

Minutes of the Ashburnham Conservation Commission
May 24, 2010

Present: MD: Marshall Dennis, Chairman CP: Christopher Picone
 LD: Lorraine DeSouza (8:00PM) LC: Lori Capone, Conservation Agent
Absent: AA: Alana Archangelo

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.

Other Business:

- Mr. and Mrs. Allain were in attendance of the Meeting regarding an above ground swimming pool they would like to install at 97 Center Street.

MD: Motion to proceed under the Rule of Necessity as a quorum of the Commission was not present to act on the matter.

CP: Seconded the Motion

Motion carried unanimously 2-0

MD explained the existing violations associated with past activities and work associated with the proposed pool. MD explained the required installation of erosion controls, providing guidance with proper installation and appropriate location. MD requested that additional erosion controls be stockpiled on site in case of emergency. MD informed the Allains that the Commission could issue a Certificate of Compliance for the construction of the house once the backyard has been stabilized. The Allains explained work associated with the installation of the pool and the filter system which did not require backwashing.

CP: Motion to issue a Determination of Negligible Impact for the installation of an above ground swimming pool and stabilization of the backyard.

MD: Seconded the Motion

Motion carried unanimously 2-0

- LC informed the Commission that Sunset Lake will be performing their chemical treatment on June 3, 2010
- LC informed the Commission that the Rail Trail will be performing some weed whacking between Cashman Hill and Williams Road and perhaps the Caouette property on June 19th. Sallie Thoma also sent an email regarding tracks from heavy equipment on the Caouette property, as well as, the fact that someone has buried their pet on Town property, just before you get to the bridge.
- LC disseminated the newly adopted Policy from the Board of Selectmen regarding Acceptance of Gifts

- LC disseminated a draft of the Conservation Commission's Evaluation Form related to their Goals and Objectives for FY10
- LC notified the Commission that the Pan Am Railways would be performing their post emergent herbicide application program, commencing on or after June 15, 2010 and concluding on or about July 15, 2010.
- LC informed the Commission that there would be a workshop concerning accepting Conservation Restrictions on June 2, 2010 at the Doyle Conservation Center from 6:00 – 8:00 PM
- LC notified the Commission that she received an email from Shirley Griffin of Oakmont Regional High School regarding a shoreline cleanup along Whitman Reservoir that they would like to perform on May 25, 2010. The Commission had no concerns with this project.
- LC presented a Determination of Negligible Impact for 80 Rindge Turnpike Road for the installation of an above ground swimming pool 95 feet from a bordering vegetated wetland.
MD: Motion to proceed under the Rule of Necessity as a quorum of the Commission was not present to act on the application.
CP: Seconded the Motion
Motion carried unanimously 2-0
LC explained that erosion controls are still installed from the construction of the house which is about one year old.
MD: Motion to issue a Determination of Negligible Impact for 80 Rindge Turnpike Road for the construction of an above ground swimming pool 95 feet from a bvw.
CP: Seconded the Motion
Motion carried unanimously 2-0

* 8:00PM LD entered the Meeting

7:30(8:00) PMMD reopened the Hearing for the Lower Naukeag Lake Association for an Amendment to the Order of Conditions for their yearly drawdown continued from April 12, 2010. MD asked if there were any abutters present to speak for or against the application: none were present. LC informed the Commission that the Lake Association has requested a continuance to July 12, 2010 due to medical issues.
MD: Motion to continue the Hearing for Lower Naukeag Lake Association to July 12, 2010 at 7:30 PM
CP: Seconded the Motion
Motion carried unanimously 3-0

7:45(8:02) PMMD reopened the Notice of Intent Hearing for Joseph Solans for Lot 9 Ferin Road for the construction of a new single family house, well and septic system within

the buffer zone continued from May 10, 2010. MD asked if there were any abutters present to speak for or against the application. Abutters present were Susan Viau and Lorraine White of Lake Haven Lane. Tim Beauchemin of Beauchemin Engineering submitted revised plans and revised pages 1 and 8 of the Notice of Intent. The ANR plan has been submitted to the Planning Board and will be acted on at their next meeting. Mr. Beauchemin explained that the access road has been illustrated on the plan and the erosion controls were changed from haybales to silt fence. The abutters present were satisfied with the revised plan.

CP: Motion to close the Hearing

LD: Seconded the Motion

Motion carried unanimously 3-0

CP: Motion to issue an Order of Conditions per plan and discussion pending Planning Board approval of the revised lot lines

MD: Seconded the Motion

Motion carried unanimously 3-0

8:00(8:10) PMMD opened the Notice of Intent Hearing for Jurica Indruh of 420 Ashby Road for the proposed construction of a septic system located within the buffer zone. MD asked if there were any abutters present to speak for or against the application: none were present. Angel Lehtonen of Northland Engineers presented the plan to the Commission for the applicant, who was not present. MD and LC performed a site visit in the presence of Ms. Lehtonen last Monday to review the delineation. MD explained that there is a drainage swale located between this house and the adjacent house where the leach field is proposed which harbors wetland vegetation and hydric soils and constitutes a bordering vegetated wetland. The Commission discussed alternate locations for the leach field. Ms. Lehtonen explained that the existing system to be decommissioned was located under the existing driveway. Ms. Lehtonen explained that no replication is proposed because there is no where on site to place it. LD asked whether a tight tank might be suitable for the site. Ms. Lehtonen explained that that would be a last resort. LC commented that DEP has issued a file number but commented that the lot is located within the riverfront area, which was not indicated in the Notice of Intent. LC also commented that the lot is located within the floodplain. Ms. Lehtonen will revised the plan and submit the additional required fees. MD asked that additional testing be performed to determine a more suitable location for the leach field.

LD: Motion to continue the Hearing to June 14, 2010 at 8:00 PM

MD: Seconded the Motion

Motion carried unanimously 3-0

8:15(8:26) PMMD reopened the Abbreviated Notice of Resource Area Delineation Hearing for the Town of Ashburnham J.R. Briggs Feasibility Study Committee for verification of the wetland delineation, continued from May 10, 2010. MD asked if there were any abutters present to speak for or against the application: none were present. David Christianson, Chairman of the School Committee, Dr. Zapantis, Superintendent of Schools, Jamie Rheault, Chuck Caron and Katie

Crocket, of Lamoureaux & Pagano Associates, were present. Revised plans were submitted based on last Monday's site visit. Mr. Caron submitted a letter arguing whether the area down gradient of wetland flag 27 was jurisdictional. Mr. Caron stated that when he walked the area with members of the Commission last Fall, he was under the impression that the Commission agreed that the area did not meet the definition as a resource area in the MA Wetlands Protection Act. Mr. Caron explained that in his opinion the flow of water was on the surface and not in the ground and felt that the area was created from the heavy rains this past Spring. MD clarified that the Commission never made any determination on wetland boundaries last Fall and noted that the Commission never walked the whole wetland boundary. MD noted that the area may very well have been present but may not have been visible in the Fall due to the presence of leaves. The applicant requested permission to present how the revised delineation affected the building design. MD noted for the record that he felt this area met the definition of a resource area and the location of the wetlands can not be influenced by the design of the project. MD allowed the project design presentation but noted that his decision will not be influenced by the proposed design. Katie Crocket presented the proposed conceptual design.

Ms. Crocket explained that the revised delineation pushed the project into the buffer zone and the ring road would cross the stream down gradient of wetland flag 27. Mr. Caron asked if the Commission would consider construction up against the wetland boundary and/or relocation of the channel. There was much discussion regarding altering and/or moving the stream channel and possible redesigns of the proposed building. MD stated that the wetlands should have been evaluated prior to developing the building envelope. MD stated that the Commission does not want to agree to design criteria at this point as it is not part of the ANRAD process. MD stated that the other side of the intermittent stream channel would need to be delineated if the school was proposing to cross this wetland and would make himself available to review the delineation as soon as it is completed. The Commission agreed to continue the Hearing to June 14th but will entertain an earlier meeting if the delineation is completed earlier so that the School Committee can make their June 11th meeting with the State.

LD: Motion to continue the Hearing the June 14th at 7:45 PM

CP: Seconded the Motion

Motion carried unanimously 3-0

Other Business:

- Mr. Lashua attended the Conservation meeting regarding work at 57 Fitchburg Road. LC stated that DEP contacted her after receiving a complaint this morning and asked that she take a look at the site. MD and LC visited the site this afternoon and showed pictures to the other Commission members. Mr. Lashua explained that Mr. Adams has been doing work on the weekend. The Commission reviewed and edited a letter drafted by the LC which DEP asked the Commission to issue. LC will send the letter to Mr. Adams certified and also send it to the Department of Environmental Protection.

- LC informed the Commission that she received a complaint regarding work in the wetlands and buffer zone at the Fitchburg's Sportsman's Club on Route 119. LC drove by the site and could not see any activity from the road. LD said she would follow up with this matter.
- LC informed the Commission that National Grid would be painting their towers through Town and asked if this would require a filing with the Commission. The Commission determined that an NOI should be submitted because they would have to drive through the wetlands to reach the towers.
- LD asked if the straw bales at the Lake Road Bridge could be removed yet. LC will follow up with the DEP.

LD: Motion to adjourn

MD: Seconded the Motion

Motion carried unanimously 3-0

Meeting adjourned at 10:30 PM

Respectfully submitted by Lori Capone, Conservation Agent