

Minutes of the Ashburnham Conservation Commission
April 12, 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 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. Tim Beauchemin of Beauchemin Engineering presented the project to the Commission for the applicant, who was not present. Mr. Beauchemin explained that of all the lots approved in the subdivision, this was the only lot that was suitable for a septic system. All the proposed work associated with the construction of the house and well will be located more than 50 feet from the resource area and the associated septic system, located across Lake Haven Road from the house, will be located outside the buffer zone. The front yard would be built up about 2 feet but no grading was proposed on the sides or rear of the lot. The lot line configuration was discussed. MD asked why the owner did not sign the NOI. LC noted that the proper owner was not referenced on the NOI and showed Mr. Beauchemin the Deed. MD informed Mr. Beauchemin that the applicant needed to sign the application in the future and/or provide the Commission will a letter authorizing him to represent them at the meeting. CP requested that due to the topography of the site that silt fence only be used for erosion controls. MD requested to continue the Hearing to perform a site visit and to allow for the requested changes to the application and plan. The septic pipe under Lake Haven Road was discussed. MD asked whether there were any improvements to Lake Haven Road proposed under this NOI. Mr. Beauchemin stated that any improvements would be covered under a separate NOI.

The Commission opened the discussion up to abutters. Susan Viau of Lots 19 and 20 Lake Haven expressed concern regarding whether the right-of-way which is their emergency access would be maintained. LC disseminated the plan referenced in the Deed that shows this right-of way. MD requested that research be performed regarding the right-of-way. Mr. Beauchemin noted that the lot lines have changed to accommodate the septic system, however, the lot line change has not yet been submitted to the Planning Board for approval. Paul Baker of 9 Ferin Road expressed concern regarding the septic system leaching into the lake, as well as, the ability of the existing dirt roads to handle the truck traffic associated with the construction of the site. MD explained that these were Board and Health

and Planning Board issues, respectively. A site visit was scheduled for April 24th at 9:00 AM.

CP: Motion to continue the Hearing to April 26, 2010 at 7:30 PM

AA: Seconded the Motion

Motion carried unanimously 3-0

7:45 (8:15) PM MD opened the Hearing for the Lower Naukeag Lake Association to Amend their Order of Conditions for their annual drawdown. MD asked if there were any abutters present to speak for or against the project: no abutters were present. LC informed the Commission that Mr. Slocum has requested that the Hearing be continued to May 24th.

CP: Motion to continue the Hearing to May 24, 2010 at 7:30 PM

AA: Seconded the Motion

Motion carried unanimously 3-0

Other Business:

- LC informed the Commission that they are in receipt of a Request for Certificate of Compliance for 28 Proctor Street. This was an old Order for a septic system. LC has inspected the site and recommended the issuance of a Certificate of Compliance.

CP: Motion to issue a Certificate of Compliance for 28 Proctor Street

AA: Seconded the Motion

Motion carried unanimously 3-0

- LC informed the Commission that they are in receipt of a Request for Certificate of Compliance for 107 Center Street (Lot B). LC explained that this Order was for the construction of the single family house, driveway, septic system and all associated utilities. LC has reviewed the as-built plan and inspected the site and recommended the issuance of a Certificate of Compliance.

CP: Motion to issue a Certificate of Compliance

AA: Seconded the Motion

Motion carried unanimously 3-0

- LC informed the Commission that they are in receipt of a Request for Certificate of Compliance for 97 Center Street (Lot A). LC explained that this Order was for the construction of the single family house, driveway, septic system and all associated utilities. Mark Dymek, the builder, was present to explain the situation. Mr. Dymek explained that the lot was being sold for the second time and a condition of the original sale was that he obtain the Certificate. However, the present owner has constructed a retaining wall and extended the driveway; work which was performed after Mr. Dymek sold the property. LC showed pictures of the site. MD informed the Commission that they had the following options: 1. not issue a Certificate of Compliance; 2. issue a Certificate of Compliance and an Enforcement Order to the violator; or 3. if the papers have passed, work with the new owners to rectify the situation as it was not fair to punish the new owner for work the previous owner performed. The Commission requested that

Mr. Dymek find out whether the land has been sold so that they can plan their course of action.

MD: Motion to issue an Enforcement Order to the violator if the property has not been sold or if the papers have already passed, write a letter to the new owners notifying them of the situation and requesting they meet with the Commission to resolve the issue.

CP: Seconded the Motion

Motion carried unanimously 3-0

- MD explained that Valorie Daigle contacted him regarding 38 Stodge Meadow Road where the septic system (cesspool) has failed and is in need of an emergency repair. MD and LC have visited the site. The proposal is to replace the cesspool with a tight tank located about 60 feet from the lake. Two maple trees will have to be removed. A building is located between the project and the lake and the topography was essentially flat so MD recommended that an after-the-fact Request for Determination of Applicability be submitted. LC contacted Rick Metcalf from the Nashoba Associated Boards of Health who indicated that they are awaiting a plan from Northland Engineering before they will allow the project to proceed.

CP: Motion to allow the project under an Emergency Permit with the condition that an after-the-fact RDA be submitted

AA: Seconded the Motion

Motion carried unanimously 3-0

- MD informed the Commission that he has not had time to draft a letter regarding 4 Liberty Lane so this matter will be continued.
- LC informed the Commission that the Land and Parc Grant is opened for proposals
- MD informed the Commission that Walter Sussbeaur filed a complaint with the Town Administrator regarding the Lower Naukeag Lake drawdown and the impact he believes it is having on his property. MD, LC, Doug Briggs and Mark Petersen visited the site today. Mr. Sussbeaur complained that the shoreline of his property (the bank of the river that discharges to the lake) is eroding. MD explained that the property is situated on the eroding side of the stream. The Town Administrator decided to hire Weston and Sampson to look at the situation to determine if the erosion is due to the drawdown. MD will follow up with Mr. Briggs.
- LC presented a Determination of Negligible Impact for Jeff Merrill, an Eagle Scout, who has submitted a proposal to construct a ¼ mile walking trail on the Russell Hill Property within the buffer zone. MD has walked the site with Jeff to determine the best location for this trail. The trail will extend north from the parking area and exits onto Stage Coach Road.
CP: Motion to issue a Determination of Negligible Impact per plan and discussion
AA: Seconded the Motion
Motion carried unanimously 3-0

- LC presented a Zoning Board of Appeals application for an undersized lot on Lincoln Avenue. It was determined that there were no conservation issues with this proposal.
- MD stated that he took a new list of foreclosure properties off LC's desk to review for the Commission.
- MD informed the Commission that he, Gary Howland and Paul Somers met with the Board of Selectmen regarding the town owned parcels on Lakeshore Drive. The Selectmen agreed to place these parcels under the care and custody of the Conservation Commission, including the newly acquired Buddhist property, but would retain one parcel (M 56, P52) combined with some lake frontage to sell for future development.
- LC presented a Request for Certificate of Compliance for 20 Blueberry Road. This Order was for the construction of a single family house. LC reviewed the project and recommends the issuance of a Certificate of Compliance.
CP: Motion to issue a Certificate of Compliance for 20 Blueberry Road
AA: Seconded the Motion
Motion carried unanimously 3-0

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

Meeting adjourned at 9:25 PM
Respectfully submitted by Lori Capone, Conservation Agent