

Minutes of the Conservation Commission
September 24, 2007

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

Other Business:

- GH informed the Commission that the Northeast Wilderness Trust will be holding a meeting on October 15, 2007 regarding the Wapack Project and requested the Commission attend the meeting.
- GH reminded the Commission that a hike of Bush Hill is scheduled for October 13, 2007 with a raindate of October 14, 2007
- LC updated the Commission regarding a wetlands violation at 111 Rindge State Road. LD wrote them a letter to stop work and contact the office to file a Notice of Intent. LC informed the Commission that the homeowner has responded to take the appropriate action.

8:00 PM **LID Bylaw Committee:** Deborah Shriver of the Massachusetts Watershed Coalition, Colin Balogh, and Thomas Ruble, Chairman of the LID Bylaw Committee presented the LID Bylaw to the Commission, proposed for Fall Town Meeting, for the purpose of gaining the Commission's support. Ms. Shriver disseminated information and informed the Commission that this Bylaw is crucial for Ashburnham due to the outstanding water resources the Town possesses. LID allows nature, soils and vegetation, treat run-off to integrate development into the landscape instead of imposing itself onto the landscape. LID techniques also allow for recharging of aquifers and improvement of overall water quality. Mr. Ruble discussed the Bylaw in general and stressed that this tool would help the Planning Board try to alleviate some of the problems experienced with "Approval Not Required" (ANR) lots. Mr. Ruble explained that the Planning Board would sit as the LID Authority, however, if the Conservation Commission were to adopt the LID Regulations, the Commission could evaluate projects that fell under their purview and make recommendations to the Planning Board for the issuance of the LID Permit. Ms. Shriver explained that DEP and EPA support LID techniques and will require them to be utilized in the revised Stormwater Management Regulations. The Commission agreed with the intent of such a Bylaw and resolved to review all materials and make a recommendation at their next meeting.

8:30 (8:37) PM **Nicholas Kopley – 19 Stodge Drive – Notice of Intent:** (Map 67, Parcel 16) (Continued from August 13, 2007) Proposed construction of a single family house, well, and replacement septic system, within the buffer zone of

Stodge Meadow Pond. Cynda Joyce of Trowbridge Engineering presented the project for the applicant, who was not present. Ms. Joyce presented a letter from Mr. Gallant, Building Commissioner, stating that the proposed structure meets Zoning requirements. Ms. Joyce informed the Commission that they have also met with the Board of Health who have approved the plans in concept, with the addition of a pre-treatment system be installed to protect the neighboring well. Ms. Joyce explained that it would not require the plans to be changed. Ms. Joyce explained that the building has been reduced to maintain a greater setback from the lake, however, a six (6) foot deck has been added to the plans. LD suggested the applicant plant shrubs along the rear of the house to buffer the lake and also requested that haybales be installed in addition to the proposed silt fence, along the rear of the property. CP recommended that the applicant preserve any stumps that can remain, for soil stability.

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

LD: Seconded Motion

Motion carried unanimously 3-0

8:45 (8:56) PM **Habitat for Humanity – 203 Sherbert Road – Notice of Intent:** (Map 4, Parcels 23A and 23B) (Continued from August 27, 2007) 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: Motion to continue the Hearing to October 22, 2007 at 7:30 PM.

MH: Seconded Motion

Motion carried unanimously 3-0

8:46 PM **Sylvia Lamb – Lot 3 Brook Road – Notice of Intent:** (Map 25, Parcel 1A) Proposed site grading associated with the construction of a single family house and septic system, within the buffer zone. Christopher MacKenzie of Whitman and Bingham presented the project to the Commission for the Applicant, who was also present. Work within the buffer zone consists of grading associated with the septic system and house. No work is proposed within the Riverfront Area, which had been scaled from the USGS maps but not field located. LC suggested that the Hearing be continued until the Planning Board approves the ANR lots. LD asked that the driveway be redesigned to contain and treat runoff on site and requested that silt fence only be used for erosion controls. LC asked that a limit of clear be placed on the plan on the eastern side of the property to prohibit encroachment into the buffer zone and riverfront area.

CP: Motion to continue the Hearing to October 22, 2007 at 7:45 PM.

MH: Seconded Motion

Motion carried unanimously 3-0

9:00 (9:25) PM **Laidlaw Educational Services – 4 Gardner Road – Request for Determination of Applicability:** (Map 58, Parcel 11) Proposed parking of twenty-two buses and a portable office trailer within the buffer zone. Michael Baer of LFR, Inc. and James Osgood of Laidlaw Educational Services presented the project to the Commission. Mr. Baer explained that Laidlaw is requesting permission to locate their busses in a previously altered buffer zone area. Run-off was discussed. It was determined that the run-off from the driveway would be directed back towards Mr. Mike's, away from the wetland. LD questioned the location of the vernal pool in association to the proposed activity. Mr. Osgood noted that indicator poles would be installed 75 feet from the resource area to keep the busses from encroaching any closer towards the resource area. MH inquired about snow removal. The Applicant assured the Commission that no snow would be disposed of over the embankment. LD expressed concern regarding the disposal of yard clippings. The Applicant stated that the area is mowed and clippings are allowed to remain in place.

CP: Motion to close the Hearing

LD: Seconded Motion

Motion carried unanimously 3-0

CP: Motion to issue a Negative Determination of Applicability with the following conditions: 1) No maintenance of vehicles shall occur within the buffer zone; 2) Indicator poles shall be placed 75 feet from the resource area to demarcate the limit of work; and, 3) Snow and yard clippings shall not be disposed of in the resource area.

MH: Seconded Motion

Motion carried unanimously 3-0

9:15 (9:52) PM **Todd Griffin – 75 West Shore Drive – Notice of Intent:** (Map 45, Parcel 52)(Continued 8/14 and 8/27, and 9/10/07) Proposed 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.

LD: Motion to continue the Hearing to October 22, 2007 at 8:00 PM.

MH: Seconded Motion

Motion carried unanimously 3-0

Other Business:

- LC updated the Commission regarding additional work being performed at 100 Main Street not covered by the Order of Conditions issued to the Highway Department. LC informed the homeowner and the contractor that the additional work was not covered under the Order and they would have to file for an Amendment if they wanted to proceed, however, they felt that the Commission did authorize the work. It was agreed at the site visit that a new plan would be provided within two days and I was to report back to the Commission to see if you felt the new work was authorized in the original Order. It was agreed that the

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additional work was not covered under the Order and the homeowner would have to file for an Amendment.

- GH informed the Commission that his negotiations with the Sportsmans Club are going well. The Ashburnham Conservation Trust and the Sportsmans Club will pay for an appraisal. The Department of Conservation and Recreation is interested in holding the Conservation Restriction.

CP: Motion to adjourn

LD: Seconded Motion

Motion carried unanimously 3-0

Meeting adjourned at 10:35 PM

Respectfully submitted by Lori Capone, Conservation Agent