

Conservation Commission Minutes
October 25, 2005

1. The meeting convened at 7:30 p.m. with the following members present: Phil Hagar, Tim Driskell, Brian Connaughton, Art Johanningsmeier, Lorraine DeSouza and Gary Howland. Absent was Kelly Connaughton. Also in attendance was Kathy Robertson of DEP.
2. Correspondence was not reviewed.
3. Minutes of October 11, 2005 were not reviewed for approval.
4. 7:30 p.m. – Ross/Ericson – DOA – 192 Lakeshore Drive.
Hearing for septic replacement. Terry Gensel of Ross Associates represented applicant. Tim had performed an onsite of the property. Soils look good. 100' buffer front property. Only a few feet of work in buffer, rest out of the buffer zone. Haybales will be placed along property line. Motion to close, all in favor. Negative determination.
5. 7:45 p.m. – Ross/Cote – DOA – 13 Cote Avenue.
Terry Gensel of Ross Associates represented applicant. Hearing for a tight tank. Tim did onsite. Stream on property. Tank 31' from wetland. Terry said property flat, poor fill – so leachfield cannot be done there. Tight tank recommended and needs to be approved by the State. BOH will monitor tank. Tim stated the tight tank probably is the way to go here. Terry stated the stream was completely dry in July. Phil stated in September it was basically dry as well. Hearing closed. Positive determination, need NOI.
6. 8 p.m. – Northland/Dowd – NOI – 50 Lakeshore Drive.
Angel Lehtonen attended. Green cards checked. No abutters attended. Original orders had lapsed. Hearing for new septic system. Work on lake and BVW. Siltation fence on north side. Brian asked about floodplain. Angel stated unknown. Reviewed plan. Back yard is flat. Well disabled and water line installed. Plans haven't changed from original conditions issued. Septic permit still in force. Brian asked if it was all buffer zone work. Angel stated yes. Tim did onsite. Tim stated no closer than the house to the lake. Page 3 & floodplain needed to be turned into the ConCom. Hearing closed and conditions to be issued.
7. 8:30 p.m. – Northland/Bolduc – DOA con't – 219 Ashby Road.
Angel represented. Septic upgrade. Plan presented with siltation barriers as ConCom requested. Hearing closed and negative determination issued.

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8. 8:45 p.m. – Daigle – Lot A, Tuckerman Road.
Letter read from Val Daigle regarding lot and closure of hearing. Angel stated hearing was closed, no continuation was granted. All involved in hearing claimed hearing had been closed. Tim had marked folder closed. Black minute's book had listed the hearing as continued. Hearing was closed and conditions to be issued.
9. 9:00 p.m. – Whitestone Engineering – NOI con't – 5 Maguire Road.

Continuation hearing for an addition. 22' from the lake. Need floodplain information and need detailed erosion plan. Did reshoot it. Updated plan presented. Borders on lake. Brian asked if foundation would be a slab and Mike stated foundation. New plan does show erosion control. Hearing was continued to 11/8.

10. 9:15 p.m. – R. Wilson/Hart – NOI con't – Lot I, Ferin Road.
Hearing for new home. Abutters present. Not within the floodplain. Project outside 50' zone. Winter erosion controls may be needed. Lot flagged. Tim made motion to close, 2nd by Brian. All in favor. Conditions to be issued.
11. 9:30 p.m. – BNE/Waterman – NOI con't – Lakeview Estates.
Mike Scott of Waterman and Geoff Evancic attended. Revised plans received. DEP made determination that wetland behind Kerins was intermittent stream, note was made in plans. Additional information added was number of catch basins.
Art made motion to close hearing, 2nd by Phil. All in favor. Vote to approve or deny conditions. 3 in favor of approval (Art, Tim, Brian), Phil to deny, Lorraine abstained.
Conditions to be discussed at next meeting. 21 days deadline is November 15th, must be mailed on that date.
12. 9:45 p.m. – Kris Goguen – 5 Houde Ave. – extension request.
Wants to extend conditions to repair retaining wall due to lake drawdown. Will be either precast or poured concrete wall. It was determined that a rock wall wouldn't work. Tim asked when this was originally applied for and Kris stated 7 years ago, but because of the lack of drawdowns we were unable to repair the wall. Kris explained how they were losing their beach. She explained the process for precast or concrete. Precast may also need crushed stone. Lorraine asked if precast was treated and Kris stated not that she knows of. She also asked about one of the conditions which stated no alterations. There will be alterations. Tim stated to put the wall in from of the bank for protection, don't destroy the bank.
Haybales & silts will be placed on side of lake. Tim said to use your best judgment. He also suggested that she check with Marielle in regards to

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Chapter 91 Regs regarding working under the lake. Kathy gave some information to Kris. She was told to submit a letter of changes and request the amendment in writing so the conditions can be amended, but to make sure and check with DEP on the Chapter 91 regs. Meeting closed.

13. 10 p.m. – Steve Slocum – Lower Naukeag drawdown request.
Steve Slocum of the Lake Association and Gerald Smith of Aquatic Control attended. Tim explained that one person needs to address the Chair. They need to maintain order and if the meeting gets out of hand they would ask the Police to come in.
Tim introduced Kathy Robertson of the DEP. He has recently discussed the issue of the drawdown with her.
Tim explained what had transpired to date in regards to Lower Naukeag.
Gerry Smith explained their request processes to date.
Tim stated a 4-ft. drawdown was not approved in 2003, but a 2-ft. drawdown was allowed. Conditions had been submitted by the Association to ConCom, which were incorporated with the original conditions issued.

Tim said they considered the 4-ft drawdown and thought the 2-ft. drawdown was better for the 3 year period. Once the conditions were received by the Association they had 9 days to appeal and they never did so the conditions were then valid for 3 years.

After looking further through the folder the letter of two years previous was found in the folder. Mr. LeClerc again never appealed the decision of the ConCom for the 2-ft drawdown.

Tim stated he looked on the DEP webpage in regards to drawdowns. Guidelines were found (2004 Lake Management) and passed out at meeting. These are regulations from the DEP. Tim stated it states that additional information is required for State and the ConCom is to be copied. Any drawdowns need to meet conditions in these guidelines.

Tim had spoken with Marielle for an opinion. She stated the impact from a 2 ft. to a 4 ft drawdown is significant, but before filing for the amendment need to follow the conditions in the guidelines.

Richard Hartley in Fisheries would review this. A 2 foot drawdown is usually allowed without much concern. A 4 foot drawdown may be major significance. Will need to get National Heritage to look at this. Needs a complete review before decision.

Brian said they are still permitted for the 2 foot drawdown.

Kathy said they'd need information to review for a 4 foot drawdown.

Steve stated he sent letter in July.

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Tim stated a NOI needed to be filed for amendments and that's when it gets placed on the agenda.

Gerry Smith said things have now been clarified and that these are guidelines for the Commission. They need a deeper drawdown and realize that there are new guidelines. They would like to try to at least get a 3 foot drawdown. If the Fish & Game comes back with a positive letter would the Commission approve a 3 foot drawdown?

Tim explained again that these are the DEP's guidelines, not the Commission's.

Gerry asked what the position of the ConCom was if Fish & Game comes with letter stating 3 or 4' OK?

Tim stated again Marielle stated she would require an NOI.

Tim also stated he spoke with the Town Administrator on the subject of the drawdown.

It was discussed that maybe the ConCom should deny the request and put it in DEP's hands.

Gerry stated they would like an amendment without filing a new NOI. We feel this could be allowed to amend the existing order.

Tim stated you need to work it out with DEP. Refiling is under their regulations which include notifying abutters, fees, and hearings fees. Brian stated they don't have discretion over the DEP regulations.

Gerry stated other Towns/Cities waiver fees. Again they would like an informal or formal decision of the ConCom for a 3 or 4 foot drawdown.

Tim stated until a response comes from DEP, no decision would be made.

Gerry stated they need an opinion not more policy.

Tim stated it's DEP's policy to go through the amendment procedures not the ConCom's and it requires the filing of an NOI.

Gerry asked does an amending order require certified notification to abutters. Kathy said yes it does require abutter notification.

An abutter asked how many other lake associations do lake drawdowns and file for NOI.

Tim stated in the past no one filed, under new regulations all must file. The Commission will need to send a letter to all associations regarding the new regulations.

Lorraine stated the Commission's responsibility is to enforce the regulations set forth by the State.

Brian stated if further information was needed then they would need to enforce that. We work in conjunction with the State. To move forward with this project it's in the hands of the Fish & Game.

Richard Hartley is with Mass Fish & Wildlife and can give a letter of his concerns regarding this project.

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Tim stated he asked the DEP if they could amend these OOC informally and was told NO. DEP stated if the drawdown did have an impact they'd be liable for any impact made.

Gerry stated we don't believe that this request is significant. Can we advertise & hold a public hearing without abutter notification.

Kathy stated no, especially since it's not considered minor changes.

Brian said if Fish & Game sent a letter stating in their opinion it's a minor change the ConCom would evaluate that and act accordingly. I cannot speak for my fellow ConCom members. That's a decision that would need to be made as a Board.

Gerry said he cannot believe that the ConCom cannot decide that another foot would be a minor impact.

Brian said it constitutes more impact.

Tim said a 2 foot drawdown is allowed at this time and he will contact the DPW allowing said drawdown.

Steve noted to the Commission that he is going to let the Selectmen know, as well as the press about the problem they are having with drawdowns and the fact that no other lakes have followed this procedure.

Art stated I hope you know we have had no other complaints for any other lakes. We did receive a complaint however on Lower Naukeag from an abutter and had to respond to said complaint and therefore ask for more information in regards to your drawdown.

Tim again stated that if the Association was unhappy with the original conditions that the Association should have appealed the decision of the Commission at that time.

14. Conservation Trust – DOA – Young Road.

Gary explained this was for the clean up of an old dump area. Negative determination was issued with conditions. Hearing closed.

15. Gary also made note that the Trust was going to expend monies for signage for Bush Hill Road.

16. Meeting adjourned 12:00 a.m.

Respectfully submitted,
Susan Dembek
Land Use Administrator