

Minutes of the Ashburnham Conservation Commission
July 9, 2010 (Special Meeting)

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

9:05 AM 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.

The purpose of the special meeting was to discuss the issues that have arisen since the Conservation Agent resigned in June. MD has received innumerable phone calls and e-mails from residents, as well as from Town Hall staff with issues that needed immediate attention, all of which were formerly provided by the Agent. He updated the Commission on the over 40 hours of work that has been required on his part since the Agent's departure.

MD updates to the Commission were as follows:

- **Lot 9 Ferrin Rd.** Order of Conditions was mailed to the owner in Florida but was returned. MD will send it to the owner's representative.
- **98 Stodge Meadow Rd.** Received Recording Confirmation for Certificate of Compliance.
- **67 Murray Rd., Lot 5.** Received Recording Confirmation for Extension Permit for Order of Conditions.
- **Lower Naukeag Drawdown.** Recent Lake Association Newsletter states that the Commission approved an October 1st start date for the 2010 drawdown. This is incorrect. While the Commission had discussed that date, it has not "approved" the date or any other matters regarding the drawdown. Additionally, recent consultation with engineers retained by the Town suggests that the early drawdown date may not be advisable. The Town Administrator will be contacted regarding the status of the Commission's request for information from Town Counsel relative to this matter.
- **Lower Naukeag Drawdown.** A citizen request was made for a copy of the most recent Notice of Intent and permits issued by the Commission for the Lower Naukeag Lake drawdown. MD made the requested copies and left them at the Town Clerk's office for pick-up.
- **100 Main St.** Existing site and wetland conditions were discussed. The Town Administrator will be contacted regarding the property's status.

- **Ryan McGuane.** Requested appropriate application for adding sand to a beach. MD spoke with Mr. McGuane and subsequently provided a list of the requisite filing forms (RDA, etc.) to E. Cormier (EC). MD also requested that EC provide Mr. McGuane with the forms when he visits Town Hall.
- **70 Heather Dunn Rd.** Reynolds Law Offices contacted the Commission via letter about status of a Certificate of Compliance. MD contacted the Reynolds Law Offices and advised Sandra Robichaud that a Request for a Certificate of Compliance would need to be filed before the Commission could consider issuing a Certificate of Compliance. In an ensuing e-mail from Angel Lehtonen (Northland Engineers), the property owner's representative, she stated that the Certificate Request was pending.
- **38 Stodge Meadow Rd.** An after-the-fact RDA was filed for an emergency installation of a tight tank. However, the wrong forms were filed and others were out-of-date. The applicant's representative will be so notified.
- **155 Winchendon Rd.** An Extension Permit for Order of Conditions was filed with the Commission. This matter will be scheduled for the July 26th Commission meeting.
- **Potential violations** (observed in the last 2 weeks):
 - 226 and 229 Ashby Rd: docks constructed without permits.
 - Ashby Rd: clear-cutting within the buffer zone to Lake Winnekeag.
 - Russell Hill Rd. A drainage pipe along the driveway of a house under construction was installed in the buffer zone, with discharges to be conveyed to the road and nearby pond. The DPW will be contacted in this regard.
 - 119/129 Wilker Rd (Lots 1 and 2). Lack of erosion controls.
 - 34 Winding Cove Rd. After-the-fact Notice of Intent for landscaping within the buffer to Sunset Lake. MD visited with property owner and provided copies of requisite application forms.

Miscellaneous:

- A teacher from Briggs Elementary contacted CP about assistance with an NOI for the observation platform at the vernal pool onsite. She was concerned because there is no one in the office who can help. CP will assist and provide a plot plan from the recent ANRAD for the new school.
- MD added AA to MACC mailing list.

- LD raised concerns about the 21-day requirement for applications. The Commission must open a hearing on an application within 21 days from the application's receipt at Town Hall. However, a hearing cannot be added to the agenda until a legal notice is published at least five business days prior to the hearing and posting of the agenda at least 48 business day hours prior to the hearing. Accordingly, in the absence of an Agent to check and process the mail on a regular basis, LD noted that the Commission runs the risk of non-compliance relative to the regulatory timeframes set forth in the MA Wetlands Protection Act/regulations and the Ashburnham Wetlands Protection Bylaw.

- Lastly, MD noted that the Commission had received correspondence from The Gardner News that the price of legal notices will increase 5%. Such notices are required for all public hearings held by the Commission.

Meeting adjourned at 10:05 AM

Respectfully submitted by Chris Picone, member, Conservation Commission