

Minutes of the Conservation Commission
March 10, 2008

- Present: CP: Christopher Picone, Chairman MD: Marshall Dennis
MH: Michael Horgan LC: Lori Capone, Cons. Agent
- Absent: LD: Lorraine DeSouza
- 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 Request for Determination of Applicability Hearing for Gary and Shelley Dion of 4 Liberty Lane for the proposed removal of trees located within the buffer zone. CP asked if there were any abutter present to speak for or against the project: no abutters were present. Shelley Dion presented the project to the Commission. There was much discussion regarding the exact location of trees to be cleared. MD asked that the area to be cleared is marked in the field and reviewed by LC prior to being cleared to ensure there is no impact to the resource area. Stumps are to be removed so the Commission requested that silt fence be installed, if deemed necessary by LC, and inspected prior to commencement of activities.
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
MD: Seconded the Motion
Motion carried unanimously 3-0
- 7:45 PM CP opened the Notice of Intent Hearing for Karl Amrhein for Lot 57 Mistletoe Drive for the proposed construction of a single family house, driveway, water service, and soil absorption system, located within the buffer zone. LC informed the Commission that since the Commission determined this isolated land subject to flooding as non-jurisdictional in 2004, DEP was not going to issue a project number but the resource area would still fall under their jurisdiction due to the Wetlands Protection Bylaw. CP asked if there were any abutter present to speak for or against the project: Mr. Reardon of Lot 51 Mistletoe Drive and Adolph Amrhein of Lot 56 Mistletoe Drive were present. Jack Maloney of Whitman and Bingham Associates presented the project for the applicant, who was not present. There is an existing septic system that was installed without Nashoba Associated Boards of Health approval that will need to be decommissioned. CP asked for particulars on the retaining wall. Mr. Maloney stated that he thought it would be a 3-foot tall versa-lock wall and had no issue with the Commission conditioning the project as such. Mr. Maloney stated that the plans have been changed per comments he received from LC including: 1.) Installation of crushed stone at the

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entrance to the site; 2.) Dewatering provisions were added to the plan; 3.) Silt fence added to the erosion control barrier near wetland flag #9; and, 4.) The wetlands have been redelineated. Mr. Maloney stated that he would be going to the Board of Health in April for a Variance from the required wetland setback but stated he had no problem with the Commission's decision being issued contingent on Board of Health approval.

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, particularly,

- 1.) Contingent on Board of Health approval;
- 2.) The retaining wall shall consist of a versa-lock wall; and,
- 3.) LC's approval of the re-delineated wetland line.

MD: Seconded the Motion

Motion carried unanimously 3-0

8:00 PM CP opened the Request for Determination of Applicability Hearing for Sylvia Lamb for Lot 4 Hilltop Drive for the proposed grading associated with the construction of a new septic system within the buffer zone. CP asked if there were any abutter present to speak for or against the project: there were no abutters present. Jack Maloney of Whitman and Bingham Associates presented the project to the Commission for the applicant, who was not present. Mr. Maloney explained that the plans have been revised per LC's comments, particularly: 1.) The buffer zone from the wetland located across the street has been added to the plan; 2.) The house has been moved back off the road; 3.) Installation of crushed stone at the entrance to the site; and, 4.) Dewatering provisions have been added to the plan. There was much discussion regarding the proposed erosion control barrier. It was determined that the erosion control barrier would consist of a filter sock as depicted, as well as, along the buffer zone to denote the limit of work. Silt fence in addition to the filter sock would be installed along the front yard where the topography is steep. It was agreed that the erosion controls would be installed and inspected prior to clearing the lot to ensure that the buffer zone remains intact. It was agreed the plans would be revised as such. Approval would be contingent on the Board of Health's approval.

CP: Motion to close the Hearing

MH: Seconded the Motion

Motion carried unanimously 3-0

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

MH: Seconded the Motion

Motion carried unanimously 3-0

8:15(8:17) PMCP opened the Request for Determination of Applicability Hearing for Adolph Amrhein for Lot 56 Mistletoe Drive for the proposed grading associated with the construction of a new septic system within the buffer zone. CP asked if there

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were any abutter present to speak for or against the project: there were no abutters present. Jack Maloney of Whitman and Bingham Associates presented the project to the Commission for the applicant, who was also present. Mr. Maloney explained that the plans have been revised per LC's comments, particularly: 1.) Installation of crushed stone at the entrance to the site; and, 2.) Dewatering provisions have been added to the plan. Mr. Maloney explained that there is an existing septic system that was installed without Nashoba Associated Boards of Health approval that will need to be decommissioned. Mr. Maloney agreed that the project could be conditioned to be contingent of Board of Health approval of the septic design. LC noted that the decision should also be contingent on her approval of the re-delineated wetland line. There was discussion regarding utilizing the same stilling basin for Lot 56 and 57 if they are constructed at the same time.

CP: Motion to close the Hearing

MH: 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

8:30 PM CP opened the Notice of Intent Hearing for Far Hills Association, Inc. for Sunset Lake, continued from 2/11 and 2/25/08, for the proposed repairs to the Sunset Lake Dam and performance of annual drawdown for aquatic weed control. LC informed the Commission that the Applicant has requested a continuance until April 14, 2008.

CP: Motion to continuance the Hearing to April 14, 2008 at 8:00PM

MH: Seconded the Motion

Motion carried unanimously 3-0

Other Business:

1. LC passed out all the revised section of the Open Space and Recreation Plan update, to date, for review.
2. LC informed the Commission that she is in receipt of a Request for Certificate of Compliance for 120 Center Street. LC inspected the site and noted that area that was not snow covered was stabilized but she could not confirm complete stabilization of the site. The Commission decided to wait till the next meeting to take action to allow the snow to melt.
3. LC discussed the Forest Cutting Plan for the Possick lot on East Rindge Road and had the Commission review a letter she wrote in regards to the project.
4. DEP forms signed: Order of Conditions and Notification of Non-Significance for 221 Ashby Road

CP: Motion to adjourn

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MD: Seconded the Motion

Motion carried unanimously 3-0

Meeting adjourned at 9:50 PM

Respectfully submitted by Lori Capone, Conservation Agent