

Minutes of the Ashburnham Conservation Commission  
July 26, 2010

Present: MD: Marshall Dennis, Chairman  
LD: Lorraine DeSouza

CP: Christopher Picone  
AA: Alana Archangelo

7:36 PM MD opened the meeting of the Ashburnham Conservation Commission under the MA Wetland Protection Act, M.G.L. Chapter 131, Section 40, and in accordance with the Ashburnham Protection Bylaw and associated Rules and Regulations.

7:40 PM MD opened the public hearing associated with the Request to Amend the Order of Conditions filed by the Lower Naukeag Lake Association. Steven Slocum and Thomas Smolinsky, as well as several other members of the Association, were in attendance. The requested Amendment to the existing Order of Conditions pertained to the drawdown of the lake presently scheduled to begin on October 1, 2010 as opposed to the previously approved date of October 15, 2010. The Amendment also requested to change the 4-foot drawdown from odd years to even years, with 2-foot drawdowns to occur on odd years.

LD: Made a Motion to grant the request for the Amendment for a 4-foot drawdown commencing October 15, weather conditions permitting, and to initially remove 2 boards.

CP: seconded the Motion

Unanimous vote 4-0

MD and Mr. Slocum subsequently discussed the fact that Lower Naukeag Lake's permit expires 12 February 2011 and a new Notice of Intent will need to be filed. This new NOI may include both the chemical treatment of the lake, as well as the lake's drawdown schedule for the next three years. MD stated the associated Bylaw Fees for the chemical application and drawdown could be combined. Mr. Slocum will contact MD and MD will advise Mr. Slocum as to the fee structure. MD informed the Lower Naukeag Lake Association that the Conservation Commission has been advised by Town Counsel and the Town Administrator to adhere to the guidelines contained in the State GEIR regarding Eutrophication and Aquatic Plant Management, i.e. to not allow drawdowns before November 1<sup>st</sup>. However, the Association will be allowed to commence this year's drawdown on October 15, 2010 because that is what the existing Order of Conditions states.

MD and CP agreed that a site visit near the end of September to make sure the culvert is clear of debris would be advisable. LD mentioned her concern that someone needs to make sure the town is notified as to when the boards need to be replaced in the spring, as that was not done this year. Mr. Slocum said he would do that- all four boards will be replaced on March 1<sup>st</sup>, which will allow plenty of time for the lake to reach capacity by April 1<sup>st</sup>.

Mr. Slocum expressed frustration that the State guidelines do not allow for drawdowns to commence prior to November 1<sup>st</sup>. LD reminded him that the Conservation Commission is obligated to adhere to the Guidelines, but suggested

that Mr. Slocum may want to forward his drawdown data from the past 2 years to the appropriate State agency in an effort to have the guidelines modified. Mr. Slocum agreed to do that. MD expressed interest in attending a meeting with Mr. Slocum and Thomas French of Natural Heritage Program in the event Mr. Slocum is able to arrange such a meeting.

8:15 PM Christopher Mackenzie, Philip Madonia, and Paul Lieneck were in attendance for the continued public hearing on the Notice of Intent for the improvement of the rifle range at the Fitchburg Sportsman's Club (289 Rindge State Road).

The site visit conducted on Friday, July 16, 2010 (MD, LD & AA in attendance) was discussed. Proceedings of the site visit are as follows.

MD noted that information regarding seed mixtures for the replication area was not available. Mr. Mackenzie, of Whitman and Bingham, gave the Commission that information- it will be Rice Cutgrass. MD suggested that New England Wetmix would be preferable, as Rice Cutgrass alone would provide limited vegetative diversity. MD questioned why some wetland areas at the gun range had not been flagged when Charles Caron, the botanist hired to delineate the wetlands, was there earlier. Mr. Mackenzie said Mr. Caron had since revisited the site, observed the vegetation and collected soil samples, and concluded the site appeared to have been filled and, despite the presence of some wetland plant species, did not exhibit hydric soils. MD asked raised the issue of potential design alternatives to limit the extent of wetland fill. Mr. Madonia commented that the current plan would better facilitate the removal of lead tainted soil, which would occur approximately every ten years.

LD made a motion to continue the Fitchburg Sportsman Club's NOI public hearing to August 9 at 7:45 pm.

CP seconded

Unanimous vote 4-0

The violation at the Sportsman's Club adjacent to and north of Wallace Pond then was discussed. Mr. Mackenzie stated most of the work was complete, the area had been loamed and seeded, and all construction equipment had been removed. He requested a site visit by the Commission and mentioned that the silt fencing was not placed in the water as the Commission had proposed, and that no jute matting had been laid on the rocks going into the stream as proposed. He said the silt fence had been instead placed along the side of the road.

8:30 PM Jesse Johnson of David Ross Associates, and Tim and Cindy Peterson of 18 Heald Road were in attendance to get feedback on the potential construction of a pond for aesthetic purposes in what is currently a wet meadow. After much discussion, MD recommended not proceeding with the project at that particular site as it would destroy a habitat type that is disappearing Statewide, and he had concerns that input to the pond may not be sufficient to maintain adequate water levels, thus creating a mud-hole instead of a pond. He suggested moving the location to

an upland site, installing multiple monitoring wells to determine groundwater elevations, and encouraged them to have more extensive hydrological studies and data compiled before moving forward with the idea.

8:45 PM A Request for an Extension of the Order of Conditions for Mr. Gary Gleason of 155 Winchendon Road was discussed.

CP made a motion to approve the extension of the Order of Conditions for 155 Winchendon Road pending verification of receipt of filing fee.  
LD seconded the motion  
Unanimous vote 4-0.

Other Business:

- Ms. Angel Lehtonen (Northland Engineers) was in attendance for 108/109 Winding Cove Road (DEP # 92-836). Ms. Lehtonen previously had noticed that the Commission's signatures on the Order of Conditions had not been notarized. Since then, MD had the Order notarized. As she requested, Ms. Lehtonen was given the original Order of Conditions after signing a Chain of Custody form indicating that she was in receipt of same.

Regarding 420 Ashby Road, MD told Ms. Lehtonen that the Order would be mailed Tuesday July 27, 2010 and the DEP # had been received. MD also informed Ms. Lehtonen that the After-the-Fact RDA filed for a tight tank at 38 Stodge Meadow Rd came in too late to be placed to this meeting's agenda and has been moved to the August 9<sup>th</sup> meeting at 7:30 pm.

- The Commission approved the following minutes:
  - May 10, 2010 Unanimous 3-0 (LD abstained)
  - May 24, 2010 Unanimous 3-0 (AA abstained)
  - June 2, 2010 Unanimous 3-0 (LD abstained)
  - June 14, 2010 Unanimous 3-0 (AA abstained)
- LD submitted her letter of resignation from the Conservation Commission after 10 years of service, effective at the close of this meeting. There was much discussion.

LD: Motion to adjourn  
CP: Seconded the Motion  
Motion carried unanimously 4-0

Meeting adjourned 9:13 PM  
Respectfully submitted by Alana Archangelo, Conservation Commission Member