

Minutes of the Conservation Commission
April 9, 2007

Present: AJ: Arthur Johanningmeier CL: Catherine Laramie
 CP: Christopher Picone LC: Lori Capone, Conservation Agent
Absent: LD: Lorraine DeSouza GH: Gary Howland
 MH: Michael Horgan

CP: Motion to appoint AJ as Acting Chair in the absence of LD.

CL: 2nd Motion

Unanimous 3-0

7:30 PM AJ opens the Meeting under the Wetlands Protection Act and the Ashburnham Wetlands Protection Bylaw

7:32 PM AJ opens the Notice of Intent Hearing for Virginia McNiff of Williams Road: proposed construction of a single family house and associated site improvements within the riverfront area and the buffer zone, continued from July 24, 2006. AJ asked for abutters: none were present. Patrick and Daniel McCarty of McCarty Engineering represented the applicant, who was not present. Mr. McCarty submitted a letter to request a continuance. Mr. McCarty gave the Commission an overview of the project. The Zoning Board of Appeals denied the Project and the Applicant is in the Appeals process. The Applicant is requesting another six month continuance.

CP: Motion to continue until the Zoning Board of Appeals process concludes, with condition that the applicant will re-notify abutters, re-advertise the Hearing when ready and will conform to all requirements of the Ashburnham Wetlands Protection Bylaw.

CL: 2nd Motion

Unanimous 3-0

7:45 PM AJ opens the Notice of Intent Hearing of Whitney Park Development: proposed construction of 16 single family houses and 94 condominium units and all infrastructure, under Chapter 40B, continued from March 26, 2007. AJ asked for abutters: none were present. Chuck Caron of Caron Environmental Consulting and Chris Deloge of Whitman and Bingham addressed the Commission for the Applicant, who was not present. A small wetland had been left off the plan but has since been added. The Applicant adjusted the design so the additional wetland alteration is 200 s.f. The vernal pool location has been better defined by the Natural Heritage Program but an on site still needs to be performed. A site visit was set up for April 29 2007 at 9:00 AM. The question of the requested exemption from the Commission's slope regulation was discussed.

CP: Motion to determine that the requested exemption of the Commission's grading regulation is sufficiently addressed and has no concern with allowing the Zoning Board of Appeals to grant said waiver request.

CL: 2nd

Unanimous 3-0

There was much discussion regarding Stormwater Management and proposed erosion controls. The Commission went through LC comments letter dated April 2, 2007.

CP: Motion to continue the Hearing to May 14, 2007 at 7:30 PM.

AJ: 2nd Motion

Unanimous 3-0

8:00 PM (8:18 PM) AJ opened the Notice of Intent Hearing regarding Bray Avenue Subdivision: Proposed construction of a 9 lot residential open space style subdivision located within the riverfront area, wetland resource areas and their associated buffer zones. AJ asked for abutters: none were present. Robert Oliva of Hamwey Engineering presented the changes discussed at the last Hearing of the Commission for the Applicants, who were present. Mr. Oliva explained that the PGP standards do not need to be met but they have been met to the maximum extent feasible. A deed restriction will be placed on the property to meet the Wetlands Protection Act and 401 Certification requirements. The Applicant agreed to install permanent markers at the edge of clearing adjacent to the wetland and to demarcate the Riverfront Area. The replication area was moved across the street and outside the riverfront area.

CP: Motion to Close the Hearing

AJ: 2nd Motion

Unanimous 3-0

CP: Motion to issue an Order of Conditions per plan and discussion.

CL: 2nd Motion

Unanimous 3-0

8:05 PM (8:30 PM) AJ opened the Notice of Intent Hearing for Bruce Moulton of Lot 318 Spruce Drive: proposed construction of a single family house within the buffer zone, continued from March 26, 2007. AJ asked for abutters: none were present. John Moulton presented the project to the Commission for the Applicant, who was not present. A natural trail exists to access the lake which the Applicant would like to clear saplings and two large trees near the lake. The stumps shall remain for soil stability and all clearing shall be done by hand. Erosion controls were revised and concrete pads at the downspouts were discussed.

CP: Motion to Close the Hearing

AJ: 2nd Motion

Unanimous 3-0

CP: Motion to issue an Order of Conditions per plan and discussion

CL: 2nd Motion

Unanimous 3-0

8:10 PM (8:37 PM) AJ opened the Notice of Intent Hearing of Richard Sisson – Lot 4 Murray Road: proposed grading for a subsurface sewage disposal system located within the buffer zone, continued from March 12, 2007. AJ asked for abutters: none were present. LC updated the Commission regarding the site visit. The Applicant sought a legal opinion on the jurisdiction of the Commission under the Bylaw and has been advised that the Commission does have jurisdiction of the isolated land subject to flooding. The plans are being revised accordingly and the Applicant has requested a continuance.

CP: Motion to continue to April 23, 2007 at 8:00 PM

CL: 2nd Motion

Unanimous 3-0

8:15 PM (8:39 PM) AJ opened the Notice of Intent Hearing of Richard Sisson – Lot 6 Murray Road: proposed grading for a subsurface sewage disposal system located within the buffer zone, continued from March 12, 2007. AJ asked for abutters: none were present. LC updated the Commission regarding the site visit. The Applicant sought a legal opinion on the jurisdiction of the Commission under the Bylaw and has been advised that the Commission does have jurisdiction of the isolated land subject to flooding. The plans are being revised accordingly and

the Applicant has requested a continuance.

CP: Motion to continue to April 23, 2007 at 8:15 PM

CL: 2nd Motion

Unanimous 3-0

8:30 PM (8:40 PM) AJ opened the Notice of Intent Hearing for Gary Gleason of 155 Winchendon Road: proposed construction of a driveway within the buffer zone of a vernal pool. AJ asked for abutters: none were present. Angel Lehtonen of Northland Engineering presented the project to the Commission, who was not present. LC questioned the wetland delineation. Ms. Lehtonen was adamant the delineation was accurate. LC insisted on meeting with her wetland scientist to review the delineation. Ms. Letonen will have her wetland scientist contact LC to set up a site visit.

CP: Motion to continue the Hearing to April 23, 2007 at 8:30 PM

AJ: 2nd Motion

Unanimous 3-0

8:45 PM AJ opened the Notice of Intent Hearing of Steeple View Realty Trust: 10 Hemlock Road: proposed construction of a single family house within the buffer zone of a bordering vegetated wetland. AJ asked for abutters: none were present. Patrick and Daniel McCarty presented the project to the Commission. Patrick McCarty gave the Commission the history of the project. LC went through her comments and concerns in her memorandum dated April 2, 2007. It was agreed that the transitional slope would be allowed to naturally revegetate. It was agreed that the foundation would be staked out by a registered surveyor prior to installation and a certified plot plan would be provided to the Commission prior to the erection of the rest of the structure.

CP: Motion the Close the Hearing

AJ: 2nd Motion

Unanimous 3-0

CP: Motion of issue an Order of Conditions per plan and discussion

CL: 2nd Motion

Unanimous 3-0

9:00 PM (9:10 PM) AJ opened the Notice of Intent Hearing of Steeple View Realty Trust: 17 Hemlock Road: proposed construction of a single family house within the buffer zone of a bordering vegetated wetland. AJ asked for abutters: none were present. Patrick and Daniel McCarty presented the project to the Commission. LC went through her comments and concerns in her memorandum dated April 2, 2007. It was agreed that the transitional slope would be allowed to naturally revegetate. It was agreed that the foundation would be moved to maintained a 50-foot setback from the wetland edge, would be staked out by a registered surveyor prior to installation and a certified plot plan would be provided to the Commission prior to the erection of the rest of the structure.

CP: Motion the Close the Hearing

AJ: 2nd Motion

Unanimous 3-0

CP: Motion of issue an Order of Conditions per plan and discussion

CL: 2nd Motion

Unanimous 3-0

9:15 PM (9:18) PM) AJ opened the Notice of Intent Hearing of Steeple View Realty Trust: 14 Hemlock Road: proposed construction of a single family house within the buffer zone of a bordering vegetated wetland. AJ asked for abutters: none were present. Patrick and Daniel McCarty

presented the project to the Commission. LC went through her comments and concerns in her memorandum dated April 2, 2007. It was agreed that a 40-foot buffer from the wetlands edge would be allowed to naturally revegetate. It was agreed that the foundation would be staked out by a registered surveyor prior to installation and a certified plot plan would be provided to the Commission prior to the erection of the rest of the structure.

CP: Motion the Close the Hearing

CL: 2nd Motion

Unanimous 3-0

CP: Motion of issue an Order of Conditions per plan and discussion

CL: 2nd Motion

Unanimous 3-0

9:30 PM AJ opened the Notice of Intent Hearing of Steeple View Realty Trust: Lot 2 Hemlock Road: proposed construction of a single family house within the buffer zone of a bordering vegetated wetland. AJ asked for abutters: none were present. Patrick and Daniel McCarty presented the project to the Commission. LC went through her comments and concerns in her memorandum dated April 2, 2007. It was agreed that a stone wall would be incorporated into the plan to maintain a 15-foot no disturb area from the wetland edge. A plan of the proposed wall would be submitted, inspected and approved by the Conservation Commission. It was agreed that the foundation would be staked out by a registered surveyor prior to installation and a certified plot plan would be provided to the Commission prior to the erection of the rest of the structure.

AJ: Motion the Close the Hearing

CP: 2nd Motion

Unanimous 3-0

CP: Motion of issue an Order of Conditions per plan and discussion

CL: 2nd Motion

Unanimous 3-0

9:45 PM AJ opened the Notice of Intent Hearing of DRS Homes for 179 Winchendon Road: proposed construction of a single family house within the buffer zone. CP disclosed that DRS Homes built his house but this would in no way prevent him from being impartial in this Hearing. There were no objections. AJ asked if there were any abutters present: none were present. Paul Grasewicz of Graz Engineering presented the project to the Conservation Commission. David Salo and John Scarrell are also present. LC requested that the erosion controls be revised to include haybales in addition to the proposed silt fence due to the steepness of the topography.

AJ: Motion to continue the Hearing to April 23, 2007 at 8:45 PM

CL: 2nd Motion

Unanimous 3-0

10:00 PM (9:57 PM) AJ opened the Notice of Intent Hearing of DRS Homes for 187 Winchendon Road: proposed construction of a single family house within the buffer zone. CP disclosed that DRS Homes built his house but this would in no way prevent him from being impartial in this Hearing. There were no objections. AJ asked if there were any abutters present: Steve Lehtinen of 186 Winchendon Road was present. Paul Grasewicz of Graz Engineering presented the project to the Conservation Commission. David Salo and John Scarrell are also present. LC went over her concerns in her memorandum dated April 2, 2007. LC also directed the Commission to correspondence from an abutter, Annetter Bodley of 177 Winchendon Road, who was unable to attend the meeting tonight. The Commission determined the set up a site visit for April 14, 2007 at 3:00 PM. Mr. Lehtinen stated that he lived here for 20 years and is concerned about water backing up on his property due to the proposed construction.

CP: Motion to continue to April 23, 2007 at 9:00 PM

CL: 2nd Motion

Unanimous 3-0

10:13 PM (10:15 PM) AJ opened the Notice of Intent Hearing of DRS Homes for 147 Winchendon Road: proposed construction of a single family house within the buffer zone. CP disclosed that DRS Homes built his house but this would in no way prevent him from being impartial in this Hearing. There were no objections. AJ asked if there were any abutters present: none were present. Paul Grasewicz of Graz Engineering presented the project to the Conservation Commission. David Salo and John Scarrell are also present. LC went over her concerns in her memorandum dated April 2, 2007. The Commission determined to set up a site visit for April 14, 2007 at 3:00 PM.

CP: Motion to continue to April 23, 2007 at 9:05 PM

CL: 2nd Motion

Unanimous 3-0

10:22 PM (10:30 PM) AJ opened the Request for Determination of Applicability Hearing for Douglas Desmarais of 26 Tuckerman Road: after-the-fact removal of trees within the buffer zone and riverfront area. AJ asked if there were any abutters present: there were none. LC informed the Commission that Mr. Desmarais has requested a continuance because he was unable to meet with the Commission tonight.

CP: Motion to continue to April 23, 2007 at 7:45 PM

CL: 2nd Motion

Unanimous 3-0

Other Business:

- LC explained a proposed drainage project for 30 Gardner Road.

AJ: Motion to approve the proposed project.

CP: 2nd Motion

Unanimous 4-0

- Request for a Certificate of Compliance for 447 Ashby Road

CP: Motion to issue a Certificate of Compliance for 447 Ashby Road

CL: 2nd Motion

Unanimous

- The Commission signed the DEP forms issued

- 150 Ashby Road

CP: Motion to permit the proposed work at 150 Ashby Road with the condition that there shall be no stockpiling or machinery near the wetlands.

CL: 2nd Motion

Unanimous 3-0

AJ: Motion to adjourn

CP: 2nd Motion

Unanimous 3-0

Meeting was adjourned at 10:48 PM
Respectfully submitted by Lori Capone, Conservation Agent