

Minutes of the Conservation Commission
June 11, 2007

Present: LD: Lorraine DeSouza, Chairman CP: Christopher Picone
 MH: Michael Horgan GH: Gary Howland, Associate
 LC: Lori Capone, Conservation Agent

7:30 PM LD opens the Meeting of the Conservation Commission under the Wetlands Protection Act and the Town of Ashburnham Wetlands Protection Bylaw.

7:31 PM LD opened the Notice of Intent Hearing for Whitney Park Development, LLC: Proposed construction of 16 single family houses and 94 condominium units and all infrastructure, under Chapter 40B, continued from May 14, 2007. Charles Caron of Caron Environmental Consulting and Mark Dymek updated the Commission. LD asked for abutters: there were none. DEP fees have been paid. Town Counsel has made a determination that Zoning Board of Appeals has the authority to waive the Town's portion of the State fees and Zoning Board of Appeals has made the vote accordingly. The Zoning Board of Appeals and the Board of Selectmen have endorsed the project. The site visit of May 25, 2007 was discussed. There was much discussion. It was determined that the first wetland crossing would be upgraded from one 12" culvert to two 12" culverts: one at the crossing and one in the existing drainage swale adjacent to Williams Road. The applicant requested that the Commission approve the project conditional on all changes being reflected on the final plan sets reviewed by the Zoning Board of Appeals. It was agreed that the all changes would be reflected on the plans prior to the Commission closing the Hearing. LD went over the latest engineering review from Rizzo dated May 24, 2007. There was much discussion. The Hearing was continued for the Applicant to review and resolve the Conservation Commission's concerns relative to Rizzo's letter and concerns raised by LC in her comments dated June 11, 2007.

LD: Motion to continue to June 25, 2007 at 7:45 PM

MH: 2nd

Unanimous 3-0

8:00 PM(8:14 PM) LD opened the Notice of Intent Hearing of Gary Gleason for 155 Winchendon Road: proposed construction of a driveway within the buffer zone of a vernal pool, continued from May 14, 2007. Angel Lehtonen of Northland Engineering represented the Applicant who was not present. LD asked for abutters: there were none. Ms. Lehtonen explained the changes to the plan due to the expansion of the wetland delineation. Though no alteration was proposed, LC explained for clarification that an area of wetland adjacent to the culvert on the left side of the property was not indicated on the plan. LD asked for the erosion controls to be revised to contain potential erosion for the driveway crossing. It was agreed that the crossing would be constructed during the dry season and silt fence would be sufficient as an erosion control barrier. Replication was discussed. It was agreed that the a 525 s.f. replication area

Minutes of 4/11/07 continued

would be located down gradient side of the wetland. It was agreed that the plan will be revised per discussion prior to releasing the Order of Conditions.

LD: Motion to close the Hearing and issue an Order of Conditions per plan and discussion.

MH: 2nd

Unanimous 3-0

8: 15 PM(8:28) PM) LD opened the Notice of Intent Hearing of DRS Homes for 187 Winchendon Road: proposed construction of a single family house within the buffer zone, continued from May 14, 2007. Kevin Horgan of Graz Engineering presented the project to the Commission. Mr. Scarrell was also present. Abutters present were: Annette Bodley and Bruce Gnomes of 177 Winchendon Road and Steve Lehtinen of 186 Winchendon Road. The outstanding issue was the stream status. The Commission reviewed a letter from the Army Corps of Engineers dated June 7, 2007. Mr. Gnomes requested the Commission sign affidavits that this project will not have an impact on the quality of his groundwater for his future litigation. Ms. Bodley expressed her concern with the wetland delineation. LD explained the responsibilities and confines of the Conservation Commission under the Wetlands Protection Act and the Wetlands Protection Bylaw. The Commission discussed having a third party verify the delineation and review the hydrology. The applicant requested that no one be allowed on the property except the Commission and their agents.

LD: Motion to set up a 53G Account for \$1000.00 for the purpose of hiring an outside consultant to review this project for the Commission.

CP: 2nd

Unanimous 3-0

LD: Motion to continue this Hearing to June 25, 2007 at 8:15 PM.

MH: 2nd

Unanimous 3-0

8:30 PM(8:56 PM) LD opened the Notice of Intent Hearing of DRS Homes for 147 Winchendon Road: proposed construction of a single family house within the buffer zone, continued from May 14, 2007. Kevin Horgan of Graz Engineering presented the project to the Commission. Mr. Scarrell was also present. LC explained that the correct address is 167 Winchendon Road, not 147. Outstanding issue was the status of the isolated wetland subject to flooding. LC determined that area did not flood for a long enough duration to support substantial wetland vegetation and therefore could not be protected under the Bylaw. Erosion controls were discussed. A revised plan showing erosion controls is to be delivered to the Conservation Office.

LD: Motion to close the Hearing

MH: 2nd

Unanimous 3-0

LD: Motion to issue an Order of Conditions per plan and discussion, pending receipt of revised plans within 21 days.

Minutes of 4/11/07 continued

MH: 2nd

Unanimous 3-0

8:45 PM(9:02 PM) LD opened the Notice of Intent Hearing of Robert Dufour for 25 Proctor Street: proposed construction of a new single family house with associated grading and utilities, within the buffer zone and riverfront area, continued from May 14, 2007. Robert Dufour updated the Commission on the status of his project. He has moved the house about 10 feet further from the river and will be filing for a Variance with the Zoning Board of Appeals. The Alternatives Analysis requirement was also discussed.

LD: Motion to continue this Hearing to July 9, 2007 at 7:30 PM

MH: 2nd

Unanimous 3-0

9:00 PM(9:08) LD opened the Notice of Intent Hearing for Alan Crocker of 48

Winnecowett Drive: proposed construction of a 280 s.f. addition to an existing house with tree cutting 20' out from existing and new structure, within the buffer zone, continued from May 14, 2007. Angel Lehtonen of Northland Engineering representing the applicant, who was not present, presented the project to the Commission. LD asked for abutters: there were none.

Outstanding issue was for the Commission members to visit the site. Five trees, six shrubs, and herbaceous layer will be removed. Erosion control barrier shall consist of two rows of staggered haybales. Lorraine asked for erosion control barrier detail on the plan.

LD: Motion to close the Hearing

MH: 2nd

Unanimous 3-0

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

MH: 2nd

Unanimous 3-0

9:15 PM LD opened the Notice of Intent Hearing for Laura Hill of 76 Lakeshore Drive: proposed construction of a 16' x 32' bedroom and mudroom within the buffer zone. LD asked for abutters: there were none. James and Laura Hill presented their project to the Commission. Laura presented pictures of the site. Silt fence shall be use for erosion control, positioned 20 feet from the project. LD discussed roof run-off.

LD: Motion to close the Hearing

CP: 2nd

Unanimous 3-0

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

CP: 2nd

Unanimous 3-0

Minutes of 4/11/07 continued

9:30 PM LD opened the Request for Determination of Applicability Hearing for Peter Zbikowski of 141 Williams Road: proposed construction of a 20' x 37' in-ground pool with apron, located within the buffer zone. LD asked for abutter: there were none. Mr. Zbikowski presented the project to the Commission. There was discussion regarding the drainage pipe located under the proposed pool. Hay bales shall be installed along the back chain linked fence.

LD: Motion to close the Hearing

CP: 2nd

Unanimous 3-0

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

CP: 2nd

Unanimous 3-0

Other Business:

- ➤ The Commission discussed the draft Land Use and Management Plan for the Russell Hill Property

9:45 PM LD opened the Notice of Intent Hearing of Richard Sisson for Lot 5 Murray Road. Chris MacKenzie of Whitman and Bingham and Richard Sisson presented the project to the Commission. The leach field has been revised to locate the system outside the 100-foot buffer zone with minor grading located within the buffer zone. 570 s.f. of isolated wetland alteration is proposed. This area is proposed to remain filled to allow for permanent access to the leach field. No replication is proposed. LD asked for 1:1 replication on the downhill side of the isolated wetland. LC asked for a replication plan.

LD: Motion to close the Hearing

CP: 2nd

Unanimous 3-0

LD: Motion to issue an Order of Conditions per plan and discussion, pending receiving revised plans within 21 days.

MH: 2nd

Unanimous 3-0

Other Business:

- ➤ DEP forms were signed.
- ➤ Public Safety Site was discussed. The Commission signed a letter to the Public Safety Building Committee regarding outstanding issues to be addressed.
- ➤ LC informed the Commission that she issued an Emergency Permit to Sunset Lake Association to repair the dam. The Commission endorsed the Emergency Permit.
- ➤ Request for a Certificate of Compliance for 11 Mattakesett Circle
LD: Motion to issue a Certificate of Compliance for 11 Mattakesett Circle per LC's inspection.

CP: 2nd

Minutes of 4/11/07 continued

Unanimous 3-0

- ➤ 126 Stodgemeadow Road: The Commission discussed the correspondence from Bob Macioci of 126 Stodgemeadow Road, dated June 4, 2007. The Commission approved the request for the fence. The Commission discussed the past Enforcement Order issued to James Gabrielle on December 19, 2003. LD's recollection of the situation was that Mr. Gilley had come in before the Commission and the issue was resolved. No further action was required.
- ➤ GH asked LC to mail the Hold Harmless Clauses for Russell Hill to Attorney Phillips.
- ➤ LC updated the Commission regarding the culvert replaced on Route 101.

LD: Motion to adjourn

MH: 2nd

Unanimous 3-0

Meeting adjourned at 11:00 PM

Respectfully submitted by Lori Capone, Conservation Agent