

Ashby Conservation Commission

Minutes for the Meeting of January 24, 2017

The meeting was opened at 1:00pm with Tim Bauman, Bob Leary, Roberta Flashman and Cathy Kristofferson in attendance.

The only purpose of the meeting was consideration of the Brodmerkle NOI, DEP# 93-358. Tim recused himself.

In reviewing the NOI, our choices were:

- Deny for lack of compliance with the Wetlands Protection Act since the project filled a wetland and presumably altered a wetland by eliminating passage of water through a culvert.
- Approve the project and write an OOC
- Reject the project as an incomplete filing
- Approve the project but write no conditions. Include a letter stating the dissatisfaction of the Commission with the performance of DEP.

History of the project. Both the Commission and DEP issued a positive determination for the proposed project of widening the driveway at the end of Whitney Rd. This was based on the proposed 4 ft extension of a culvert, on either side of the driveway, over which a widened road would be placed. Both the Commission and the Department saw this as filling a wetland resource, hence requiring the filing of an NOI.

The project was performed without filing the NOI. The NOI in hand is being filed after the project has been completed.

After long deliberation, Cathy made a motion to reject the NOI as incomplete because no information had been provided to show how the project had been brought into compliance with the Wetlands Protection Act with respect to the elimination of the culvert. Bob 2nd the motion.

With discussion completed, the vote taken was Bob, Cathy and Roberta in favor of the motion. No one was opposed to the motion.

Cathy will write the decision.

The meeting was adjourned at 2:04pm.

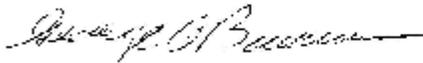
Respectfully Submitted,

Roberta Flashman

Brodmerkle "Notice of Intent Filing

Some form of this project has been before the Ashby Conservation Commission for an extended period of time. Following the issuance of a POSITIVE DETERMINATION by this commission and an appeal to DEP for a superseding determination, the applicant was directed to file a Notice of Intent with the Ashby Conservation Commission in order to proceed with the project. The applicant failed to comply with this directive issued by Mass DEP. The applicant, though somewhat misinformed, proceeded with work at the ill-advised direction of the Land-Use-Consultant he had employed. Subsequently, that Land-Use-Consultant, through written communication with the Town and Agencies of the Commonwealth, deliberately contrived to personally impugn my integrity and reputation. Consequently, I fear that I would not be able to move forward to an unbiased conclusion in this or future submissions by this Consultant. Furthermore, I fear that even if I did participate in this Commission's rendering an informed judgement in this or future submissions by this Consultant, that other prejudiced accusations and speculations might be circulated by that Consultant, Derek Saari.

Therefore, I will recuse myself from participation in this hearing before the Ashby Conservation Commission.



George A. Bauman

1-18-17