

Diane Fiorentino, 66 Lakeshore Drive; Peggy and Harry Bellabarba, 80 Lakeshore Drive; Hunter Gelinas, 8 Bass Cove Road; Dick Robillard, 22 Lakeshore Drive; Jason Drew, 56 Lakeshore Drive; Ronald Putnam, 32 Hilltop Drive; Harold and Elissa Dandy, 44 Hilltop Drive; Gary Roy, 78 Lakeshore Drive; Leo Collette, 194 Lake Road; Margaret Cote, 75 Old Ashby Road; George Brewer, 75 Old Ashby Road; Margaret Bennet, 85 Old Ashby Road; Leo Goff, 83 Old Ashby Road. MD explained that he would like to see new Notices of Intents due to the fact that a lot has changed since these Order had been issued including forms, regulations, conditions, required information, as well as, the Ashburnham Wetlands Protection Bylaw. Abutter notification requirements were discussed. MD read from a DEP Guidance document. Mr. Marble asked why the need for a new Notice was not brought to their attention prior to the Meeting. MD explained the Open Meeting Law. CP stated that the original Order doesn't reflect the work that is being performed now. MD explained that he is not inclined to issue an extension to Orders that are 10-20 years old. The Lake Associations were adamant that nothing has changed in regards to the populations of aquatic vegetation being treated and explained that the chemical treatments keep their property values high, thus they are doing a favor to the town. MD stated that if nothing has change in 20 years, then perhaps the chemical treatments are not effective. CP stated that science has changed in 20 years and he would like new NOI's to be submitted so that DEP could review and provide guidance to the Commission. Mark Dymek suggested continuing the Hearing for two weeks to get DEP's input.

CP: Motion to continue to December 14, 2009 at 7:30 PM

MD: Seconded the Motion

Motion carried unanimously 2-0

* LD joined the Commission at 8:40 PM

8:15(8:40)PM MD opened the Notice of Intent Hearing for the Watatic Lake Association Inc., last continued from October 26, 2009, for a proposed 12-inch seasonal drawdown of Lake Watatic. Notification to abutters was discussed. The applicant did not have proof of notifying 16 abutters but signed an affidavit that abutters were notified. MD explained that a good faith effort was made to notify all abutters and proceeded with the Hearing. MD asked if there were any abutters present to speak for or against the application. Abutters present were: Mark Dymek, 57 Pitcherville Road, Hubbardston; Dick Robillard, 22 Lakeshore Drive; Peggy and Harry Bellabarba, 80 Lakeshore Drive; Diane and Frank Fiorentino, 80 Lakeshore Drive; Jason Drew, 56 Lakeshore Drove; Ronald Putnam, 32 Hilltop Drive; Harold and Elissa Dandy, 44 Hilltop Drive; Gary Roy, 78 Lakeshore Drive.

Mr. Fiorentino explained that they raise the boards in the dam the thickness of a brick at a time to allow the water level to be gradually lowered before removing the whole board. CP noted that this plan would successfully keep the outflow below the maximum of 24 cubic feet/second, based on calculations using a board 9.5 feet long. CP asked about the timing of the drawdown and whether the dam is

leaky to allow continuous flow when the lake is being recharged. Mr. Dymek said November 1 – April 1 would be fine if there is some flexibility due to ice and asked that minor activities on beaches, docks and retaining walls be added to the Order. Mr. Fiorentino asked how long the Order would be issued for. The Commission agreed to issue a five year Order.

CP: Motion to close the Hearing

LD: Seconded the Motion

Motion carried unanimously 3-0

CP: Motion to issue an Order of Conditions for five years per discussion

LD: Seconded the Motion

Motion carried unanimously 3-0

8:30(8:56)PM MD opened the Notice of Intent Hearing for Richard and Diane Palmer of 102 Stodge Meadow Road, last continued from October 26, 2009, for the proposed repair of an existing concrete retaining wall along the shore of Stodge Meadow Pond. MD asked if there were any abutters present to speak for or against the application: none were present. Christopher Mossman of Trowbridge Engineering presented a revised plan to the Commission based on the site visit on October 31, 2009. Changes included adding an access road for small machinery. Also, docks were not to be removed to accomplish Phase II and a plan for Phase II would be submitted and approved by the Commission prior to commencement.

LD: Motion to close the Hearing

CP: Seconded the Motion

Motion carried unanimously 3-0

LD: Motion to issue an Order per plan and discussion

CP: Seconded the Motion

Motion carried unanimously 3-0

8:45(9:00)PM MD opened the Notice of Intent Hearing for the Naukeag Lake Club located at 172 Packard Hill Road for a proposed seasonal drawdown, placement of beach sand on the beaches and minor dam repairs, as needed. MD noted for the record that both he and CP are members of the lake club but that would not affect their ability to make an impartial decision. There were no objections. MD asked if there were any abutters present to speak for or against the application. Those present included: Jules Vaillancourt of 23 East Rindge Road; R. Lincoln Stiles of 9 Pleasant Street; and Leo Collette of 194 Lake Road. George Cornwall presented the application to the Commission to perform a spring drawdown. The lake would be drawn down by removing one 8-inch board at a time, out of one side of the dam only. When the lake is drawdown, they would rake the weeds and leaves from the bottom and add beach sand as needed. Mr. Cornwall explained they wait one week after the lake is drawdown to allow the sediment to dry out before they rake it. Work could take 2-3 weeks before they bring the water back up. CP questioned the effects on breeding of aquatic organisms and other wildlife, such as frogs, if the water is drawn down in the Spring. Mr. Cornwall

stated that the members won't go in the water to pull the board in November if a Fall drawdown is required. Mr. Stiles commented that the pond is a manmade swimming hole only and the drawdown has been performed in the Spring for 80 years. LD explained that all the lakes in town were created by impounding streams. MD explained the interests of the Act the Commission is required to uphold. Mr. Cornwall explained that they could not lower the water during the winter because the ground would freeze and pull up the footings on the docks. Mr. Cornwall also said that there is no flow over the town dam from Upper Naukeag in the Fall to refill the pond. Thus a Fall drawdown would require the pond to be empty all winter and could increase damage to the dam. MD explained the need to continue the Hearing to hear from DEP and the Natural Heritage Program.

CP: Motion to continue the Hearing to December 14, 2009 at 8:00 PM

LD: Seconded the Motion

Motion carried unanimously 3-0

Other Business:

- LC presented a request for a Certificate of Compliance for Lot 1 Willard Road. LC reviewed the as-built plan, visited the site, and disseminated pictures of the site. LC commented that the site was just seeded but a strip of grass had previously been established adjacent to the erosion control barrier and all disturbed areas were stabilized with hay.

LD: Motion to issue a Certificate of Compliance for Lot 1 Willard Road

CP: Seconded the Motion

Motion carried unanimously 3-0

- LC informed the Commission that the owner at 15 Brown's Lake Road would like to plant mountain laurel and azaleas instead of plants from the list the Commission provided. The Commission determined that 50% of the area must be planted with plants from the list provided.
- LD informed the Commission that she received a complaint regarding tree clearing near Whitney Pond. She was told it was the Rail-Trail Committee. LD informed the Commission that Gary Howland had a site visit with the Rail-Trail Committee and she would update the Commission at the next meeting.
- LC presented an email from Doug Briggs requesting the Commission's input on five town properties. It was determined that 3 of the parcels were difficult to develop. The Commission requested the two parcels on West Shore Drive be placed under the Commission's control if retained by the Town.

LD: Motion to adjourn

CP: Seconded the Motion

Motion carried unanimously 3-0

Meeting adjourned at 10:41 PM

Minutes of November 9, 2009 continued

Respectfully submitted by Lori Capone, Conservation Agent