

Ashby Conservation Commission
Minutes for the Meeting of August 17, 2016

The meeting was opened at 7:30 with Bob Leary, Tim Bauman, Cathy Kristofferson and Roberta Flashman in attendance.

Minutes of the meeting of August 3, 2016 were accepted unanimously with a spelling correction.

Treasurer's Report: NRWA Invoice will be paid with the next warrant. Treasurer spreadsheet has been moved to the Google Drive so that it will be available to all the Commissioners.

Correspondence:

Call and emails from Adam Beal about coordinating the pre-construction meeting for the Lodestar solar project on the Duffy property on Main Street. It has been determined that can take place at 2:00 PM on Wednesday, August 17, 2016.

Call from Yvonne at Cormac Bordes' office, requesting a certificate of compliance for 65 Damon Road, Ashby. Form 8A included. Explained that our next meeting was 8-17-16.

8/9/16, Call from J. McElwain with concerns about work on Whitney Road.

8/9/16 Call from Ashby Police to inform the Commission that Mr. Boadmerkle had resumed work on his driveway in defiance of the Enforcement Order.

Email from Derek Saari to Denise Child documenting his instruction to his client, Gerald Brodmerkle of Whitney Rd, to ignore the Cease & Desist Enforcement Order issued by the Ashby Conservation Commission and to complete the project without installing erosion controls as requested by both the Ashby Conservation Commission and the MassDEP.

Note from Chris Guida (Fieldstone) representing Nate Sikkila via Denise Childs (DEP) requesting an onsite pre-construction meeting with MA. DEP, ACC, Site Contractor, Owner/Applicant and Engineer, Site visit was set for August 12, 2016

Received a cutting plan for Mary Krapf Revocable Trust(Richardson/Piper Road).

Received Lodestar Chapter 61, Right of First Refusal on the Duffy property.

Old Business:

Email offer from Heide Messing of some filter mitts. They have been delivered and the staked to protect the vernal pool on Luke Road. Cathy and Roberta put the filter mitts in place after they were delivered by Heidi and Cathy. Cathy will write Heidi a Thank You for the filter mitts that arrived at just the right time.

New Business:

Enforcement Order issued for work at 2376 West State Road for work without permit. Owner provided with appropriate forms and invited to the upcoming meeting.

Ben Babineau, 2376 West State Rd, appeared to continue discussion of his project. Ben had a failed retaining wall on the property which held his house in place. He has 21 pallets of cement blocks that he will use to replace that wall. Needs to submit an NOI for the work. Asked for assistance with filling in the NOI.

Michael and Meg O'Hara, prospective buyers of 65 Damon Rd, appeared to accept a Certificate of Compliance(COC) on the property. Tim and Cathy had conducted a site visit and verified that all work had been completed on the project. Issued the COC tonight. They picked up the COC and will take it to the closing.

Jason Vettese, 45 Nash Rd. Would like a Certificate of Compliance on the property. DEP#93-136 The project was for the entire development, Bayberry Hills Development. A Superceding Order of Conditions was issued on this project. Only DEP can write the COC.

Bruce Adams appeared before the Commission. Complaint about Deer Bay Rd and the culvert that Mike McCallum would like to insert. Reports that the owner of the house across the street had never given permission for the culvert. Mike will have to submit a new Request for Determination of Applicability for the new project.

Tim talked with Steve Beuregard, Ashby Highway Dept temporary Superintendent about potential projects. Steve told him that he had 3 projects that might impact wetlands. Tim would like to set up a morning meeting with him and the rest of the Cons Comm. Friday @ 10:00am.

John Brownell, 80 Flint Rd, has changed the configuration of the house. Everything is still within the area approved for excavation. Tim signed the plans to indicate that they were seen and approved.

Hearings: None

Hearings Scheduled:

Terkanian, Erickson Rd. Change in location of driveway entrance. To be represented by Stan Dillis.

Site Visits:

8-11-2016, 2376 West State Rd (Rt119) Cathy and Roberta issued a Cease & Desist Enforcement Order to Ben and Lucy Babineau for work done next to the pond. Looks like they are attempting to create a road from the driveway to the pond. The owners contacted Cathy and will attend tonight's meeting.

8-12-16 Sikkila project, West Road, scheduled through DEP. On site were Roberta, and Cathy, Chris Guida, Mr Sikkila his contractor Tim Anderson, and DEP's Denise Child and Megan Selby, wetland expert. Mr Sikkila had brought along his lawyer, Christian Lund, whom Denise Child ask to leave the meeting, since she did not bring legal counsel with her. Findings: No siltation barriers were in place, nor were they evident on the newly submitted plans. There were no plans for how the 2nd crossing was going to be stabilized to prevent further siltation into the wetland that was to be restored. On 1st crossing, road was to be reduced in width and the culvert cut back. No DEP sign at property. Need the wetlands bound permanently marked. Need the NH border marked. Need to complete the restoration and replication by Sept 15th. Need to record the Order of Conditions on the deed before work can start. Chris Guida will be the environmental monitor and is required to send monthly reports to DEP and ACC.

8-9-16 Whitney Road, Brodmerkle roadwork. Cathy and Roberta An Enforcement Order was issued to Gerald Brodmerkle to stop all work until siltation barriers were installed and inspected by the Conservation Commission. Commission members were escorted onto the property by Officer Salo of the Ashby Police.

8-17-16 Duffy property on Main St for Lodestar project. Pre-construction site visit to check siltation barriers and walk through the project sequence and standards with the Construction Company. Cathy, Tim and Roberta and members of the Lodestar team including Stu, Jamie Smith, Landon Smith, Mark from Goddard Consulting and Dennis Botticello from Botticello Construction. Project started with plastic netting straw wattles. The Commission will allow the ones along the driveway to remain, with the clear understanding that they must be removed at the end of the project. Further use of wattles are to be of bio-degradable materials. Steel Plates must be in place over the culvert(s) in the driveway before any heavy equipment is driven over it. There needs to be an apron to 119 – will use regrade next to road and rip rap a bit away from the road to remove debris from tires before entering 119. There is the possibility that they may be required to install 3 telephone poles near 119, but also within the 50 ft buffer to wetlands. Commission allowed that they could request a determination of applicability for that action as a separate project. Once they start installing erosion controls, they will install the controls for the entire project. This will require some minimal tree cutting so that small equipment can bring in the erosion controls. Mark will provide weekly status reports with photos in his role as environmental monitor for the project. Because of the drought, they may delay planting of the replication area to as late as Oct 15, 2016. Siltation fencing near the stream was installed correctly, but incorrectly used hay bales. No hay bales are to be used inside the 100 ft. buffer. They will be removed and replaced with straw wattles. Stockpiled soils will be covered and surrounded with erosion controls if to be left in place longer than 24 hours. Replication area will be accessed by the permanent road: which will be built only

up to the point that allows access to the area. Will have to wait to build the remainder of the road until replication area is complete. Replication area already has 20 – 30 ft red maple trees in place. These are to remain wherever possible, leaving hummocks if necessary to protect their root system. Areas of mountain laurel will be removed and replanted with wetlands plants after the area is lowered to the level of the adjacent wetland. Site visit set tentatively for Aug 31 @ 2:00 pm to view the replication area, with or without plantings.

Site Visits Scheduled/Needed:

Friday@ 10:00 with Highway Dept. at the Town Hall.

2376 West State Rd (Rt119) – will set up when get the NOI

Lodestar, 2:00pm, August 31, 2016. To check on the excavation on the replication area.

Meeting was adjourned at 8:52pm

Respectfully submitted,

Roberta Flashman