

Minutes of the Ashburnham Conservation Commission
May 10, 2010

Present: MD: Marshall Dennis, Chairman CP: Christopher Picone
 AA: Alana Archangelo LC: Lori Capone, Conservation Agent
Absent: LD: Lorraine DeSouza

7:30 PM MD opened the meeting of the Ashburnham Conservation Commission under the MA Wetlands Protection Act, M.G.L Chapter 131, Section 40, and in accordance with the Ashburnham Wetlands Protection Bylaw and associated Rules and Regulations.

7:31 PM MD opened the Notice of Intent Hearing for Michael and Paula Dolan of 19 Blueberry Road for the proposed construction of an addition of a foyer and garage, located within the buffer zone. MD asked if there were any abutters present to speak for or against the application: no abutters were present. The Dolans presented their plan to the Commission. The Dolans explained that they would like to convert their seasonal cottage to a year round house by adding the foyer with storage space and two-car attached garage. The original provision of construction of the house required a 50-foot setback from the lake which is being maintained with the proposed design. The garage will be placed on footings but will not contain a full foundation. CP suggested silt fence be utilized for the erosion control barrier instead of the proposed haybales as the site was relatively flat. MD requested that the erosion control barrier be located as close to the proposed construction as possible and be wrapped around the construction area to fully encompass any potential erosion. The Dolans stated that the existing shed would be removed. The Commission requested that stockpiled materials be covered with a tarp. MD asked when work would commence. The Dolans were hoping to commence construction in the Fall.

MD: Motion to close the Hearing

CP: Seconded the Motion

Motion carried unanimously 3-0

MD: Motion to issue an Order of Conditions for 19 Blueberry Road per plan and discussion

CP: Seconded the Motion

Motion carried unanimously 3-0

7:45 PM MD reopened the Notice of Intent Hearing for Joseph Solans for Lot 9 Ferin Road for the proposed construction of a new single family house, well and septic system, located within the buffer zone. LC informed the Commission that they are in receipt of a request for a continuance in order to file an ANR plan with the Planning Board.

MD: Motion to continue the Hearing to May 24, 2010 at 7:45 PM

CP: Seconded the Motion

Motion carried unanimously 3-0

8:00 PM MD opened the Abbreviated Notice of Resource Area Delineation Hearing for the Town of Ashburnham J. R. Briggs Feasibility Study Committee for 96 Williams Road for verification of the wetland delineation. Jamie Rheault and Dr. Zapantis, Superintendent of Schools, presented the plan to the Commission. MD asked of there were any abutters present to speak for or against the application: no abutters were present. Jamie Rheault noted that Charles Caron delineated the wetlands and Ed Boucher surveyed the flags. MD, AA and LC walked the proposed wetland boundary and discussed the requested changes to the delineation. MD noted that the finger wetland extending from the vernal pool was extended further and flags were hung in the field. The D-series flags needed to be extended to the property line and extended down to a flag that MD placed in the field. The drainage area down gradient of wetland flag 27 needs to be re-reviewed by Mr. Caron. Another small isolated wetland down gradient of the D-series flags was flagged in the field. Jamie Rheault explained that Mr. Caron did not feel that the drainage area down gradient of wetland flag 27 was a wetland based on a site walk with the Commission last Fall. MD asked that the area be re-evaluated. MD requested a site walk with Mr. Caron. A site visit was set up for May 17th at 2:15 PM so that a final plan could be ready for approval for the Commission's May 24th Meeting. MD commented on the wildlife present in the vernal pool and requested that alterations of the terrestrial environment necessary for the survival of spotted salamanders and wood frogs be minimized. MD suggested that the Committee hire an environmental specialist when designing the site particularly to review impacts on the vernal pool. MD informed the applicant that Bylaw fees would be imposed on the project as advised by the Town Administrator but that the fees could be reduced by excluding areas that do that have to be verified to accommodate the proposed construction. Mr. Rheault explained that it may take some time to get permit fees and asked if the Commission could issue the Order of Resource Delineation prior to payment. LC informed the Commission that DEP has not issued a file number yet.

CP: Motion to continue the Hearing to May 24, 2010 at 8:15 PM

AA: Seconded the Motion

Motion carried unanimously 3-0

Other business:

- LC presented a Determination of Negligible Impact for the Nashua River Watershed Association and Stewardship Committee of the Squannassit and Petapawag Areas of Critical Environmental Concern for the release of *Galerucella* spp. beetles annually on conservation land on Route 119 in an effort to reduce current and future populations of purple loosestrife. AA abstained from acting of this application as she is assisting with the project.

MD: Motion to invoke the Rule of Necessity due to the fact that the Commission did not have a quorum to act on the application.

CP: Seconded the Motion

Motion carried 2-0 (AA abstained)

MD: Motion to issue a Determination of Negligible Impact

CP: Seconded the Motion

Motion carried 2-0 (AA abstained)

- LC presented a Determination of Negligible Impact for 31 Hay Road for the construction of a 6' x 14' addition located approximately 80 feet from Stodge Meadow Pond. All work is being performed between the road and the existing house. Excavated soils will be disposed of directly into a dump truck or will be covered with a tarp and surrounded by haybales. LC presented an aerial of the property
CP: Motion to issue a Determination of Negligible Impact at 31 Hay Road for the construction of a 6' x 14' addition as discussed.
AA: Seconded the Motion
Motion carried unanimously 3-0
- LC presented a Determination of Negligible Impact for 15 Pleasant Street for the construction of 2 pergolas, relocation of the driveway and reconstruction of a retaining wall, located within the buffer zone. The Commission reviewed plans and pictures submitted by the homeowner illustrating the proposed work. All stockpiles will be covered with a tarp.
MD: Motion to issue a Determination of Negligible Impact to 15 Pleasant Street per plan and discussion
CP: Seconded the Motion
Motion carried unanimously 3-0
- LC informed the Commission that she was contacted by Fernand Arsenault regarding a donation of land of Winchendon Road. It is a landlocked parcel roughly 15,000 s.f. which contains some estimated endangered species habitat. If the Commission is interested, LC will do more research and submit the information to the Board of Selectmen for approval. The Commission agreed to pursue the acquisition.
- LC distributed the Selectmen's Policy regarding the Solicitation or Acceptance of Contributions
- LC informed the Commission of the Right of First Refusal regarding a property on Byfield Road
- LC disseminated pictures of the Lower Naukeag Dam and outlet. There was much discussion regarding the drawdown process. It was determined that this matter would be discussed at the meeting with Weston & Sampson on May 17th. The Commission requested LC contact Natural Heritage to see what endangered species the area is designated for to determine potential impacts.
- LC informed the Commission that a Building Permit had been issued to 97 Center Street for an above ground swimming pool. The Building Permit Application had not been submitted to LC for her approval prior to issuance. The Commission requested that LC contact the Building Commissioner to see if he would issue a Stop Work Order due to the fact that the Commission was not properly notified and MD would draft a letter to the homeowner regarding the outstanding issues from previous violations and require the homeowner to submit a Request for Determination of Applicability application.

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- The Commission discussed amending their Regulations to prohibit the use of haybales.

CP: Motion to adjourn

AA: Seconded the Motion

Motion carried unanimously 3-0

Meeting adjourned at 9:22 PM

Respectfully submitted by Lori Capone, Conservation Agent