

Minutes of the Conservation Commission
January 28, 2008

Present: CP: Christopher Picone, Chairman LD: Lorraine DeSouza
MH: Michael Horgan 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 **Mary Gelinas – 65 Brogan Road – Notice of Intent:** Demolition of the existing structure and construction of a new single family house located within the buffer zone. LC explained that the Commission could not open the Hearing due to the fact that the Legal Ad had not been placed in the newspaper. LC had contacted the Applicant and requested that the Hearing be moved to February 11, 2008.

Other Business:

- The Commission met with Girl Scout Group 254 to discuss the leadership responsibilities associated with the Conservation Commission.
- The Commission reviewed and approved the Commission's Yearly Report for the Town Report.
- The Commission reviewed and signed the Town of Ashburnham's Sexual Harassment Agreement.

7:45 PM **Stodge Meadow Association – Stodge Meadow Pond Dam Repair – Request for Determination of Applicability:** Tree and underbrush removal along the length of both sides of the dam per recommendation of Phase I Dam Safety Assessment Report completed as a requirement of the Massachusetts Division of Conservation and Recreation, Department of Dam Safety. CP asked if there were any abutters present to speak for or against the application: Mr. Marble, 41 Marble Road. Lee Ross presented the project to the Commission. The Stodge Meadow Association would like to remove trees within 10 feet of the dam as requested by the Army Corps of Engineers, Worcester Engineers and DEQE. Twenty-five years have gone by without resolution between the Army Corps of Engineers and DEQE. Now the root balls could cause structural damage if the trees were to fall. The stumps are to remain and all debris shall be removed from the site. Bob Gingras of the Association explained that there is more work to be addressed in the future but not at this time due to the fact that the Department of Conservation and Recreation (DCR) has not agreed on what needs to be done. The Association received a letter last week from DCR requesting updated information since the Phase I Dam Safety Assessment Report is now two years old. LD expressed concern with all the issues addressed in the report and felt the Army Corps of Engineers should make a recommendation before the Commission makes a determination on the project. Mr. Ross explained that the work proposed under this Request is limited and no equipment will be utilized to accomplish the work. Mr. Marble of 41 Marble Road was present tonight to ensure that the permit specifies that no equipment will be utilized and that the debris shall be removed. CP felt comfortable with the limited scope of the project. LD requested that the trees be marked in the field and evaluated by LC to ensure

no trees are removed beyond the scope that has been requested. LC informed the Commission that the Lake Association has been performing yearly drawdowns without an Order of Conditions and has received a Legal Opinion from Town Counsel regarding Deeded Rights versus Permitted activities. The Commission requested a Notice of Intent be submitted as soon as possible to review this activity.

CP: Motion to close the Hearing

LD: Seconded the Motion

Motion carried unanimously 3-0

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

MH: Seconded the Motion

Motion carried unanimously 3-0

8:00(8:16) PM Lower Naukeag Association - Lower Naukeag Lake – Notice of Intent: (Continued from 11/26 and 12/10/07) Proposed drawdown for nuisance aquatic weed treatment. CP opened the continued Hearing and asked if there were any abutters to speak for or against this application. Abutters present were: Hunter Gelinas: 8 Bass Cove Row; Stanley Herriot: 11 Houde Avenue; Robert King: 46 Page Avenue; Keith Bauer: 6 Brideau Road; Kerry Richards: 6 Brideau Road; Natalie and Kevin Learned: 12 Wyman Road; Glenn Niinimaki: 99 Bachman Road; Judi Desmond: 190 Sherbert Road; Scott Ellis: 122 Sherbert Road; Tom Smolinsky: 176 Sherbert Road; Steven Smolinsky: 5 Three Jays Road; Gary Howland: 130 Tuckerman Road; Annelotte Kozma: 228 & 208 Sherbert Road; Don and Judy Bastarache: 39 Lower Lake Road.

Steven Slocum of the Lower Naukeag Lake Association presented the Commission and read the letter from the Department of Fisheries and Wildlife Natural Heritage and Endangered Species Habitat Program dated January 10, 2008. CP contacted Fish and Wildlife regarding the timing of drawdown as Ashburnham has its own microclimate and stated that Natural Heritage reiterated that drawdowns can not be commenced before November 1st, must be completed by December 1st and recharge must be completed by April 1st. CP handed out a data sheet and explained how to use and determine rate of flow during drawdown and recharge. Mr. Slocum noted that Sunset Lake discharging into Sunset Lake and performs drawdown whenever they want. LC explained that a NOI has been submitted for this activity for a Hearing at the next Meeting.

Hunter Gelinas of 8 Bass Cover Road explained that Lower Naukeag and Sunset's discharge are not connected but Watatic Lake dumps directly into Lower Naukeag which impacts their drawdown. LC will be sending out a letter to all Lake Association in regards to their lake management processes and required permits.

LD asked for photos before and after treatment and weed maps of problem areas. LD asked that the woody composition of the bvws be monitored to ensure the species composition is not being impacted by the drawdown process. CP suggested that needles and leaves could be raked (by hand) from exposed lake bottom during the drawdown, to remove excessive nutrients from the system, but, must be disposed of properly (i.e., not dumped into a wetland).

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CP: Motion to close the Hearing

MH: Seconded the Motion

Motion carried unanimously 3-0

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

MH: Seconded the Motion

Motion carried unanimously 3-0

8:30(8:57) PM **Habitat for Humanity – 203 Sherbert Road – Notice of Intent:** (Map 4, Parcels 23A and 23B) (Continued from 8/27, 9/24, 10/22 11/26, and 12/10/07) Proposed construction of a new single family house, within the buffer zone. CP asked if there were any abutters for or against the project: none were present. Will Houghton explained to the Commission that the two last outstanding issues have been resolved: the land has been conveyed and the floodplain has been delineated.

CP: Motion to close the Hearing

LD: Seconded the Motion

Motion carried unanimously 3-0

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

MH: Seconded the Motion

Motion carried unanimously 3-0

8:45(9:02) PM **San Ken Homes – 30 River Styx Road – Notice of Intent:** (Map 34, Portion of Parcel 18) (Continued from 11/26 and 12/10/07) Proposed construction of a common driveway and related site grading, within the buffer zone. CP asked if there were any abutters for or against the project: none were present. LC explained that the Applicant has requested a continuance to revise the plans.

LD: Motion to continue the Meeting to February 11, 2008 at 8:00 PM

CP: Seconded the Motion

Motion carried unanimously 3-0

8:55(9:04) PM **Todd Griffin – 75 West Shore Drive – Notice of Intent:** (Map 45, Parcel 52)(Continued 8/14, 8/27, 9/10, 9/24, 10/22 and 11/26, 12/10/07) Proposed addition and septic system repair with associated grading and driveway alterations, located within the buffer zone. CP asked if there were any abutters for or against the project: none were present. LC explained that the Applicant has requested a continuance to revise the plans.

LD: Motion to continue the Meeting to April 14, 2008 at 7:30 PM

CP: Seconded the Motion

Motion carried unanimously 3-0

9:00(9:05) PM **Blaise Davi - 92 Holt Road – Request for Determination of Applicability:** (Map 67, Parcel 8) Proposed removal and replanting of vegetation, within the buffer zone. No one was in attendance of the Hearing.

CP: Motion to continue to February 11, 2008 at 8:15 PM

LD: Seconded the Motion

Motion carried 3-0

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Other Business:

- LC informed the Commission of a Wind Facility Zoning Bylaw informational session the Planning Board is having on February 7th at 7:30PM.
- LC disseminated correspondence from National Grid regarding the commencement of vegetative management work.
- LD asked if the Invoice from Mount Grace Land Conservation Trust has been submitted. LC informed the Commission that she is just waiting for an account number from the Town Accountant before it can be submitted.
- LC disseminated a handout on DEP's revisions to the Stormwater Management Regulations
- LC informed the Commission that there will be a Public Forum pertaining to the Open Space and Recreation Plan Update on January 31st at 6:30 PM.

9:15 PM **Jacques Marchetti - 69 Russell Hill Road – Request for Determination of Applicability:** (Map 33, Part of Lot 24) Proposed construction of a new single family house, associated driveway, well and septic system, portions of which are located within the buffer zone. CP asked if there were any abutters to speak for or against this application: Rick and Liz Ahlin of 60 Russell Hill Road joined the discussion. Ralph Romano of Global Engineering Consultants, Inc. and Jacques Marchetti presented the project to the Commission. Mr. Ahlin expressed concerns regarding provisions to be made to control drainage. Mr. Marchetti explained that the DPW is requiring the driveway to be paved so the Commission requested the plan to be revised to include the following: 1) a grass drainage swale be installed along the length of the driveway to control run-off from the driveway; 2) a perimeter drain be depicted with rip-rap at the outlet; and, 3) roof drains be depicted and infiltration provided. LC informed the Commission and the Applicant that the ANR plan had to be recorded, the Board of Health had not approved the septic design, and a Scenic Road Permit was required from the Planning Board. The Commission set up a site visit for February 8th at 3:00. LD: Motion to continue the Hearing to February 11th at 8:30 PM.
CP: Seconded the Motion
Motion carried unanimously 3-0

Other Business:

- LC informed the Commission that they are in receipt of a Request for a Certificate of Compliance for Brook Road Extension, DEP #92-659. LC informed the Commission that the cover letter states that the side slope for the septic system is not completely stabilized and there was too much snow for LC to review the replication area and therefore recommended a Partial Certificate of Compliance be issued.
MH: Motion to issue a Partial Certificate of Compliance as discussed
CP: Seconded the Motion
Motion carried 3-0

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- LD requested the Commission review the Mount Watatic Reservation Agreement and it requires the Commission to sign off on it as one of the owners. LD also informed the Commission that there will be a meeting on Wednesday, January 30th at 7:30 PM.
- LC informed the Commission that the deadline for Warrant Articles is February 22nd.
- LC informed the Commission that she is in receipt of a Smart Energy/Smart Growth Toolkit CD and would make copies for the members if they wanted one.
- DEP forms signed: CoC for Brook Road Extension, OOC for 203 Sherbert Road, and a Negative Determination for Stodge Meadow Association.
- The Students from the Conway School of Landscape Design met with the Commission regarding the Open Space and Recreation Plan. There was much discussion.

CP: Motion to adjourn the Meeting

MH: Seconded the Motion

Motion carried 3-0

Meeting adjourned at 11:09 PM

Respectfully submitted by Lori Capone, Conservation Agent