

Minutes of the Conservation Commission
June 9, 2008

Present: CP: Christopher Picone, Chairman MD: Marshall Dennis
MH: Michael Horgan LD: Lorraine DeSouza
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 CP opened the Notice of Intent Hearing for Todd Griffin of 75 West Shore Drive last continued from April 14, 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 to speak for or against the application: none were present. There was no one in attendance of the Hearing. There was much discussion regarding how long this application has remained opened pending a revised design from the Applicant and the fact that the Commission has not received new information from the applicant in ten months.

LD: Motion to close the Hearing

MD: Seconded the Motion

Motion carried unanimously 4-0

LD: Motion to deny the issuance of an Order of Conditions due to lack of information

MD: Seconded the Motion

Motion carried unanimously 4-0

Other Business:

- The Commission reviewed and discussed the Draft Open Space and Recreation Plan
- The Commission reviewed and discussed the Low Impact Development Bylaw Regulations for Simplified Review

7:45 PM CP opened the Notice of Intent Hearing for San Ken Homes for 24 & 30 River Styx Road last continued from May 12, 2008 for the proposed construction of a common driveway and related site grading, within the buffer zone and construction of a new single family house, well and related site grading within the Riverfront Area. CP asked if there were any abutters to speak for or against the application: none were present. Chris MacKenzie of Whitman & Bingham Assoc. requested a continuance until the plan has been revised and reviewed by the Planning Board's engineering review consultant.

CP: Motion to continue to June 23, 2008 at 8:00PM

LD: Seconded the Motion

Motion carried unanimously 4-0

7:55 PM CP opened the Notice of Intent Hearing for Ryan Malatos for Lot 1 Ashby Road last continued from May 12, 2008 for the proposed construction of a single family house, driveway, well, water service and septic system located within the 100-foot buffer zone and riverfront area. CP asked if there were any abutters to speak for or against the application: none were present. Chris MacKenzie of Whitman & Bingham Assoc. presented the revised plan dated June 4, 2008 to the Commission. The house was moved as far from the River as possible while still maintaining a 30-foot buffer from the intermittent stream. The proposed riverfront impacts equal 4,972 s.f. or 9.9% of the riverfront area located on the property. LC requested the erosion control line be staked out in the field prior to installation to ensure there are no additional impacts to the riverfront area and also requested a Deed Restriction be recorded on the property limiting the alteration of the riverfront area to 5,000 s.f. or 10% of the riverfront area located on the property, in perpetuity.
CP: Motion to close the Hearing
MH: Seconded the Motion
Motion carried unanimously 4-0
CP: Motion to issue an Order of Conditions per plan and discussion
MH: Seconded the Motion
Motion carried unanimously 4-0

Other Business:

- The Commission reviewed a letter from Paul Johnson of the Far Hills Association concerning the Order of Conditions for dam repair and annual drawdown projects for Sunset Lake. The Commission requested LC draft a response letter detailing the discussion.
- LC presented a request for a Determination of Negligible Impact for 31 Noel Drive for the construction of a 570 sq. ft. deck located 69 feet from Sunset Lake.
LD: Motion to issue a Determination of Negligible Impact for 31 Noel Drive
CP: Seconded the Motion
Motion carried unanimously 4-0
- LC presented a Request for a Certificate of Compliance for 5 Dalbeck Road. LC explained that this Order of Conditions was for a septic system constructed in 1990.
LD: Motion to issue a Certificate of Compliance for 5 Dalbeck Road
MH: Seconded the Motion
Motion carried unanimously 4-0
- LC presented a Request for a Certificate of Compliance for 6 Gardner Road. LC explained that this Order of Conditions was for the construction of Mr. Mike's. LC has inspected the As-Built Plan and site which appears to be in compliance with the Order.
LD: Motion to issue the Certificate of Compliance for 6 Gardner Road
MH: Seconded the Motion
Motion carried unanimously 4-0

- LC presented a Request for a Certificate of Compliance for 42 Kelton Road. LC explained that this Order was for the construction of a driveway with a wetland crossing. LC received certification from the applicant's engineer that the driveway was constructed in accordance with the Order. LC inspected the site which appears to be stabilized and constructed in compliance with the Order.
CP: Motion to issue a Certificate of Compliance for 42 Kelton Road
MD: Seconded the Motion
Motion carried unanimously 4-0
- LC informed the Commission that 33 Brook Road is ready for a Certificate of Compliance. A Partial Certificate was issued in January pending stabilization of the side slope of the septic system.
LD: Motion to issue a Certificate of Compliance for 33 Brook Road
CP: Seconded the Motion
Motion carried unanimously 4-0
- LC presented a request for a Certificate of Compliance for 42 Winding Cove Road. LC explained that this Order was for the construction of a new single family house. LC explained that the applicant was unable to obtain an As-Built Plan but from inspection of the site, the site is in substantial compliance with the Order.
LD: Motion to issue a Certificate of Compliance for 42 Winding Cove Road
MH: Seconded the Motion
Motion carried unanimously 4-0
- LC presented a Request for a Certificate of Compliance for 70 Stowell Road. LC explained this Order was for the construction of a single family house which was constructed in accordance with the Order of Conditions, however, a dock was installed which was not permitted. The Commission determined that a Notice of Intent must be submitted for the dock before a Certificate of Compliance can be issued for the house.
- CP: Motion to approve the minutes of May 12, 2008
MH: Seconded the Motion
Motion carried 3-0 (LD abstained, as she was not present at that Meeting)
- LC informed the Commission that a tree stand has been constructed on the Russell Hill Property. LC has requested the Highway Department remove the stand as hunting is not permitted on the property. LD requested LC ask the Highway Department if they can cover the well that is located just to the left of the intersection of Russell Hill Road and Stagecoach Road.
- LC reminded the Commission that there is a site visit on Lakeshore Drive, Saturday, June 14th at 10:00.
- LD updated the Commission regarding recent appeals of local Wetland Bylaws in other communities.

Minutes of 6/9/2008 continued

- The Commission preliminarily discussed the possibility of designating an Area of Critical Environmental Concern in Town.

CP: Motion to adjourn

MH: Seconded the Motion

Motion carried unanimously 4-0

Meeting adjourned at 9:39PM

Respectfully submitted by Lori Capone, Conservation Agent