

Minutes of the Conservation Commission
February 11, 2008

Present: CP: Christopher Picone, Chairman LD: Lorraine DeSouza
 MH: Michael Horgan MD: Marshall Dennis
 LC: Lori Capone, Conservation Agent

7:30 PM CP opened the Meeting under the Wetlands Protection Act, M.G.L. Ch 131 Sect. 40, and in accordance with the Ashburnham Wetlands Protection Bylaw.

7:31 PM CP opened the Notice of Intent Hearing for the Far Hills Association, Inc. for proposed repairs to the Sunset Lake Dam and performance of annual drawdown for aquatic weed control. CP asked if there were any abutters present to speak for or against the project. Jessica Roberts and Chris Ahker from Tighe & Bond; Paul Johnson and Joseph Land from the Far Hills Association; and Peter Robichaud of 11 Sunset Isle Drive were present.

In May of 2007, Tighe & Bond inspected the Sunset Lake dam at which time they found cracks and displacement of the structure: damage created from past drawdown activities. Repairs to the dam include repairing the spillway, weir, training wall, and gate seals along with enhancing rip-rapped areas, and securing areas presently eroding. This work will be accomplished in two phases to reduce adverse effects on the Miller's River. Phase I will consist of repairing the spillway and weir, at which time a coffer dam spanning the spillway will be utilized to divert the water. Phase II will consist of repairing the gate seals, at which time the water shall discharge through the sluiceway. Tighe & Bond assured the Commission that the flow of the River would be maintained. A pamphlet of the Portadam® was disseminated to the Commission. The permeability of the soils was discussed. Tighe & Bond agreed to forward this information to the Commission once the Proctor Tests are performed. The Commission requested a Contingency Plan be submitted for managing flow in the event of a major storm event. LC pointed out some areas where additional erosion controls are necessary.

Timing of the drawdown was discussed. The Applicant was requesting to start the work after Labor Day. The Commission requested that the timing be in more accordance with the requirement set forth in EOEAs Practical Guide to Lake Management in Massachusetts. There was much discussion. The Commission requested the Applicant get a letter from the Natural Heritage Program to ensure that this drawdown would not have a negative impact on the Miller's River. The repairs would take about 2 months but as the Notice of Intent also includes an annual drawdown for weed treatment, the lake would not be allowed to recharge until April.

Weed control for Variable Water-milfoil and Filamentous Algae was discussed briefly. Ms. Roberts indicated that Lee Lyman of Lycott Environmental indicated to her that if drawdown was not allowed, herbicide treatment would have to increase by 60%. MD asked how dropping the lake 36" and immediately bringing it back up to 18" was effective on weed management. Mr. Ahker explained that ice is allowed to form and then

the water level is raised to dislodge the root system. CP explained the flow rate monitoring that would be required.

The Commission requested to continue the Hearing for more discussion and requested the following information be submitted: discussion regarding flow rates during drawdown and recharge, proof of proper disposal of dam materials and asphalt, additional erosion controls be incorporated into the plan and stockpiled materials be tarped, soil results, and a Contingency Plan for storm events.

CP: Motion to continue the Hearing to February 25, 2008 at 7:45PM

LD: Seconded the Motion

Motion carried 4-0

8:15(8:25)PM CP opened the Request for Determination of Applicability Hearing for Blaise Davi of 92 Holt Road for the proposed removal and replanting of vegetation, within the buffer zone. Blaise and Christine Davi presented their project to the Commission. CP asked if there were any abutters for or against the project: none were present. Mr. Davi explained that he would like permission to remove some hardwoods around his house and shoreline in order to plant fruit trees and a vegetable garden. Removal of the stumps was discussed. Mr. Davi was considering drilling the stumps and adding fertilizer to hasten decomposition. The Commission requested that fertilizer not be utilized so close to the lake and suggested that the stumps be ground down below grade and vegetated over. The Commission also requested that the trees be removed while the ground was still hard. The Commission requested to see the replanting plan, once one was developed to ensure that no invasive species would be incorporated into the site.

CP: Motion to close the Hearing

MH: Seconded the Motion

Motion carried 4-0

CP: Motion to issue a Negative Determination of Applicability

LD: Seconded the Motion

Motion carried 4-0

8:30(8:40) PM CP opened the Request for Determination of Applicability Hearing for Jacques Marchetti of 69 Russell Hill Road, continued from 1/28/2008, for the proposed construction of a new single family house, associated driveway, well and septic system, portions of which are located within the buffer zone. Ralph Romano of Global Engineering Consultants, Inc. and Jacques Marchetti presented the revised plan to the Commission. The driveway is shown as paved with a grass swale illustrated along and down-gradient from it. A foundation drain and gutters have also been added. The area within the buffer zone located beyond the erosion controls has been noted as a no disturb area. The Commission expressed concern over erosion from the driveway. The Applicant agreed to place graded base on the driveway as soon as it is graded and loam and seed areas within the buffer zone as soon as possible.

CP: Motion to close the Hearing

LD: Seconded the Motion

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Motion carried unanimously 3-0 (MD abstained from voting as he was not present at the previous Hearing)

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

LD: Seconded the Motion

Motion carried unanimously 3-0 (MD abstained from voting as he was not present at the previous Hearing)

8:45(9:00) PM CP opened the Notice of Intent Hearing for Mary Gelinas of 65 Brogan Road for the demolition of the existing structure and construction of a new single family house located within the buffer zone. Bob Bettez presented the project to the Commission for the Applicant, who was not present. The Commission requested to continue the Hearing until the Applicant has received approval from the Board of Health for a new septic system, as the existing one failed Title V. LD also requested the plans to be revised to show the new driveway location and proof that the debris would be removed to an approved landfill.

LD: Motion to continue the Hearing to March 24, 2008 at 8:30PM

MH: Seconded the Motion

Motion carried unanimously 4-0

9:00(9:20) PM CP opened the Notice of Intent Hearing for San Ken Homes for 30 River Styx Road, continued from 11/26, 12/10/07 and 1/28/2008, for the proposed construction of a common driveway and related site grading, within the buffer zone. LC informed the Commission that the Applicant has requested a continuance in order to revise the plans to conform to the Rivers Protection Act.

CP: Motion to continue the Hearing to February 25, 2008 at 8:30 PM.

MH: Seconded the Motion

Motion carried 4-0

9:15(9:25) PM CP opened the Request for Determination of Applicability Hearing for Robert F. Raffi of 166 Lakeshore Drive for the after-the-fact construction of a retaining wall located within the buffer zone. Kristine Symonds, Esq., representing Mr. Raffi who was not present, presented the project to the Commission. Atty. Symonds explained that her client constructed a retaining wall thinking he was 100 feet from the water's edge and outside the Commission's jurisdiction. LC and DEP received a complaint and LC determined that the wall was located 97 feet from the associated bordering vegetated wetland and therefore required the filing of an RDA. LC explained that there was not a negative impact on the resource area and would have considered handling the project as a Determination of Negligible Impact if Mr. Raffi had come to her prior to starting work.

CP: Motion to close the Hearing

MH: Seconded the Motion

Motion carried unanimously 4-0

CP: Motion to issue a Negative Determination of Applicability

MH: Seconded the Motion

Motion carried unanimously 4-0

Minutes of February 11, 2008 continued

Other Business:

1. LC requested the Commission re-issue a Certificate of Compliance for 146 Old Ashby Road that was issued in 1993 but was never recorded.
2. LC handed out a Violation Letter she sent for work being performed on Lot 11, Parcel 2A which is outside the buffer zone but whose site is eroding into the street and discharging into a resource area.
3. LC reviewed a Forest Cutting Plan for 136 Rindge Turnpike Road. LC wrote a letter regarding eliminating one of the crossing and requiring 50-foot filter strips on either side of the streams.
4. LC informed the Commission that there will be an Open Space and Recreation Plan Update meeting on March 3, 2008 at 6:30PM and asked the member to attend.
5. Minutes of November 26, 2008 minutes were reviewed. LD requested a few changes.
CP: Motion to accept the Minutes of November 26, 2008 as amended
LD: Seconded the Motion
Motion carried unanimously 3-0 (MD abstained from voting as he was not present at that Meeting)
6. Minutes of December 10, 2008 were reviewed. LD requested a few changes.
CP: Motion to accept the Minutes of December 10, 2008 as amended
LD: Seconded the Motion
Motion carried unanimously 3-0 (MD abstained from voting as he was not present at that Meeting)
7. The Commission welcomed MD as a new member of the Conservation Commission.

CP: Motion to adjourn

LD: Seconded the Motion

Motion carried unanimously 4-0

Meeting adjourned at 10:10 PM

Respectfully submitted by Lori Capone, Conservation Agent