

Minutes of the Ashburnham Conservation Commission
October 27, 2008

Present: CP: Christopher Picone, Chairman LD: Lorraine DeSouza
MH: Michael Horgan, Vice Chairman 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 Virginia McNiff on Williams Road, Map 20, Parcel 81A, last continued from April 14, 2008, for the proposed construction of a single family house and associated site improvements within the riverfront area and the 100-foot buffer zone. CP asked if there were any abutters present to speak for or against the application: none were present. LC informed the Commission that she is in receipt of a request from Patrick McCarty requesting to withdraw the application in front of the Commission due to the fact that the Applicant could not come to an agreement with the Appeal of the Zoning Board of Appeals denial.

LD: Motion to accept the withdrawal of the Notice of Intent for Virginia McNiff for Williams Road.

CP: Seconded the Motion

Motion carried unanimously 4-0

Other Business:

- The Commission reviewed the Sunset Lake Dewatering Plan. Joseph Land from the Far Hills Association attended the Meeting to answer any questions. MD had requested some additional details which had been provided. The Commission approved the dewatering plan as presented.
- Joseph Land requested clarification regarding Determinations of Negligible Impact. The Commission discussed a numbering system for these Determinations.
- John Moylan of Cushing Academy and Jamie Rheault of Whitman and Bingham presented a plan of existing conditions regarding a lot on Central Street where they are performing work. Following a site visit performed by MD and LC on October 7, 2008, Charles Caron was hired by Cushing Academy to perform a wetlands delineation. It was determined that the work was in fact located within the buffer zone. Mr. Moylan explained that the intent of the work was to clean up and stabilize the site. MD questioned the use of the site for emergency vehicles as discussed at the site visit. Mr. Moylan indicated that he had spoken with the Fire Chief and all emergency vehicles would load at the Public Safety Site. MD requested a proposed grading plan with a description of how the site would be stabilized and requested that the old erosion control barrier be removed upon completion of the project. It was determined that a Request for Determination of Applicability would be filed for the next Meeting for this project.

7:45(7:55) PM CP opened the Notice of Intent Hearing for the Ashburnham Conservation Trust for Cheshire Pond last continued from September 22, 2008, for the proposed construction of an 8' x 12' wildlife observation deck, 32-foot boardwalk and construction of a new connector trail. LD recused herself and left the room as she sits on the Board of Directors for the Ashburnham Conservation Trust. Paul Somers of the Ashburnham Conservation Trust presented the project to the Commission. CP asked if there were any abutters present to speak for or against the application: none were present. At the site visit performed on September 25th, the Applicant was requested to move the observation deck slightly, to a location that was already altered. The Applicant requested permission to install no larger than 8" x 8" pilings made of pressure treated wood to be driven into the ground. Solid ground is assumed at about 28 inches. CP questioned whether the footings would be sufficient to withstand frost. There was much discussion. Natural Heritage has approved the project with conditions that will be incorporated into the Order of Conditions. Mr. Somers confirmed that no heavy equipment would be utilized to perform the work. CP requested a narrative be submitted explaining the changes to the plan.

CP: Motion to close the Hearing

MD: Seconded the Motion

Motion carried 3-0

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

MD: Seconded the Motion

Motion carried 3-0

8:00(8:08) PMCP opened the Notice of Intent Hearing for Charles and Helen Collins for 40 Ashby Road, last continued from September 22, 2008, for the proposed sewage disposal system upgrade for a single family house located within the buffer zone and riverfront area. CP asked if there were any abutters present to speak for or against this application: none were present. LC informed the Commission that the Applicant has requested a continuance to November 10th in order to have sufficient time to address the lot line dispute.

CP: Motion to continue the Hearing to November 10, 2008 at 7:30PM

MD: Seconded the Motion

Motion carried unanimously 4-0

Other Business:

- Minutes of August 11, 2008 were reviewed
CP: Motion to approve the minutes of August 11, 2008
MH: Seconded the Motion
Motion carried 3-0 (MD abstained as he was not present at that Meeting)
- Minutes of August 25, 2008 were reviewed
CP: Motion to approve the minutes of August 25, 2008
MH: Seconded the Motion
Motion carried unanimously 4-0
- Minutes of September 8, 2008 were reviewed
CP: Motion to approve the minutes of September 8, 2008

MH: Seconded the Motion

Motion carried 3-0 (LD abstained as she was not present at that Meeting)

- Minutes of September 22, 2008 were reviewed

CP: Motion to approve the minutes of September 22, 2008

MH: Seconded the Motion

Motion carried 3-0 (LD abstained as she was not present at that Meeting)

- The Commission discussed revisions to the minutes of July 28, 2008

8:15 PM CP opened the Notice of Intent Hearing for Jeffrey Blake for 11 Log Cabin Road for the proposed demolition of an existing house and construction of a new single family house, located within the buffer zone. CP asked if there were any abutters to speak for or against this application: none were present. Christopher Mossman of Trowbridge Engineering presented the project to the Commission for the Applicant, who was also present. The plans had been revised from the original submittal to reflect LID requirements. LC expressed concern regarding the proposed phasing of the project, specifically the need to construct the retaining wall during the initial phase as the existing retaining wall is in a state of disrepair and is necessary to support the site. Mr. Mossman requested the Commission phase the project to move construction along. The Commission agreed to allow the demolition of the existing structure and installation of a well under a Determination of Negligible Impact. LD requested a site visit. A site visit was scheduled for October 31, 2008 at 9:00 AM.

CP: Motion to issue a Determination of Negligible Impact for the demolition of the existing dwelling and installation of a new artesian well

MD: Seconded the Motion

Motion carried unanimously 4-0

CP: Motion to continue the Hearing to November 10, 2008 at 7:45 PM

MD: Seconded the Motion

Motion carried unanimously 4-0

8:30(8:39)PM CP opened the Notice of Intent Hearing for William and Sandra Catlow for 29 Stodge Drive for the proposed installation of a drilled groundwater well, located within the buffer zone. CP asked if there were any abutters present to speak for or against this application: none were present. Christopher Mossman of Trowbridge Engineering presented the project to the Commission for the Applicant, who was also present. Mr. Mossman explained that Ms. Catlow's well is currently a shared dug well located on a neighboring property. Mr. Mossman also explained that the proposed location for the well was chosen due to the location of the septic system. LD requested a note be added to the plan indicating that the existing water line would be disconnected. LC requested a detail be added to the plan indicating how the well drillings would be managed. LC informed the Commission that they are still awaiting a DEP number.

LD: Motion to close the Hearing

CP: Seconded the Motion

Motion carried unanimously 4-0

LD: Motion to issue an Order of Conditions per plan and discussion pending receipt of a DEP number and revised plans.

CP: Seconded the Motion
Motion carried unanimously 4-0

8:45(8:48) PMCP opened the Notice of Intent Hearing for Ryan DeMeo for 0 Lower Lake Road, (Map 50, Parcel 7) for the proposed selective thinning and construction of a gravel driveway, within the buffer zone. CP asked if there were any abutters to speak for or against this application: David Levanti of 10 Lower Lake Road attended the Meeting. Paul DeMeo presented the project to the Commission for his son, who was also present. Mr. DeMeo requested permission to construct a gravel driveway by removing 14 inches of topsoil and replacing it with processed gravel topped with a crushed stone aggregate. Mr. DeMeo explained that the driveway would be crowned to divert drainage to either side of the driveway. Mr. DeMeo also requested to remove about 36 trees. Mr. DeMeo presented pictures to the Commission. There was much discussion. MD questioned the reason for the access connecting to the existing access. LC informed the Commission that she received a call from Mr. Dinatale of 38 Lower Lake Road who could not attend tonight but who requested the Commission ensure all work is being performed on Mr. DeMeo's property and not within the right-of-way of Lower Lake Road. LC informed the Commission that DEP has not issued a file number for this project yet. The Commission requested a site visit. It was determined the Commissioners would visit the site at their leisure between now and November 24th.

CP: Motion to continue the Hearing to November 24, 2008 at 7:30PM

MH: Seconded the Motion
Motion carried unanimously 4-0

Other Business:

- LC informed the Commission that she is in receipt of a Request for an Extension for Cashman Hill Estates. LC informed the Commission that this Order was issued in January of 2006 for the construction of the roadway and drainage for Cashman Hill Estates Subdivision on Cashman Hill Road. The road is currently subgraded and ready for utility construction. The stream crossing, retaining walls and replication area have been installed. The critter crossing has not been installed yet because the utilities need to be installed underneath them. A 12 inch temporary culvert has been installed. It is anticipated to construct this crossing in the Spring, if the housing market improves. Steeple View Realty Trust is requesting a three year extension to complete the road work. The Commission decided to perform a site visit prior to issuing an Extension.
- LC informed the Commission that they are in receipt of a Request for a Certificate of Compliance for 58 Center Street. LC explained this Order was for the installation of a sewer main within the roadway issued in 2000. LC inspected the site and recommended the issuance of a Certificate of Compliance.
LD: Motion to issue a Certificate of Compliance for 58 Center Street
MH: Seconded the Motion
Motion carried unanimously 4-0
- LC informed the Commission that they are in receipt of a Request for a Certificate of Compliance for 33 Hay Road. LC explained this Order was for the reconstruction of a

garage issued in 2008. LC inspected the site and recommended the issuance of a Certificate of Compliance.

MH: Motion to issue a Certificate of Compliance for 33 Hay Road

CP: Seconded the Motion

Motion carried unanimously 4-0

- The Commission discussed a request to place a tree stand on the Bush Hill Property. LC disseminated an opinion from Town Counsel regarding liability.
- LC disseminated a letter of support for the Southern Monadnock Plateau Project Phase II for the Commissioners to sign.
- LC reviewed the request for a Determination of Negligible Impact for Lorraine White on Lake Haven Road for the placement of a 9' x 9' shed on cinder blocks with the Commission.
MH: Motion to issue a Determination of Negligible Impact per plan and discussion
CP: Seconded the Motion
Motion carried 3-1
- LC updated the Commission regarding the Open Space parcel associated with the Lakeside Village Subdivision. LC informed them that per the most recent decision from the Planning Board, the open space is now going to a Homeowners Association therefore the project is now in conflict with of the Memorandum of Understanding and the Conservation Restriction the Applicant has with the Ashburnham Conservation Trust and Conservation Commission, respectively.
- CP informed the Commission that 69 Russell Hill Road is failing to install haybales across the driveway at the end of each day as agreed to. LC will follow up with the Applicant regarding this matter.
- CP also informed the Commission that 73 Russell Hill Road has installed a drainage pipe within the buffer zone without a permit. LC will contact the homeowner and have them submit an after-the-fact application.
- LD informed the Commission that due to schedule changing, she may not be able to attend many meeting for the next ten months. MH informed the Commission that he would fulfill his term but due to work, would not be able to serve on the Commission after June 30, 2009.

CP: Motion to adjourn

MD: Seconded the Motion

Motion carried unanimously 4-0

Meeting adjourned at 10:38 PM

Respectfully submitted by Lori Capone, Conservation Agent