

Minutes of the Conservation Commission  
October 22, 2007

Present: CP: Christopher Picone, Chairman           LD: Lorraine DeSouza  
          MH: Michael Horgan                            LC: Lori Capone, Cons. Agent

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

7:31 PM CP opened the **Notice of Intent** Hearing for **Habitat for Humanity for 203 Sherbert Road:** (Map 4, Parcels 23A and 23B) (Continued from August 27, 2007) for the proposed construction of a new single family house, within the buffer zone. LC informed the Commission that the Applicant has requested another continuance because they are still working out issues with the conveyance of the land with the Town. CP asked if there were any abutters present: there were none.  
LD: Motion to continue the Hearing to November 26, 2007 at 8:15 PM.  
CP: Seconded Motion  
Motion carried unanimously 3-0

Other Business:

- LC informed the Commission that the homeowner at 1Noel Drive is requesting permission to replace his existing deck, in kind, located approximately 75 feet from the lake. Topography is flat, terraced towards the lake. All work will be performed by hand.  
LD: Motion to issue a Determination of Negligible Impact  
MH: Seconded Motion  
Motion carried unanimously 3-0
- LC informed the Commission that the Fire Department has requested permission to perform a fire training exercise at the Bresnahan Pool Boy Scout House at 2 River Street. MH disclosed that he is presently on the Troop 18 Commission who is in charge of the building. There was no objection. The Commission requested that all ashes and debris are to be removed off-site, silt fence and haybales are to be installed prior to commencement of activities, and water is not to be drawn from the wetland unless otherwise unavailable at the site.  
LD: Motion to issue a Determination of Negligible Impact per discussion.  
CP: Seconded Motion  
Motion carried 2-0 (MH abstained)
- LC informed the Commission that the homeowner at 108 Stodgemoadow Road requested permission to move some excavated soils from the front yard to the backyard in order to level out a 10 foot area behind the existing house, which is located in the buffer zone. Erosion controls will be installed.

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LD: Motion to issue a Determination of Negligible Impact

CP: Seconded Motion

Motion carried unanimously 3-0

- Request for a Certificate of Compliance for 142 Central Street. Gary Lorden and Sean Hale of David E. Ross Associates presented an As-Built Plan and a letter dated October 3, 2007 detailing all deviations from the originally approved plan in association to the Order that was issued. The Commission requested that the As-Built be revised to reflect the swale that had been constructed in the front of the lot but determined that the deviations did not have an adverse impact on the wetland resource area.

CP: Motion to issue a Certificate of Compliance subject to receipt of a revised plan detailing the swale to be approved by LC.

LD: Seconded Motion

Motion carried unanimously 3-0

8:00 PM CP opened the **Notice of Intent** Hearing for **Sylvia Lamb of Lot 3 Brook Road:** (Map 25, Parcel 1A) (Continued from 9/24/07) for proposed site grading associated with the construction of a single family house and septic system, within the buffer zone. CP asked if there were any abutters present to speak in favor or against this application: there were none. Christopher MacKenzie of Whitman and Bingham and Sylvia Lamb presented the project to the Commission. A revised plan has been submitted changing the grading of the driveway to direct run-off to an existing small depression instead of the wetlands. Silt fence has been added to demarcate the limit of work. The Commission requested the Applicant better define the Riverfront Area as the USGS map does not accurately locate this stream. There was much discussion. It was requested that the Applicant delineate the existing ponded area so the Commission could evaluate potential impacts to the Riverfront Area.  
CP: Motion to continue to November 26, 2007 at 8:30 PM  
LD: Seconded Motion  
Motion carried unanimously 3-0

8:20 PM CP opened the **Notice of Intent** Hearing for **Todd Griffin of 75 West Shore Drive:** (Map 45, Parcel 52)(Continued 8/14 and 8/27, and 9/10/07) for the proposed construction of an addition and septic system repair with associated grading and driveway alterations, located within the buffer zone. LC informed the Commission that the Applicant has requested a continuance to make changes to the plan. CP asked if there were any abutters present: there were none.  
LD: Motion to continue the Hearing to November 26, 2007 at 8:45 PM.  
MH: Seconded Motion  
Motion carried unanimously 3-0

8:25 PM **Ashburnham Conservation Trust** – Discussion and/or endorsement of a Conservation Restriction for the Hood Property on Lake Road. Nick Pratt from Land Vest, Ruth Bisbee and Gary Howland appeared before the Commission in regards to a Conservation Restriction for the Hood Property on Packard Hill Road. Mr. Howland presented a plan to the Commission of the Hood Land and requested the Commission sign a Municipal Certificate for the Hood Property. Parcels A and D would remain as allowing limited building but effectively remain as it is today. Mr. Howland also requested CP endorse the Conservation Field Inspection Form after CP completed a site visit on Oct 20.

LD: Motion to endorse the Conservation Restriction to be held by the Ashburnham Conservation Trust because it is in the public good to protect these properties from development.

CP: Seconded Motion

Motion carried unanimously 3-0

8:30 (8:35) PM CP opened the **Notice of Intent** Hearing for **William and Sheryl Hornak of Lot 3 Young Road:** (Map 10, Lot 4) for the proposed construction of a single family house, subsurface disposal system and well, within the buffer zone. Jack Visniewski of Cornerstone Land Consultants and Attorney Richard Labors presented the project to the Commission for the Applicant, who was not present. Mr. Visniewski explained that this is a buffer zone project for a new single family house that was initially approved by the Commission in 2003. The previous owners had cleared the land beyond the limit of work line, ceased work, and now the Order has expired. Deviations from the 2003 plan include the presence of a 340 s.f. isolated wetland which is proposed to be filled and replicated. The Board of Health has reviewed the new plans and has required two additional perk holes but otherwise the plan has not changed. The Commission requested that the replication area be repositioned towards the rear of the lot instead of adjacent to the existing roadway. LC informed the Commission that the whole project is located with priority habitat and we are still waiting to hear from the Natural Heritage Program, as well as, DEP. LD requested that due to the relatively level topography and the fact that the property is priority habitat, silt fence only be used for erosion controls.

CP: Motion to continue the Hearing to November 26, 2007 at 9:00PM

MH: Seconded Motion

Motion carried unanimously 3-0

8:45 (8:55) PM CP opened the **Notice of Intent** Hearing for **San Ken Homes, Inc. for 52 River Styx Road:** (Map 34, Lot portion of 18) for the proposed construction of a driveway and related site grading within the 100-foot wetland buffer zone. CP asked if any abutters were present to speak for or against this application. Abutters present were Teri and Wayne Adams of 57

Fitchburg Road, who stated they were not in opposition to this project. Christopher MacKenzie of Whitman & Bingham and Sandy and Ken Lehtonen presented the project to the Commission. The Commission requested the plan be revised to depict silt fence 20 feet behind the proposed house. Run-off from the driveway was discussed. LD requested utilities be shown on the plan within 5 feet of the proposed driveway. Wayne Adams passed out a letter dated October 22, 2007. LC informed the abutters that they had the right to appeal the Commission's decision. Mr. Adams asked for the gallon rate per day, expected rate of flow and commented that Title V is an engineering nightmare. Mr. Adams was directed that these questions are not within the purview of the Commission and should be directed to the Board of Health.

CP: Motion to close the Hearing

LD: Seconded Motion

Motion carried unanimously 3-0

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

MH: Seconded Motion

Motion carried unanimously 3-0

9:00 (9:20) PM CP opened the **Notice of Intent** Hearing for **Martha W. Shewan of 95 West Shore Drive:** (Map 45, Lot 61 & 62) for the proposed replacement of a septic system for an existing single family house located within the buffer zone. CP asked if there were any abutters present to speak for or against this application. No abutters were present. Christopher Mossman of Trowbridge Engineering presented the project to the Commission for the Applicant who was not present. Mr. Mossman explained that the existing septic tank is to be pumped, crushed, and filled and the existing leach field is to remain in place unless encountered during the installation of the new system at which time it would be decommissioned per Title V requirements. The Commission requested haybales be installed in addition to the proposed silt fence at the toe of the slope.

CP: Motion to close the Hearing

LD: Seconded Motion

Motion carried unanimously

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

MH: Seconded Motion

Motion carried unanimously 3-0

9:15 (9:30) PM CP opened the **Notice of Intent** Hearing for **Lynn and David Wilson of 9 Meadow Lane:** (Map 67, Lot 22) for the proposed demolition and reconstruction of an existing house and installation of a tight tank located within the buffer zone. CP asked if there were any abutters present to speak for or against the project. Abutters present were: Bill and Sandra Catlow of 29 Stodge Drive and John Cullough of 34C Kaufmann Drive, Peterborough,

NH were present. Christopher Mossman of Trowbridge Engineering presented the project to the Commission for the Applicant who was also present. Mr. Wilson has received a Variance from the Zoning Board of Appeals to increase the footprint of the existing house. The existing leach field is to be decommissioned and a tight tank is proposed which will be presented at the November 5, 2007 Meeting of the Board of Health. Silt fence is proposed for erosion controls. No foundation is proposed for the new structure: it will be placed on sonar tube footings. All machinery and stockpiles of materials will remain on the driveway area. Trees near the water's edge shall remain.

CP: Motion to close the Hearing

MH: Seconded Motion

Motion carried unanimously 3-0

CP: Motion to issue an Order of Conditions per plan and discussion, contingent on receiving an approval from the Board of Health

LD: Seconded Motion

Motion carried unanimously 3-0

9:30 (9:50) PM CP opened the **Abbreviated Notice of Resource Area Delineation** Hearing for the **Ashburnham Rail Trail Committee – Willard Road, Cashman Hill Road, Williams Road, and Turnpike Road** for the verification of the delineation of wetland resource areas. CP asked if there were any abutter present: there were none. Marshall Dennis of Wetlands & Wildlife, Inc. presented the ANRAD to the Commission. LC has reviewed the delineation and added some wetlands that were located off the property but whose buffer zone would fall within the project area. CP stated for the record that he was a member of the Rail Trail Committee but resigned in June of 2006.

CP: Motion to close the Hearing

LD: Seconded Motion

Motion carried unanimously 3-0

CP: Motion to issue an Order of Resource Area Delineation per plan and discussion.

LD: Seconded Motion

Motion carried unanimously 3-0

9:45 (10:05) PM CP opened the **Request for Determination of Applicability** Hearing for **Louise O'Hanley of 301 Turnpike Road** for the demolition of the existing structure located within the buffer zone. Louise O'Hanley and Mary Aubuchon presented the project to the Commission. Ms. O'Hanley is requesting permission to demolish the existing structure and flatten and stabilize the location of the existing structure in order to make the land more sellable. LC requested that the wetland delineation be relocated as most of the flags are missing and that silt fence be installed prior to commencement of

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work as the house is located approximately 5 feet from the bordering vegetated wetland. Mulch shall be placed on all disturbed areas.

CP: Motion to close the Hearing

MH: Seconded the Motion

Motion carried unanimously 3-0

LD: Motion to issue a Negative Determination of Applicability per plan and discussion.

MH: Seconded Motion

Motion carried unanimously 3-0

10:20 PM Rosemarie Meissner of 100 Main Street and Mark Harasimowicz of Banyan Construction approached the Commission regarding work they were performing at their house which LC made them cease. Ms. Meissner presented a plan to the Commission to help alleviate a flooding problem she is having at her property. Ms. Meissner explained that she thought she was given permission to do this work at the Commission's meeting on August 27, 2007 when the Department of Public Works was proposing a drainage project on site. There was much discussion. Mr. Harasimowicz stated that the proposed work would alter approximately an additional 1,120 s.f. of bordering vegetated wetland. The Commission determined that this additional work was not discussed in the Public Hearing held for the Department of Public Works and it violated Open Meeting Law to allow additional work without an additional Public Hearing. Ms. Meissner requested that the Commission hold a Special Hearing for her project as she historically receives flooding in November and can't wait until the next meeting for a decision. There was much discussion. Mr. Harasimowicz inquired as to whether the Commission would consider allowing the proposing work to proceed under an Emergency Permit. There was much discussion. The Commission determined that the proposed project did not constitute an Emergency at this time but agreed that due to the fact that their regularly scheduled meeting of November 12<sup>th</sup> is Veteran's Day, they would meet on October 29, 2007 to make a decision on this matter if the notification to abutters and legal ad could be accomplished within the mandatory time requirements. LD requested a plan and a narrative detailing the proposed activities and explained to the homeowner that the Commission is charged with protecting the resource area, not structures. LC recommended that the Commission perform a site visit to view the proposed activity. A site visit was scheduled for October 25, 2007 at 10:00AM.

#### Other Business:

- LC updated the Commission regarding a request she received from Lori Saccone requesting a letter from the Commission detailing their concerns with the activities that have occurred at 15 Maple Avenue.

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- LC reminded the Commission that the LID Bylaw Committee is seeking your support of the LID Bylaw as discussed at the last meeting  
CP: Motion to support the LID Bylaw

MH: Seconded Motion  
Motion carried unanimously 3-0

- LC informed the Commission regarding a revised plan for 7 Forest Lane that was submitted for a Building Permit. LC presented the plan that was approved by the Commission in 2005 compared to the new plan and suggested that an Amendment be filed for the new design. The Commission agreed with LC's determination.
- LC informed the Commission that the homeowners at 37 Tuckerman Road are now ready for a full Certificate of Compliance.  
LD: Motion to issue a Certificate of Compliance for 37 Tuckerman Road  
MH: Seconded Motion  
Motion carried unanimously 3-0
- LD informed the Commission that she had verbally declared to the Board of Selectmen of her desire to be demoted to an Associate Member. LD informed that Commission that she has since changed her mind and would like to maintain her full member status.

CP: Motion to adjourn the Meeting  
MH: Seconded the Motion  
Motion carried unanimously 3-0

Meeting adjourned at 11:45PM  
Respectfully submitted by Lori Capone, Conservation Agent