

Minutes of the Ashburnham Conservation Commission
November 10, 2008

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

Absent: MH: Michael Horgan, Vice Chairman

7:37 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.

7:37 PM CP opened the Notice of Intent Hearing for Charles and Helen Collins for 40 Ashby Road, last continued from October 27, 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 December 22nd in order to have sufficient time to address the lot line dispute.

CP: Motion to continue the Hearing to December 22, 2008 at 7:30PM

MD: Seconded the Motion

Motion carried unanimously 4-0

7:45 PM CP opened the Notice of Intent Hearing for Jeffrey Blake of 11 Log Cabin Road, last continued from October 27, 2008 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 present to speak for or against this application: none were present. Christopher Mossman of Trowbridge Engineering and Curtis Noel of Noel's Nursery presented the revised plans to the Commission for the Applicant, who was also present. A plan for the retaining wall and drainage calculations were submitted to the Commission for review. The LID techniques were discussed. Mr. Mossman informed the Commission that the Planning Board approved the LID Permit on November 6th. There was much discussion regarding the construction of the retaining wall and the conservation/restoration of native vegetation adjacent to the bank of the pond. It was agreed that the Applicant would re-establish a minimum of 15 feet of native vegetation between the retaining wall and the resource area upon completion of the project.

CP: Motion to close the Hearing

MD: Seconded the Motion

Motion carried unanimously 3-0

CP: Motion to approve the project per plan and discussion

MD: Seconded the Motion

Motion carried unanimously 3-0

8:00(8:12) PMCP opened the Request for Determination of Applicability Hearing for The Trustees of Cushing Academy for Central Street (Map 20, Parcel 86) for the

proposed grading and stabilization of slopes of an existing clean fill area, located within the buffer zone. John Moylan of Cushing Academy and Jamie Rheault of Whitman and Bingham presented the project to the Commission. LD questioned where the material came from. John Moylan explained the fill came from a couple building projects at Cushing Academy and the asphalt came from a recent road drainage project. Mr. Moylan stated that there is a contingency added to the contract to remove any asphalt found and remove it to an approved landfill. MD noted an existing culvert, not depicted on the plan, which would appear to be buried under the present design. Mr. Moylan agreed to extend the culvert beyond the proposed fill area. Mr. Moylan explained that the area would be graded as soon as possible and seeded with winter rye for stability this winter and seed with a perennial seed in the Spring. Mr. Moylan explained that upon completion of the project, the top of the site would be mowed and the side slopes would be allowed to naturalize except trees would not be allowed to re-establish. LC questioned whether the area at the toe of the slope would be mowed. There was much discussion. It was agreed that a small swath adjacent to the proposed toe of slope would be mowed once a year, in the Fall, after ground nesting birds have migrated. MD requested the project be conditioned to install silt fence at the toe of the proposed slope which would be removed, along with the existing erosion control barrier, upon completion of the project.

CP: Motion to close the Hearing

MD: Seconded the Motion

Motion carried unanimously 3-0

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

LD: Seconded the Motion

Motion carried unanimously 3-0

CP questioned a french drain that had recently been installed on Route 101 across from Willard Road which is discharging into the buffer zone. Mr. Moylan stated that the Highway Department requested they install this pipe because drainage was discharging into Route 101 and causing a safety hazardous. The Commission requested Cushing install a stone lined basin at the outlet of this pipe to prevent erosion. The Commission asked LC to inquiry with the DPW to see if they or Cushing could install a rip-rap basin.

8:40 PM The William J. Bresnahan Scouting and Community Center Building Committee represented by Valorie Daigle approached the Commission regarding the Bresnahan Pool Project located at 2 & 12 River Street to discuss the filing requirements for proposed project. Ms. Daigle was seeking permission to amend an Abbreviated Notice of Intent filed in 2004. The Commission determined that the scope of the project and regulations have changed significantly and would require the filing of a Notice of Intent. There was much discussion regarding the requirements of the Notice of Intent.

Other Business:

- LC reminded the Commission that Cashman Hill Estates is seeking an Extension that was shelved at the last Meeting so the Commissioners could visit the site. The Commission decided to suspend rendering a decision on the Extension till the next Meeting.
- LC informed the Commission that they are in receipt of the Request for a Certificate of Compliance from 427 Ashby Road. LC explained the foundation, footings, driveway and septic have been installed and stabilized, however, the house has not been constructed and may not be for five years so the Applicant has requested a Certificate of Compliance at this time.
LD: Motion to issue a Certificate of Compliance for 427 Ashby Road
MD: Seconded the Motion
Motion carried unanimously 3-0
- The Commission reviewed a letter from the Ashburnham Conservation Trust regarding the observation deck project on Cheshire Pond, which was requested at the last Meeting.
- DEP forms signed: Order of Conditions for Cheshire Pond, Determination for Central Street, Certificate of Compliance for 427 Ashby Road
- LD discussed the possibility of having some trees removed on the Bush Hill Property. LD will contact Glen Freidman to discuss this matter further.
- The Commission discussed the proposed tree stand on the Bush Hill Property. LC informed the Commission that this activity appeared to be in violation of the Conservation Restriction. The Commission determined that between the Conservation Restriction and the liability issue, a tree stand could not be authorized on the Bush Hill Property.

CP: Motion to adjourn

LD: Seconded the Motion

Motion carried unanimously 3-0

Meeting adjourned at 10:20 PM

Respectfully submitted by Lori Capone, Conservation Agent