

Minutes of the Conservation Commission  
November 5, 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 Amended Notice of Intent Hearing for Rosemarie Meissner of 100 Main Street for the construction of a drainage swale in order to help alleviate a flooding problem. Rosemarie and Walt Meissner and Mark Harasimowicz of Banyan Construction approached the Commission requesting permission to amend the existing Order of Conditions to include an additional drainage swale and associated grading. CP asked if there were any abutters present to speak for or against the project. Abutters present were: John Moylan of Cushing Academy, Jamie Rowe of Whitman and Bingham, and Phillip O'Connor of 108 Main Street. Mr. Harasimowicz presented a plan to the Commission. Cross sections and erosion controls have been added to the plan as discussed at the site visit on October 28, 2007. A stone wall has also been added to the design. Stones that have toppled into the stream bed of the existing granite culvert will be reset and a bridge shall be placed on top, once completed. Proposed wetland impact was discussed. Mr. Harasimowicz stated that 1,106 s.f. of bordering vegetated wetland is proposed to be filled, however, could be more if boulders are encountered. The Commission requested a range of impact associated with the project. Mr. Harasimowicz estimated between 1,000 and 2,000 s.f.. The Commission requested that more detail be provided to more precisely determined wetland impacts and a maximum threshold be indicated instead of a minimum threshold. LC informed the Commission that 1:1 replication is required under the WPA and CWA. CP stated that given the history of the property and site limitations, he did not feel replication was practicable. LD expressed her concern with increasing the rate and volume of water to downstream properties. Mrs. Meissner presented pictures from a major flooding event. Mr. Meissner stated that he does not believe his proposed project will solve the problem during major storm events and stated he would be pursuing the Town to fix the dam and install catch basins and detention basins. The discussion was opened to abutters. John Moylan of Cushing Academy expressed his concern regarding street run-off. Mr. Rowe informed the Commission that they might be able to circumvent the requirement of replication if the applicant's filed this as a "Limited Project" as a utility. LC informed Mr. Rowe that that exemption is only for public utilities. Mr. Moylan informed the Commission that Cushing has been keeping their stream channels clear, by hand, but if this project impacts their property they will come back before the Commission to request permission to clean these channels out with machinery. CP requested the

plans be revised to indicate square footage of wetland impact, a range of distances from the house to the proposed swale, a limit of work line, and amend the narrative to provide stabilization of exposed soils with straw and seed. Mr. Meissner requested leeway with setting parameters on the project and asked that replication not be required. The Commission decided not to require replication due to the fact that the wetlands have been artificially expanded throughout the property due to past activities and there is no area on site which would allow for replication. The Commission discussed closing the Hearing but not issuing the Order until LC has approved all the changes.

CP: Motion to close the Hearing

LD: Seconded Motion

Motion carried unanimously

CP: Motion to issue an Amended Order of Conditions per plan and discussion with the following changes:

1. The applicant shall provide a range of distances from the house to the new swale;
2. The applicant shall provide a range of square footage of bordering vegetated wetland to be filled;
3. A note shall be added to the plan indicating that straw shall be placed over all exposed soils until the area is stabilized with seed;
4. A limit of work line shall be depicted on the plan;
5. Machinery shall be parked on the driveway; and,
6. The applicant shall have a stockpile of erosion controls on site in case of emergency.

LD: Seconded Motion

Motion carried unanimously 3-0

#### Other Business:

- LC informed the Commission that the homeowner at 93 Fitchburg Road requested permission to replace his existing stone staircase with pressure treated wood. This activity is located 25 feet from an intermittent stream.  
CP: Motion to issue a Determination of Negligible Impact  
MH: Seconded Motion  
Motion carries unanimously 3-0
- LC updated the Commission regarding a complaint received by DEP concerning work at 296 Winchendon Road. LC informed the Commission this work had been approved by the Commission under an agricultural exemption though LC questioned whether the site qualifies as agricultural. LC's report has been sent to DEP for further review.
- LC requested the Commission vote to release the 53G funds they required for the review of Bray Avenue as that review is complete.

- CP: Motion to release the balance of the 53G account for Bray Avenue, with any accrued interest, back to the applicant.  
LD: Seconded Motion  
Motion carried unanimously 3-0
- LC requested the Commission vote to release the 53G funds they required for the review of 187 Winchendon road as that review is complete.  
CP: Motion to release the balance of the 53G account for 187 Winchendon Road, with any accrued interest, back to the applicant.  
MH: Seconded Motion  
Motion carried unanimously 3-0
  - CP: Motion to approve the minutes of August 27, 2007  
LD: Seconded Motion  
Motion carried unanimously 3-0
  - CP: Motion to approve the minutes of September 10, 2007  
LD: Seconded Motion  
Motion carried unanimously 3-0
  - CP: Motion to approve the minutes of September 24, 2007  
MH: Seconded Motion  
Motion carried unanimously 3-0
  - CP: Motion to approve the minutes of October 22, 2007  
MH: Seconded Motion  
Motion carried unanimously 3-0

CP: Motion to adjourn  
LD: Seconded Motion  
Motion carried unanimously

Meeting adjourned at 9:24 PM  
Respectfully submitted by Lori Capone, Conservation Agent