

Minutes of the Ashburnham Conservation Commission
July 14, 1008

Present: CP: Christopher Picone, Chair LD: Lorraine DeSouza
MD: Marshall Dennis LC: Lori Capone, Conservation Agent

Absent: MH: Michael Horgan

7:30 PM CP opened the Meeting of the Ashburnham Conservation Commission 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 Kristina Goguen of 5 Houde Avenue for the proposed construction of a retaining wall, landscape waterfall, and dock, continued from June 23, 2008. CP asked if there were any abutters to speak for or against this application: no abutters were present. CP explained that he was not in attendance at the last hearing but has reviewed all the paperwork and visited the site and asked if there was any objection to him sitting in on the Hearing: there were no objections. Mr. Goguen explained that he has talked with Jennifer Gensel of DEP who had concerns with the project but stated the decision falls with the Conservation Commission. CP stated two concerns: 1.) The original letter from 1998 stated that the wall was to located 80 feet from the foundation of the house, not the deck; and 2.) Questioned whether the map drawn in March of 1984 depicted the waterline at drawdown stage or normal level. The Goguen's verified that the map depicted the normal shoreline and reiterated that they have lost a lot of land due to erosion. LC summarized her discussion with Jennifer Gensel of DEP and stated that the main concerns were the performance of a wildlife habitat study due to the fact that more than 50 feet of bank was being altered and the need for a Chapter 91 License for any land being filled below the high water mark. MD explained that even if a wildlife habitat study was performed, it would reveal the project will have no impact due to the parameters of the site and did not feel the need for the study. The Commission agreed that the Chapter 91 License was out of the Commission purview and the Applicant would have to follow up with DEP on this aspect. LD expressed the need to restore vegetation along the shoreline, requested no invasive species be introduced into the project site, and requested the plan be revised to accurately reflect the discussions. LC explained the need for the Applicant to pay the filing fees for the dock and for wetland alteration. A check was provided by the Applicant.

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 with the condition that revised plans be submitted and approved prior to the issuance of the Order.

LD: Seconded the Motion

Motion carried unanimously 3-0

7:45(8:00) PMCP opened the Notice of Intent Hearing for San Ken Homes for 24 & 30 River Styx Road last continued from June 23, 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 this application: no abutters were present. Christopher MacKenzie of Whitman & Bingham presented the revised plan to the Commission for the Applicant, who was not present. Mr. MacKenzie went through the outstanding issues raised by the Planning Board's engineering consultant. Jutte matting has been added to the plan for additional erosion control and the replication plan has been revised per MD's comments.

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

MD: Seconded the Motion

Motion carried unanimously 3-0

8:00(8:05) PM CP opened the Notice of Intent Hearing for Paul E. and Teresa Moylan of 70 Stowell Road for an after-the-fact installation of a dock in Lake Watatic. CP asked if there were any abutters to speak for or against this application: no abutters were present. Christopher Mossman of Trowbridge Engineering explained the project to the Commission for the Applicant, who was not present. Mr. Mossman explained that a Request for a Certificate of Compliance was requested at which time it was noted that a dock had been added to the property which prompted this Notice of Intent filing. Mr. Mossman explained that a Simplified Chapter 91 License would be required because the dock is located within the water column and requested the Commission condition the project that both Orders would receive a Certificate of Compliance once a Chapter 91 license was issued. LC informed the Commission that the Chapter 91 License did not fall under the purview of the Commission and stated the Order should not be issued conditional upon the Chapter 91 license. There was discussion. Mr. Mossman requested a continuance for two weeks to work out details with his client.

CP: Motion to continue the Hearing to July 28, 2008 at 8:05 PM

MD: Seconded the Motion

Motion carried unanimously 3-0

Other Business:

- The Commission discussed the Draft Open Space and Recreation Plan Update
- Gary Howland informed the Commission of the possible need to apply for a Source Water Protection Grant for the Packard Hill Property if DCR decides not to buy it.
- Gary Howland informed the Commission that the Sportsman Club will be making the final vote tonight regarding placing a Conservation Restriction on their property.
- The Commission discussed the LID Bylaw and Simplified Regulations. The Commission asked LC to request an appointment with the Planning Board at their August 14th Meeting to discuss this matter further.
- The Commission discussed the erosion problem at 2 East Rindge Road. LC presented a letter she wrote to the homeowner. The Commission determined that an Enforcement Order should be issued following the next erosion event if there is no response from the homeowner.

Minutes of July 14, 2008 continued

CP: Motion to adjourn

MD: Seconded the Motion

Motion carried unanimously 3-0

Meeting adjourned at 9:20 PM

Respectfully submitted by Lori Capone, Conservation Agent