

Minutes of the Ashburnham Conservation Commission
September 14, 2009

Present: MD: Marshall Dennis, Chairman CP: Christopher Picone
 LD: Lorraine DeSouza LC: Lori Capone, Conservation Agent

7:34 PM MD opened the Meeting of the Ashburnham Conservation Commission under the Wetlands Protection Act, M.G.L. Ch. 131 Sect. 40, and in accordance with the Ashburnham Wetlands Protection Bylaw.

7:35 PM LC informed the Commission that they would not be able to open the Hearing for J.R. Briggs Elementary School at 96 Williams Road due to numerous deficiencies in the application.
 LD: Motion to postpone the Hearing to September 28, 2009 at 7:30 due to an insufficient application
 CP: Seconded the Motion
 Motion carried unanimously 3-0

7:36 PM MD explained that he saw work on Russell Hill Road which has cleared vegetation from a wetland and buffer zone. Mrs. McLaughlin of 127 Russell Hill Road and Ms. Jordan of 139 Russell Hill Road attended the meeting in response to this activity. Ms. McLaughlin explained that she had three trees removed that had ice damage but when she returned from Ireland, more work had been performed than was proposed. The intent was only to clean up storm damage and she noted that the ferns were already growing back. CP clarified that any future work in a wetland or buffer zone needs to receive approval from the Conservation Commission. It was determined that the area be allowed to naturally revegetate and Ms. McLaughlin would be responsible to manually remove any Japanese knotweed that may invade the disturbed area.

7:45 PM MD opened the Request for Determination of Applicability Hearing for Norman and Sylvia Bingham of 68 Center Street for an after the fact alteration and proposed restoration of the bank of an intermittent stream. MD asked if there were any abutters present to speak for or against the application: none were present. David Levanti, represented the applicants, who were not present. Mr. Levanti explained that the vegetation on the bank was removed and the bank was stabilized with rip-rap. It was determined that it was less detrimental to leave the bank rip-rapped and allow the area to naturally revegetate.
 LD: Motion to close the Hearing
 CP: Seconded the Motion
 Motion carried unanimously 3-0
 CP: Motion to issue a Negative Determination of Applicability
 LD: Seconded the Motion
 Motion carried unanimously 3-0

8:00 PM MD opened the Notice of Intent Hearing for Deborah Smith of 98 Stodge Meadow Road for the proposed demolition of a portion of the existing structure, reconstruction on roughly the same footprint, construction of a 10' x 8' and 7.5' x 15' decks and a 5' x 25' porch, located within the buffer zone. MD asked if there were any abutters present to speak for or against the application: none were present. Deborah Smith presented the project to the Commission. Ms. Smith explained that the footprint of the house would be moved 2 feet further from the lake but would maintain roughly the existing footprint. MD explained that silt fence would need to be installed to protect the lake. MD also explained that excavated soils would need to be stockpiled in the front yard and would need to be encompassed by the erosion control barrier. The plan was amended by Ms. Smith to include silt fence and a stockpile location.
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
LD: Seconded the Motion
Motion carried unanimously 3-0

8:30 PM MD opened the Request for Determination of Applicability Hearing for William Weatherby of 187 Ashby Road for the proposed replacement of an existing septic system with a tight tank, located within the buffer zone. MD asked if there were any abutters present to speak for or against the application: none were present. Jack Visniewski of Cornerstone Land Consultants presented the project to the Commission for the homeowners, who were also present. A tight tank located near Ashby Road is being proposed to replace the existing septic system. A yard drain connected to the existing drainage system is also being proposed due to drainage problems associated with Ashby Road. MD questioned if there was any secondary containment associated with the tight tank. Mr. Visniewski explained that there was not but the tank was equipped with an alarm. CP requested the erosion controls to be shown on the plan. Mr. Visniewski amended the plan to illustrate the erosion control barrier.
CP: Motion to close the Hearing
LD: Seconded the Motion
Motion carried unanimously 3-0
CP: Motion to issue a Negative Determination of Applicability
LD: Seconded the Motion
Motion carried unanimously 3-0
* Mr. Weatherby asked if anyone has looked at the swale at 189 Ashby Road. There was some discussion.

Other Business:

- The Commission discussed the lack of compliance with the replication area located at 24 & 30 River Styx Road. The Commission requested LC send a certified letter to San Ken Homes requiring his appearance at their next meeting or enforcement action may be taken.

- The Commission revisited the request for an Extension for Lot 2 Old County Road.
MD: Motion not to extend the Orders of Conditions for Lot 2 Old County Road per 310CMR 10.05(8)(b)1 as no work has commenced, as well as the fact that the Ashburnham Wetlands Protection Bylaw and associated Rules and Regulations do not govern the existing Order.
LD: Seconded the Motion
Motion carried unanimously 3-0
- LD requested the DPW install a cover over the existing well located at the corner of Russell Hill Road and Stagecoach Road. LC will contact the DPW.
- LC informed the Commission that the ZBA would like a member of the Conservation Commission to attend their next meeting regarding Naukeag Hospital. MD volunteered to attend.
- LC presented a complaint received from a neighbor regarding work within Lower Lake Road. LC has visited the site and work is being performed within compliance with the OOC. Lower Lake Road is a private road and therefore this matter is a civil matter. The Commission requested LC refer the matter to the Town Administrator.
- The Commission reviewed the plan of Overlook School in response to a request to perform work on their fire suppression system. It was determined that the water was being directed into Westminster, not Ashburnham. The Commission requested LC contact the Conservation Agent in Westminster.
- LC presented a plan change for Lot 2 Rindge Road. The Commission requested a revised plan be submitted showing the alignment of the driveway and associated grading before LC can sign off on the building permit application.
- LD informed the Commission that the Ashby Conservation Commission would like to meet with the Commission to discuss Conservation Restrictions. It was determined that a meeting would be scheduled for September 23, 2009 at 7:00 PM in the Ashburnham Town Hall, Lower Level Meeting Room.
- The Commission discussed their proposed Goals and Objectives for FY10. Items discussed included land stewardship, forest management, revising wetland replication regulations, public outreach, new membership, inventory of conservation land, completion of the OSRP and accounting.

MD: Motion to adjourn

LD: Seconded the Motion

Motion carried unanimously 3-0

Meeting adjourned at 10:45 PM

Respectfully submitted by Lori Capone, Conservation Agent