

Minutes of the Conservation Commission
May 12, 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.

7:31 PM CP opened the Notice of Intent Hearing for Mary Gelinas of 65 Brogan Road last continued February 11, 2008. CP asked if there were any abutters to speak for or against the application: no abutters were present. Bob Bettez presented the revised plans to the Commission for the Applicant, who was not present. The revised plans showed the location of the new tight tank, driveway and out buildings. Mr. Bettez drew the erosion control barrier on the plan which is to consist of silt fence. The Commission discussed the need to have the floodplain delineated on the plan. It was determined that it was not necessary as the Applicant was not proposing any grade changes.

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

MH: Seconded the Motion

Motion carried unanimously 3-0

Other Business:

- MH updated and thanked the Commission for helping with the Eagle Scout Project on the Bush Hill Property. The scouts successfully cleared the existing trail and created a new trail to re-route the trail around a wetland. MH informed the Commission that he may have additional scouts to help finish the trails on the Bush Hill Property, as well as, create trails on the Russell Hill Property.

7:45 PM CP opened the Notice of Intent Hearing for San-Ken Homes for 24 and 30 River Styx Road continued from April 28, 2008. LC informed the Commission that the Applicant has requested a continuance in order to meet with the Planning Board regarding the Common Driveway Permit.

CP: Motion to continue the Hearing to June 9, 2008 at 7:45

MH: Seconded the Motion

Motion carried unanimously 3-0

Other Business:

- LC informed the Commission that 120 Center Street is adequately stabilized and recommended the issuance of a Certificate of Compliance.

MH: Motion to issue a Certificate of Compliance to 120 Center Street
CP: Seconded the Motion
Motion carried unanimously 3-0

8:00(7:56) PMCP opened the Notice of Intent Hearing for Robert Raffi for Lot 2 Rindge Turnpike Road continued from April 28, 2008. CP asked if there were any abutter present to speak for or against the application. Abutters present were: David and Virginia Benedict of 141 Wilker Road, Kevin Salo of 171 Wilker Road, Helen Kirby of 143 Wilker Road, and Blanca and Bryan Nitzsche of 134 Wilker Road. Jack Visniewski of Cornerstone Land Consultants presented the project to the Commission for the Applicant, who was not present. Mr. Visniewski briefly went over the changes for Lot 1 Rindge Turnpike Road as the revised plans have not been submitted to the Commission to date. The wetland delineation on Lot 2 and its associated buffer zone have been revised as agreed at the site visit on April 18, 2008. MH asked about restoration for the deep holes that were performed within the wetland and buffer zone. Mr. Visniewski agreed to restore the existing grades by hand and allow the area to naturally revegetate. MH asked about what will happen to the well drillings. Mr. Visniewski stated that the tailing will be collected in a pit surrounded by straw bales and will be buried outside the buffer zone. The Commission requested straw bales be added to the right side of the driveway. CP opened the discussion to abutters: there were no 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

MH: Seconded the Motion

Motion carried unanimously 3-0

8:15 PM CP opened the Notice of Intent Hearing for Robert Raffi for Lots 1 & 2 Wilker Road continued from April 28, 2008. CP asked if there were any abutter present to speak for or against the application. Abutters present were: David and Virginia Benedict of 141 Wilker Road, Kevin Salo of 171 Wilker Road, Helen Kirby of 143 Wilker Road, and Blanca and Bryan Nitzsche of 134 Wilker Road. Jack Visniewski of Cornerstone Land Consultants presented the project to the Commission for the Applicant, who was not present. Work in the buffer zone consists of driveways and grading. The wetlands flags have been revised and the stream channel has been located as agreed upon on the April 18th site visit. Culverts with energy dissipaters are proposed under the driveways to convey drainage to the wetland at the bottom of the hill. Mr. Visniewski presented a plan showing how the drainage flows off the hill. A common driveway is not being proposed because the Applicant did not want to go through that extra step. LC stated that Mr. Gallant, Building Inspector, determined that this project, as proposed, constitutes a common driveway. Mr. Visniewski will meet with Mr. Gallant. CP opened the discussion up to the abutters. Mr. Salo of 171 Wilker Road and Mr. Nitzche of 134 Wilker Road expressed concern with the impact that the tree removal will have on the drainage on Wilker Road. Mr. Visniewski explained the soil types and water table of the site and explained that the water will come off the site faster but overall not significantly different than what comes off the site now.

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

MH: Seconded the Motion

Motion carried unanimously 3-0

8:30(8:41) PM CP opened the Notice of Intent Hearing for Paul Janell of 62 Winding Cove Road for the demolition and reconstruction of a single family house. Chris MacKenzie from Whitman and Bingham Assoc. presented the project to the Commission for the Applicants, who were also present. The Janell's asked to include the demolition of the shed and the reconstruction of the first retaining into this application. Mr. MacKenzie explained that the Applicant would like to move their house closer to the lake based on topography and move their septic system out of the buffer zone. The Board of Health approved the septic design at their May 5th Meeting. Haybales and silt fence are proposed for erosion control. LC asked that the silt fence be added up the right lot line and tie into the existing stone wall. The driveway shall remain crushed stone. The need for a Special Permit from the Zoning Board of Appeals was discussed. LC explained the Special Permit was necessary because the new structure did not meet the lot line setbacks but that this should not effect the Commission decision due to the fact that either the Special Permit would be granted, or, the house would be reduced in width by 10 feet. CP asked if there were any abutters to speak for or against this application: no abutters were present.

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

MH: Seconded the Motion

Motion carried unanimously 3-0

8:45(8:55) PMCP opened the Request for Determination of Applicability Hearing for Frederic J. Freidus of 10 Sunset Avenue for construction of a two level screen porch. Chris Mossman of Trowbridge Engineering presented the project to the Commission for the Applicant, who was not present. Impact to the buffer zone would consist of seven (7) big-foot footings and removal of one tree. CP asked for the soils piles to be tarped instead of installing silt fence to minimize impacts.

CP: Motion to close the Hearing

MD: Seconded the Motion

Motion carried unanimously 3-0

CP: Motion to issue a Negative Determination of Applicability with condition that the soil piles will be tarped in lieu of installation of silt fence.

MH: Seconded the Motion

Motion carried unanimously 3-0

9:00 PM

CP opened the Notice of Intent Hearing for Ryan Malatos for Lot 1 Ashby Road continued from April 28, 2008 for the construction of a single family house, driveway,

well, water service and septic system. LC informed the Commission that Jack Maloney left her a voicemail requesting a continuance to the next available meeting.

CP: Motion to continue the Hearing to June 9, 2008 at 8:00 PM

MD: Seconded the Motion

Motion carried unanimously 3-0

Other Business:

- George Cornwall of the Naukeag Lake Club appeared at the Commission's request in response to the drawdown activities commenced at the Lake Club without a valid Order of Conditions. MD and CP abstained from this discussion as they are members of the Lake Club. MH explained the process associated with the performance of a drawdown. Mr. Cornwall apologized and explained that Mr. Chapin had deceased and he did not get LC's letter of January 2008 otherwise he would have addressed the Commission prior to performing this year's drawdown. Mr. Cornwall explained the process the Lake Club has performed for 81 years. MH explained that DFW recommends drawdowns to be performed from Nov. 1 to April 1 and asked if dam repairs could be performed in the Fall. It was agreed that the boards would be reinstalled in the dam and Mr. Cornwall would submit a Notice of Intent, which will also be submitted to the Natural Heritage Program under DFW as the area is endangered species habitat.
- LC presented a Determination of Negligible Impact for Lot 309 Blueberry Road for the removal of one pine tree. The stump shall remain to maintain soil stability.
MH: Motion to approve the Determination of Negligible Impact for Lot 309 Blueberry Road
CP: Seconded the Motion
Motion carried unanimously 3-0
- LC presented a Determination of Negligible Impact for 137 Ashby Road for the construction of a 16' x 16' deck.
CP: Motion to approve the Determination of Negligible Impact for 137 Ashby Road with the condition that soil piles be tarped to prevent erosion.
MD: Seconded the Motion
Motion carried unanimously 3-0
- LC presented a Determination of Negligible Impact for Lot 71 West Shore Drive for the clearing of a pathway and clearing and grading of a picnic area. There was much discussion, primarily with respect to the extent and characteristics of the grading associated with the proposed picnic area.
MD: Motion to approve the Determination of Negligible Impact for clearing of the pathway and picnic area but not for the proposed grading.
CP: Seconded the Motion
Motion carried unanimously 3-0
- LC informed the Commission that the Ashburnham Rail Trail Committee would like to perform some trail work of the existing rail trail on June 7th. The Commission agreed this work would not require a filing with the Conservation Commission.

Minutes of May 12, 2008 continued

- LC informed the Commission of a list of items LD would like to discuss at the next meeting
- CP: Motion to approve the minutes of April 28, 2008
MD: Seconded the Motion
Motion carried unanimously 3-0

CP: Motion to adjourn
MH: Seconded the Motion
Motion carried unanimously 3-0

Meeting adjourned at 10:15 PM
Respectfully submitted by Lori Capone, Conservation Agent