## Minutes of the Ashburnham Conservation Commission December 13, 2010

Present: MD: Marshall Dennis, Chairman CP: Christopher Picone AA: Alana Archangelo

- 7:42 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
- 7:43 PM MD reopened discussion regarding **Richard and Kristina Goguen of 5 Houde Avenue** and their Request for an Extension to the Order of Conditions for site work, including dock-related activities at Lower Naukeag Lake. This Request was continued from previous meetings due to missing paperwork. Since then, MD located the most recent Order of Conditions dated July 27, 2008. Based on this Order, the request for the Extension Order was determined to be valid.

CP: Motion to rescind the denial of the Extension Order Request for 5 Houde Avenue as voted on November 8, 2010 AA: Seconded the motion Motion carried unanimously 3-0

CP: Motion to approve the Extension Order Request for 5 Houde Avenue for three years, i.e. to 12/13/2013 AA: Seconded the motion Motion carried unanimously 3-0

7:50 PM MD opened the discussion for **5** Ashe Road and the Request for a Certificate of Compliance filed by John Warrington for a septic system repair and well installation. MD stated that he had visited the site and the area of repair was stabilized with vegetation. Pictures of the repair site were reviewed.

CP- made a motion to grant the Certificate of Compliance for 5 Ashe Road AA- Seconded the motion Motion carried unanimously 3-0

8:00 pm Steve Slocum, Stan Herriott, and Bob King were present to represent the Lower Naukeag Lake Association for an informational meeting regarding a review of future drawdown- related application requirements. Mr. Slocum wanted to know if the current Order of Conditions for herbicide treatment and drawdown requirements fell under the MA Permit Extension Act. MD stated that he did not believe the Act applied because the drawdown permit allowed the Lake Association to commence their drawdown on October 15, 2010 and it expires on April 30, 2011, as explicitly stated in the Order. MD believes a new Notice of Intent would need to be filed. MD will look into the matter and consult with the DEP to see if the Permit Extension Act applied to the subject Order.

Mr. Slocum also requested permission from the Conservation Commission to remove the fifth and final board to achieve the desired 4 foot lake drawdown. He provided evidence showing the current drawdown was still at 35 inches. MD stated that he would contact DPW's Mark Petersen and advise him that the Commission agreed that the last board could be removed. MD also stated that he will contact Mr. Slocum once a response from DEP has been received regarding the applicability of the MA Permit Extension Act to the existing Order for the lake.

Mr. Slocum further indicated that the Association is interested in commencing drawdowns in October instead of the recommended November 1st drawdown date because the lake does not recede the desired 4 feet before it freezes over. The Commission previously had consulted with Town Counsel, the Town Administrator and the Town's engineering consultants in this regard, and was informed that an earlier drawdown date was not advisable.

Other Business:

- The Commission discussed a violation at 80 Central Street, specifically the excavation of a driveway and the stockpiling of soil within the buffer of bordering vegetated wetlands and, potentially, within the BVW, itself. Photographs were reviewed and discussed. MD will send a letter to the homeowner and request the filing of a Notice of Intent.
- MD presented a request by Cheryl Hayes, a representative of The Law Office of David R. Rocheford, Jr., P.C., to issue a Certificate of Compliance (CoC) for the current owner of 143 Williams Road (Rebecca Gauthier), whom the law firm represents. The CoC pertained to work conducted onsite in 1989 (DEP #'s 92-184 and 92-416) for the previous owner (Peter Zbikowski). While the sale/transfer of the property recently occurred, a CoC had never been requested and, thus, never issued. The Commission reviewed the available plans, and MD stated that he had visited the site on December 13, 2010 and all areas of the property were stabilized.

CP: Motion to issue the Certificate of Compliance for 143 Williams Road as per discussion AA: Seconded the Motion Motion carried unanimously 3-0

CP: Motion to adjourn the meeting. AA: Seconded the Motion Motion carried unanimously 3-0

Meeting was adjourned at 8:37 PM

Respectfully submitted by: Alana Archangelo, Conservation Commission Member