## Minutes of the Ashburnham Conservation Commission December 27, 2010

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

- 7:34 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.
- 7:35 PM MD opened the Request for Determination of Applicability public hearing for **17 Pleasant Street - Verizon**. The RDA cites a request to the upgrade the HVAC system, including a new air conditioning unit inside the building, and new pump set and drycooler on the exterior of the building on a concrete pad. The Commission reviewed and discussed the plans.

CP: Motion to close the hearing on the RDA for 17 Pleasant Street MD: Seconded the Motion Motion carried unanimously 3-0

CP: Motion to issue a Determination of Applicability for 17 Pleasant Street, i.e. a Negative Determination that pertains to work within the Buffer Zone that will not alter an Area subject to regulation under the MA Wetlands Protection Act and Ashburnham Wetlands Protection Bylaw. AA: Seconded the Motion Motion carried unanimously 3-0

7:45 PM MD opened the Notice of Intent public hearing for the **proposed dormitory addition to the Mary-Hare House at Cushing Academy**. James Rheault of Whitman & Bingham was present to represent the school, as was a member of the Cushing Staff. As discussed, the proposed work entails the demolition of the existing barn attached to the Mary-Hare House and construction of a new twostory addition to be used for dormitory space. The proposed action is within the 200-foot Riverfront Area and the 100-foot buffer of a Bordering Vegetated Wetland. Overall, plan implementation will result in a reduction in impervious surface. MD expressed his disappointment that the NOI did not contain any discussion regarding the project's compliance with the MA DEP Stormwater Management Standards, as required by the State wetland regulations. Additionally, AA reminded Mr. Rheault that straw bales must be placed with the silt fencing for erosion control, not hay bales as indicated in the plans.

> CP: Motion to close the NOI public hearing for new dormitory space at Cushing Academy. AA: Seconded the Motion Motion carried unanimously 3-0

CP: Motion to issue an Order of Conditions per plan and discussion AA: Seconded the Motion Motion carried unanimously 3-0 8:00 PM MD opened the Request for Determination of Applicability public hearing relative to the application of herbicides by the **Pan Am Railways** along the railroad right-of-way at selected locations in South Ashburnham. MD stated that he had contacted **Keith Morris**, who filed the RDA on behalf of Pan Am, and requested supplemental information regarding the delineation of wetlands within the right-of-way and the actual herbicide application procedure(s). To date, no response has been received.

CP: Motion to continue the RDA public hearing for Pan Am Railways for the application of herbicide along selected areas in South Ashburnham to January 10, 2011 at 7:30 PM. AA: Seconded the Motion Motion carried unanimously 3-0

8:05 PM **Tim Sullivan of OCRAH Land Development** was present for an informational meeting to discuss the potential construction of a single family dwelling with an attached garage at **2 Westminster Street.** The existing home was demolished after a fire in 1999. The Commission advised Mr. Sullivan that, from the Commission's perspective, construction on the subject property appeared feasible.

Other Business:

- The Commission had a discussion regarding the dilemma of issuing Certificates of Compliance when the applicant DOES NOT request it. MD referenced a situation where the homeowner's home is being foreclosed upon and the foreclosing bank is requesting that the CoC be issued. MD will email the DEP for advice.
- MD informed the Commission that, after reviewing the project files, the Extension Order under which the Lower Naukeag Lake Association presently is applying herbicides could not be located. The Association has requested a determination by the Commission on the applicability of the MA Permit Extension Act to their current Orders relative to herbicide application and lake-drawdown activities. MD will request a copy of the missing Order from the Association.
- MD informed the Commission that the property owners are interested in demolishing an existing single family dwelling on Brideau Road (formally Martin Road) on Lower Naukeag Lake and construct a new one on the same site.
- The Commission reviewed and revised the Minutes from the December 13, 2010 meeting.
  CP: Motion to approve the December 13, 2010 meeting minutes as revised MD: Seconded the Motion
  Motion carried unanimously 3-0

MD: Motion to adjourn AA: Seconded the Motion Motion carried unanimously 3-0

Respectfully submitted by: Alana Archangelo, Conservation Commission Member