |
| Equipment | \$517.12. |
| Cons. Fund | \$3,241.98.00 |

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| \$25,999.47 |
| \$5,530.53 |

Unexpended balance returned to general fund

Additional Expenses paid by State Wetland Filing Fees:

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|---------------------|------------|
| Training | \$ 225.00 |
| Postage | \$ 75.00 |
| Purchase of Service | \$1,366.68 |
| Supplies | \$ 329.12 |
| Travel/Mileage | \$ 31.22 |
| Dues/Membership | \$ 290.00 |

\$ 2,317.02