

Minutes of the Conservation Commission  
April 14, 2008

- Present: CP: Christopher Picone, Chairman MD: Marshall Dennis  
MH: Michael Horgan LC: Lori Capone, Conservation 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.
- 7:30 PM CP opened the Notice of Intent Hearing for Todd Griffin of 75 West Shore Drive, last continued from January 28, 2008, for a proposed addition and septic system repair with associated grading and driveway alterations, located within the buffer zone. CP asked if there were any abutters present to speak for or against this application: none were present. LC informed the Commission that Valorie Daigle from Northland Engineers indicated that Mr. Griffin would not be ready for some time and recommended the Commission grant a two month extension.  
CP: Motion to continue the Hearing to June 9, 2008 at 7:30 PM.  
MD: Seconded the Motion  
Motion carried unanimously 3-0
- 7:31 PM CP opened the Notice of Intent Hearing for Virginia McNiff for Williams Road, last continued April 9, 2007, 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 this application: none were present. LC informed the Commission that the Applicant is still Appealing the Zoning Board of Appeals denial of this project and Patrick McCarty, the Applicant's representative, has requested a six month extension.  
CP: Motion to continue the Hearing to October 27, 2008 at 7:30 PM  
MD: Seconded the Motion  
Motion carried unanimously 3-0
- 7:32(7:35) PMCP opened the Request for Determination of Applicability Hearing for Robert F. Raffi, Jr. for Lot 1 Rindge Turnpike Road for the proposed construction of a driveway to a new single family house located within the 100-foot buffer zone.
- CP asked if there were any abutters to speak for or against this application. Abutters present were: Clare Deucher of 133 Rindge Turnpike Road, Cec Snow of 133 Rindge Turnpike Road, Antoinette A. Waskewicz of 55 Rindge Turnpike Road, George Miller of 100 Rindge Turnpike Road, Virginia and David Benedict of 141 Wilker Road, Kevin Salo of 171 Wilker Road, Bryan and Blanca Nitzsche of 134 Wilker Road, and Helen Kirby of 143 Wilker Road.
- Jack Visniewski of Cornerstone Land Consultants presented the project for the Applicant who was not present. LC asked that the plan be changed to reflect the northern most wetland is not isolated as it is hydrologically connected to the wetland located across Rindge Turnpike Road via a culvert. LC also asked that the limit of work be demarcated in the field to ensure that there is no additional impact to the buffer zone above what is

proposed in the RDA. CP asked if the ANR was approved: Mr. Visniewski showed the Commission the approved ANR signed last Thursday. CP requested filter mitts be used instead of haybales along the right side of the driveway due to the presence of ledge and to connect the two lines of haybales shown on the plan. LC asked if the Applicant has spoken with the DPW about the driveway design. Mr. Visniewski said he hasn't. CP requested that if the plan changes due to the DPW requirements, the Applicant shall submit the revised plan to the Commission for approval. Mr. Visniewski agreed. There was much discussion regarding drainage. Mr. Visniewski was asked to design the driveway so there was no drainage discharged onto Rindge Turnpike Road and no negative impacts posed to the adjacent wetlands. MH asked that trap rock be illustrated on the plan to prevent dirt from being tracked onto Rindge Turnpike Road.

CP opened the discussion to the abutters. Clare Deucher of 133 Rindge Turnpike Road asked if either of these wetlands were vernal pools. LC stated that she looked for evidence that these wetlands were vernal pools but found nothing and indicated that she felt they would not hold water long enough to provide vernal pool habitat. Ms. Deucher asked how much land was going to be cleared. The Commission indicated that the area being cleared for the house was outside the Commission jurisdiction. Ms. Deucher asked if there were any provisions being incorporated for beaver activity. None are being proposed at this time. Kevin Salo of 171 Wilker Road informed the Commission that the wetlands located on this property ultimately feed the Fitchburg Reservoir and was concerned with the effect tree clearing would have on increasing the amount of water in the wetlands. George Miller of 100 Rindge Turnpike Road expressed concern with the amount of ledge and drainage from the hill. He stated that perk tests were performed a few years ago and they all failed. CP suggested a site visit. MD pointed out that the Commission has 21 day from receipt of the application to render a decision.

CP: Motion to close the Hearing

MH: Seconded the Motion

Motion carried unanimously

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

MD: Seconded the Motion

Motion carried unanimously 3-0

7:40(8:06) PM CP opened the Notice of Intent Hearing for Robert F. Raffi, Jr. for Lot 2 Rindge Turnpike Road for the proposed construction of a single family house with driveway and well located within the 100-foot buffer zone.

CP asked if there were any abutters to speak for or against this application. Abutters present were: Clare Deucher of 133 Rindge Turnpike Road, Cec Snow of 133 Rindge Turnpike Road, Antoinette A. Waskewicz of 55 Rindge Turnpike Road, George Miller of 100 Rindge Turnpike Road, Virginia and David Benedict of 141 Wilker Road, Kevin Salo of 171 Wilker Road, Bryan and Blanca Nitzsche of 134 Wilker Road, and Helen Kirby of 143 Wilker Road.

Jack Visniewski of Cornerstone Land Consultants presented the project for the Applicant who was not present. LC indicated that she would like to meet with the Applicant's wetland scientist on site to review a portion of the delineation as the area has been heavily altered during performance of the deep hole and perk tests. MH requested the Commission perform a site visit. CP opened the discussion up to the abutters. The

abutters asked if they could attend the site visit. Mr. Visniewski said he would confer with his client and call LC tomorrow. The abutters can call either LC or Mr. Visniewski to find out if they can attend. Cecile Snow asked the Commission to look for spotted salamanders. The Commission scheduled a site visit for Friday, April 18 at 1:00 PM.  
CP: Motion to continue the Hearing to April 28, 2008 at 7:30  
MD: Seconded the Motion  
Motion carried unanimously 3-0

7:50(8:13) PM CP opened the Notice of Intent Hearing for Robert F. Raffi, Jr. for Lots 1 & 2 Wilker Road for the proposed construction of two single family houses with portions of driveways, drainage and grading within the 100-foot buffer zone.

CP asked if there were any abutters to speak for or against this application. Abutters present were: Clare Deucher of 133 Rindge Turnpike Road, Cec Snow of 133 Rindge Turnpike Road, Antoinette A. Waskewicz of 55 Rindge Turnpike Road, George Miller of 100 Rindge Turnpike Road, Virginia and David Benedict of 141 Wilker Road, Kevin Salo of 171 Wilker Road, Bryan and Blanca Nitzsche of 134 Wilker Road, and Helen Kirby of 143 Wilker Road.

Jack Visniewski of Cornerstone Land Consultants presented the project for the Applicant who was not present. There was much discussion regarding why the driveways weren't being proposed as a common driveway to minimize the impervious surface. Mr. Visniewski stated his client didn't want to have to apply for a Common Driveway Permit if he didn't have to. LC informed Mr. Visniewski that she had talked with Michael Gallant about this driveway design and he considers the present design as a common driveway regardless of whether they touch because there are two driveways being proposed off the same frontage. Attorney Kristine Symonds informed the Commission that she had been through this with the Building Commissioner on a previous lot and the Zoning Board of Appeals told her this design did not constitute a common driveway. LC was asked to verify this with Mr. Gallant. CP opened the discussion up to the abutters. Kevin Salo of 171 Wilker Road asked about the culverts that were being proposed under the driveway and the effectiveness of the retention areas as the water from the wetland already overtops the road and floods into his property. Mr. Salo also expressed concern regarding the additional drainage that will come off the hill once the trees are removed. Mr. Visniewski stated that the sizes of the retention areas were not calculated to capture all the drainage. George Miller of 100 Rindge Turnpike Road asked what criteria the Commission uses to approve or deny projects. MD explained the criteria set forth in the Wetlands Protection Act and the Ashburnham Wetlands Protection Bylaw. David Benedict of 141 Wilker Road questioned the location of the lot line. The Commission explained this was outside the purview of the Commission's jurisdiction. The Commission set up a site visit for Friday, April 28, 2008 directly after their 1:00 site visit.  
CP: Motion to continue the Hearing to April 28, 2008 at 7:45 PM  
MD: Seconded the Motion  
Motion carried unanimously 3-0

8:00(8:34) PMCP opened the Notice of Intent Hearing for Far Hills Association, Inc last before the Commission on February 11, 2008 for the proposed repairs to the Sunset Lake Dam and performance of annual drawdown of Sunset Lake for aquatic weed control. CP asked if there were any abutters to speak for or against this project. Present were Wendy Gendron

of 18 Sunset Drive, Paul Johnson of 87 Dunn Road, Joe Land of 87 Westshore Drive and Bob Maki of the Millers River Watershed Association.

Jessica Roberts of Tighe and Bond reviewed the previous information presented to the Commission and discussed the last Addendum dated February 26, 2008. Ms. Roberts explained that the Dewatering Plan and the Contingency Plan would be developed by the contractor and forwarded to the Commission. Ms. Roberts verified that the lake would be drawn down 30cfs which was less than 3 inches per day. The dam repairs would take 4-6 weeks. They are requesting to commence work on September 1, 2008 and have received approval from the Natural Heritage Program regarding the early drawdown. CP asked for the dam specifics so he could estimate flow rate and explained the data sheet the Lake Association would be required to keep and submit to the Commission verifying that the drawdown is being performed in accordance with the EOEI GEIR. LC questioned what the applicant meant in the Addendum of February 26, 2008, that the drawdown would occur in general accordance with the 2004 Management Plan. Ms. Roberts verified that it would be performed in accordance with said plan. LC requested that the Commission be allowed to review and comment on the Dewatering Plan and Contingency Plan rather than simply submitted to the Commission for informational purposes. Ms. Roberts agreed.

The discussion moved to the proposed annual drawdown. Lee Lyman of Lycott Environmental was present to answer the Commission's questions and concerns. MD questioned the efficiency of drawdown. Mr. Lyman stated that he has found it to be highly successful for milfoil management and has reduced the need for herbicide treatment. Mr. Lyman explained that the plants are dislodged by the ice and then sink to the bottom in the Spring and are not flushed downstream. Areas beyond the drawdown area still need to be treated chemically. LC asked how the excess nutrients generated by the decaying milfoil affected the need for additional algaecide treatment. Mr. Lyman stated he had not treated Sunset Lake for algae in 20 years. LC stated that he treated the lake last summer for algae. Mr. Lyman clarified that he has not treated for microscopic algae in 20 years but does have to treat for filamentous algae. LC requested that Mr. Lyman submit weed survey before and after each chemical treatment and provide this information to the Commission so they can determine the efficacy of the drawdown process versus chemical treatment. Mr. Lyman agreed. CP asked if there were any further comments.

CP: Motion to close the Hearing

MD: Seconded the Motion

Motion carried unanimously 3-0

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

MD: Seconded the Motion

Motion carried unanimously 3-0

8:45(9:21) PM CP opened the Notice of Intent hearing for Ryan Malatos for Lot 1 Ashby Road for the proposed construction of a single family house, driveway, well, water service and septic system located within the 100-foot buffer zone. Christopher MacKenzie of Whitman & Bingham and Richard Wright represented the Applicant, who was not present. CP asked if there were any abutters to speak for or against this project: none were present. Mr. MacKenzie presented the plan to the Commission. Mr. Wright asked if he could use a wood chip berm for the erosion control barrier instead of the proposed filter mitt. LC

informed the Commission that this lot has already been cleared beyond the scope presented on the plan. Mr. Wright stated that it had been cleared under a forestry plan and the area outside the erosion control line would be allowed to naturally revegetate. LC informed the Commission that we are still waiting to hear from the Natural Heritage Program as the site is within an estimated endangered species habitat for a ski-tailed emerald. LC requested Mr. MacKenzie revise the NOI to accurately reflect the portion of the endangered species habitat that was proposed to be altered. LC requested Mr. MacKenzie verify whether riverfront area is located on the property and/or proposed to be altered in order to accomplish this project. LC requested a dewatering plan as groundwater may be encountered while digging for the foundation.

CP: Motion to continue the Hearing to April 28, 2008 at 8:15 PM

MD: Seconded the Motion

Motion carried unanimously 3-0

#### Other Business:

- LC informed the Commission that 120 Center Street is still not ready for a Certificate of Compliance.
- LC disseminated Bylaw forms she has drafted for review.
- LC directed the Commission to a letter she wrote to the Board of Assessors requesting the Towns portion of the taxes for the Russell Hill Property be abated.
- LC updated the Commission regarding two violation letters she sent to 97 Fitchburg Road and Mr. Kyprianos on River Styx Road.
- LC reviewed a comment letter she wrote to the Planning Board regarding the Scenic Road Permit for 69 Russell Hill Road.
- LC informed the Commission that the Ashburnham Conservation Trust (ACT) has requested permission to install signs on the Bush Hill Property. LC showed the Commission the signs. The Commission requested the ACT minimize sign usage on the property.  
MH: Motion to authorize the Ashburnham Conservation Trust to install signs on the Bush Hill Property.  
CP: Seconded the Motion  
Motion carried unanimously 3-0
- LC updated the Commission regarding an oil spill at 11 Wood Path.
- The proposed Eagle Scout Project on the Bush Hill Property was discussed. It was agreed that LC and MD would walk the property with MH after the site visit on Friday afternoon.
- CP explained the frog call survey of the lakes and ponds of Ashburnham a student of his would be performing.

CP: Motion to approve the minutes of March 24, 2008

MD: Seconded the Motion

Motion carried unanimously

CP: Motion to adjourn the Meeting

MH: Seconded the Motion

Motion carried unanimously 3-0

Meeting adjourned at 10:28 PM

Respectfully submitted by Lori Capone, Conservation Agent