

Minutes of the Ashburnham Conservation Commission  
September 28, 2009

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

7:35 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.

7:36 PM            MD asked whether the Notice of Intent for J. R. Briggs Elementary School located at 96 Williams Road for the proposed construction of an observation deck over a certified vernal pool was ready to be heard. LC noted that all outstanding deficiencies with the application remain. LD informed the Commission that Ms. Gagnon threw her back out and would not be in attendance. The Commission decided to postpone the Hearing to October 26, 2009 at 7:30 PM.

7:37 PM            Shelley Dion of 4 Liberty Lane attended the meeting in regards to her appeal of her Order of Conditions. Ms. Dion informed the Commission that she has withdrawn her NOI as well as her appeal. MD advised Ms. Dion that she will still need to withdraw the application under the Bylaw. Ms. Dion stated that she still wants to construct the garage, bring in fill and loam and seed the yard and requested that the Commission waive the Bylaw fees associated with a new application. LD asked what would be different if we started the process over again. MD explained that the main area of contention was the vegetated buffer which may or may not be eliminated. LD explained that the Commission is concerned with impacts on the wetland caused by use of fertilizers without a vegetated buffer. Ms. Dion explained that the vegetated buffer would not be aesthetically pleasing. Ms. Dion stated that if that's where we are, she will be filing suit against the Town. The Commission requested she consider a compromise. Ms. Dion was adamant that she did not want a vegetated buffer. There was discussion regarding the fill that has been introduced to the property without a permit. The Commission informed Ms. Dion that the only ways to resolve the fill issue is to file or the Commission will have to issue an Enforcement Order. Ms. Dion stated that she needed to know exactly what the Commission is looking for before she would agree to re-file. The Commission explained that they will be willing to work with her but they can not design her project for her. Ms. Dion agreed to submit a preliminary plan for the Commission to review.

8:06 PM            Kenny Lehtonen, of San-Ken Homes, and his wetland consultant, Charles Caron, presented a graphic depiction of the revised replication area for 24 & 30 River Styx Road. The proposed plan consists of a 60 s.f. replication area upstream and a 140 s.f. replication area downstream of the driveway crossing. MD asked why the original replication area wasn't constructed per plan. Mr. Lehtonen stated that he has never created a wetland replication area before, the area was all ledge and

he couldn't be exact with the dynamite so he thought it looked close enough. MD requested the downstream side be reshaped. MD suggested a site visit. A site visit was scheduled for October 9, 2009 at 10:00 AM

8:23 PM Chuck Caron updated the Commission regarding the Conservation Restriction he is working on for 192 Fitchburg Road. Gary Howland informed Mr. Caron that the State will be holding that CR, not the Town.

Other Business:

- 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, accounting, construction of trail systems, protection of town lots located on the north side of Lake Watatic and development of an evaluation system for Chapter 61 properties.
- LC presented a Request for a Certificate of Compliance for 24 Blueberry Road. LC informed the Commission that this Order was for the construction of a septic system and clearing of some trees in the back yard. LC has visited the site for compliance and disseminated pictures for the Commission to review.  
CP: Motion to issue a Certificate of Compliance for 24 Blueberry Road  
LD: Seconded the Motion  
Motion carried unanimously 3-0
- LC presented a Request for a Certificate of Compliance for 80 Stodgemoor Road. LC informed the Commission that a Certificate was issued in 1997 but the homeowner needed a new one with original signatures for recording purposes. The Commission signed a new Certificate of Compliance for 80 Stodgemoor Road.
- LC presented a Request for a Certificate of Compliance for 192 Fitchburg Road. LC explained that this Order was to repair the existing driveway crossing and construct a swale around the property for drainage. LC explained this Order goes back to 1996 and the owner has changed. LC has visited the site and the driveway crossing was constructed in substantial compliance with the proposed design. There was no evidence of a drainage swale being constructed.  
LD: Motion to issue a Certificate of Compliance for 192 Fitchburg Road.  
CP: Seconded the Motion  
Motion carried unanimously 3-0
- The Commission discussed the revised plan for work associated with repairs of the fire suppression system located at Overlook School. Per the revised plan, water drained from the fire suppression system will be discharged to detention basins in Ashburnham, rather than basins in Westminster, as formerly proposed. It was determined that the proposed work would not impact neighboring wetlands as long as all water discharged from the fire

Minutes of September 28, 2009 continued

suppression system was directed to and contained within the confines of the existing detention basins.

MD: Motion to adjourn

LD: Seconded the Motion

Motion carried unanimously 3-0

Meeting adjourned at 10:30 PM

Respectfully submitted by Lori Capone, Conservation Agent