

**Minutes of the Ashburnham Conservation Commission
June 24, 2013**

Present:

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

Absent

AH: Andrew Henderson, Member
MP: Maureen Pollock, Conservation Agent

6:45 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 Wetlands Protection Bylaw and associated Rules and Regulations.

MD opened the public hearing for **21 Island Road (Map 50, Parcel 26), filed by Gerald Ellis** regarding a **Request for Determination of Applicability** for the proposed construction of a woodworking workshop within the 100' buffer zone of Lower Naukeag Lake. In attendance at the public hearing, Gerald Ellis explained the 20' x 30' workshop will have concrete sonnet -tube footings and the facade of the workshop will mirror the appearance of the existing house.

The proposed workshop will be surrounded by driveways so no silt fencing will be needed. The Commission requested that any piles of dirt should be covered with a tarp and rocks in case it rains or gets windy.

MD- Moved to close the Public Hearing
CP- Seconded
Unanimously passed 3-0

MD- Move to issue a Negative Determination of Applicability with conditions
CP- Seconded
Unanimously passed 3-0

6:55 PM

MD opened the public hearing for **36 Bluefield Road (Map 46, Parcel 36), filed by Kathleen Kenny** regarding a **Request for Determination of Applicability** for the proposed construction of a concrete terraced segmental retaining wall with steps within the 100' buffer zone. The property owner, Kathleen Kenny and her representative, Steve Coswell of Plantscape Services, LLC were both in attendance. The proposed construction would be nineteen (19) feet from Sunset Lake.

Silt fencing will be installed for the erosion control barriers and shall be located landward of the shoreline and will serve as a limit of work delineation for project activities. No work is allowed to take place on the resource area side of the erosion control barrier. Mr. Coswell was advised to keep extra silt fencing and/or

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a sufficient number of straw bales on site in case there is a need for additional erosion control barriers.

MD- Moved to close the Public Hearing
CP- Seconded
Unanimously passed 3-0

MD- Move to issue a Negative Determination of Applicability with conditions
CP- Second
Unanimously passed 3-0

7:10 PM

MD opened the public hearing for **179 Packard Hill Road (Map 13, Parcel 14A), filed by Kenneth & Renee Letournea** regarding a **Notice of Intent** for the proposed construction of a 28' x 36' detached garage within the 200 foot riverfront area associated with an unnamed brook from Upper Naukeag Lake to Lower Naukeag Lake. Property owners, Kenneth & Renee Letournea and their representative, Angel May Lehtonen of Northland Engineers were in attendance.

Silt fencing will be installed for the erosion control barriers.

Ms. Lehtonen requested custody of the Order of Conditions.

MD- Moved to close the Public Hearing
CP- Seconded
Unanimously passed 3-0

MD- Move to issue Order of Condition per plan and discussion
CP- Seconded
Unanimously passed 3-0

Other Business

MD- Move to accept meeting minutes with minor edits from: August 13, 2012; August 27, 2012; January 14, 2013; March 11, 2013; April 8, 2013; April 22, 2013; June 10, 2013
CP- Seconded
Unanimously passed 3-0

MD- The Commission has received an e-mail from MassDOT regarding a damaged drainage culvert located under Route 12 in vicinity of 107 Fitchburg Road (across from the Factory Village Pond). The culvert has partially collapsed and needs to be repaired. MD and MP will meet with MassDOT officials about the proposed repair work and possible erosion control barriers needed on Wednesday, July 10, 2013.

MD- the Commission received a letter of interest regarding the Bush Hill project from forester, Michael Barry of Bay State Forestry

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MD- the Commission received an e-mail from Mount Grace Land Conservation Trust about a proposed pedestrian footbridge to be construction over a wetland/waterway on a Mount Grace property off Dunn Road. He stated that the Commission will need more information about the design proposal before commenting on this project.

7:32 PM

MD reopened the public hearing for **60 Murray Road (Map 18, Parcel 5A), filed by Jack Levi of tenK Solar** regarding a **Notice of Intent** for the proposed construction of a 13,450 solar array within the 100 foot buffer zone. MD noted that Conservation Commission members, AH, AA, and MD, James Rheault of Whitman & Bingham, and Matt Mauro, a private consultant that had reflagged the wetland boundary, all visited the site on Friday, June 21, 2013.

The following persons were in attendance o at the public hearing, including: James Rheault of Whitman & Bingham; Matt Mauro, ; Mark Carlisle, Light Board Commissioner, abutter Steve Dickerson of 67 Murray Road; and abutters Lisa and Timothy Fontaine of 74 Murray Road.

The tree topping in the west side of the site has been adjusted to a 25 foot encroachment into the wetland buffer zone, with no tree topping in the northern portion of the site, thereby reducing buffer zone impacts to 8,174 square feet. This figure will reduce the Town's wetland bylaw filing fee to \$4,457.00. Mr. Rheault paid the fee amount at the public hearing and withdrew his previous request for a fee waiver.

MD- will speak with Doug Briggs, Town Administrator, about whether the town will request the applicant to donate the rest of the property to the Town/Commission or file a conservation restriction (CR) on the rest of property. Mr. Rheault recommended that if the town requests a CR, that the Town includes a 20 foot easement/walking path from Murray Road, then along the west edge of the property to the land on which the CR is to be placed; otherwise, the CR property will be land-locked. The path could be constructed by the Fontaine's property on the outside of the to-be-built proposed stockade fence.

The Commission has been informed that tenK Solar may request additional meetings with the Commission once actual output data on the solar array has been collected. Such meetings may result in a request for an Amended Order or the filing of a new Notice of Intent.

MD- Moved to close the Public Hearing
CP- Seconded
Unanimously passed 3-0

MD- Move to issue Order of Condition per plan and discussion
CP- Second
Unanimously passed 3-0

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7:55 PM

MD- Motion to adjourn
AA- Seconded
Unanimously passed 3-0

Respectfully submitted by Alana Archangelo, Conservation Commission Member, June 24, 2013.