

Minutes of the Conservation Commission
June 25, 2007

Present: LD: Lorraine DeSouza, Chairman CP: Christopher Picone
 MH: Michael Horgan GH: Gary Howland, Associate (7:38PM)
 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 opens the Notice of Intent Hearing for Eric Wood of 290 Sherbert Road for construction of a barn within the Riverfront Area. LD asked if there were any abutters present: Robert Cole of 292 Sherbert Road approached the table. Mr. Wood presented the project to the Commission and went over his Alternatives Analysis to prove the proposed location was the only suitable site. Factors considered included the location of the septic system, stone walls and a historical foundation. Mr. Wood presented pictures to the Commission. There was much discussion. Silt fence was requested for an erosion control barrier. Mr. Cole had no objections to the project.

LD: Motion to close the Hearing

MH: Seconds Motion

Vote: Unanimous 3-0

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

MH: Seconds Motion

Vote: Unanimous 3-0

8:00 PM (7:51 PM) LD opens the Notice of Intent Hearing of Whitney Park Development, LLC: proposed construction of 16 single family houses and 94 condominium units and all infrastructure, under Chapter 40B, continued from June 11, 2007. LD asked if there were any abutters present: there were none. Chuck Caron of Caron Environmental Consulting, Mark Dymek, Chris Deloge of Whitman & Bingham and Patrick Burke of TT Rizzo were present. Mr. Deloge submitted a revised Drainage Report to address Rizzo's concerns expressed in their letter of May 24, 2007. Mr. Deloge also presented the corresponding revised plans. Changes discussed included turning radius of emergency vehicles, rain garden design, culverts under the wetland crossings, retaining walls and drainage. It was determined that three 12" culverts would be installed at the first crossing in addition to a designed cut in the existing berm. This design shall be monitored during construction and revised if found insufficient. The rain garden planting plan is being developed and shall be submitted and approved by the Conservation Commission during Phase I of the project. All retaining walls have been designed to be Versa-a-loc. The erosion control barriers around the large detention basin was revised to consist of a 2-foot or greater berm of stump grindings. Mr. Dymek stated the limit of clear would be the erosion control barrier line depicted on the plan. LD requested an erosion control monitor be responsible to submit weekly reports on the status of

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the erosion control barrier. The New Street plans were presented to the Commission and were not incorporated in the set of plans that were submitted to the Conservation Commission Office at 4:00PM that evening. The retaining wall and rain garden have been redesigned to be pulled as far from the resource areas as possible. Mr. Dymek stated that the initial clearing associated with Phase I would be only the 50-foot right-of-way for the roadway. The limit of clear and location of foundations within the buffer zone shall be staked out by a registered surveyor and reviewed by the Commission prior to commencement of work. A condition shall be added to the Homeowner's Agreement that there shall be no lawn clippings or other waste and debris disposed of in the wetlands. Replication was discussed. The Commission requested permanent demarcation of the limit of clear on the single family lots and areas that are close to the wetlands on the condo portion of the project. LD expressed her concern regarding the process lacking the Commission's own peer review and the waiving of the Commission's fees. LD asked the Commission if they felt they had enough information to make a decision on the project. MH stated that he felt the mixed housing is beneficial to the Town and felt the Zoning Board of Appeals peer review was sufficient. Also, as no abutters have been present at our meetings with objections, the project would appear to be in good standing. CP stated that he has reviewed the site on numerous occasions and with LC and Rizzo's review of the project, he felt comfortable with the project, as presented. LD asked about the questionable vernal pool on site. CP stated he has re-reviewed the area and feels it is marginal and non-jurisdictional. LD requests one more continuance to allow LC and Rizzo review the final plans.

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

MH: Seconds Motion

Vote: Unanimous 3-0

9:00 PM LD opens 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 June 11, 2007. LC explained that ENSR will review the site next week and the Applicant has agreed to a continuance to the next meeting.

LD: Motion to continue the Hearing to July 9, 2007 at 8:00PM

CP: Seconds Motion

Vote: Unanimous 3-0

Other Business:

- ➤ LC informed the Commission that Maureen Gallagher of 126 Stodgemeanow Road has requested permission to replace her shed

LD: Motion to approve the replacement of the shed at 126 Stodgemeanow Road.

MH: 2nd

Unanimous 3-0

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- ➤ Request for Extension: Lot 6 Sherbert Road: DEP #92-661. The Commission continued this request from the last meeting for the erosion control barrier to be reinstalled. LC informed the Commission that she was informed today around 3:30PM that the erosion controls were ready for re-inspection. LC did not get a chance to get out there but suggested the Commission issue the Extension pending her inspection.

LD: Motion to issue a two-year Extension to Lot 6 Sherbert Road, DEP #92-661

CP: Seconds Motion

Vote: Unanimous 3-0

- ➤ The Commission approved and signed the Russell Hill Land Use and Management Plan.
- ➤ DEP forms were signed
- ➤ GH discussed an \$18,000 bill from Mount Grace associated with legal fees and staff (\$50.00/hr). GH has negotiated the bill be split three ways through fund raising, the Ashburnham Conservation Trust (\$6000) and the Conservation Commission (\$6000). LC explained the Commission's options.
- ➤ GH passed out the Draft LID Bylaw and Regulations proposed for Fall Town Meeting, for the Commission to review.

MH: Motion to adjourn

CP: Seconds Motion

Vote: Unanimous 3-0

Meeting adjourned at 10:00PM

Respectfully submitted by Lori Capone, Conservation Agent