

Ashby Conservation Commission  
Minutes for the Meeting of June 20, 2018

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

The minutes of the meeting of June 6, 2018, were reviewed and accepted, unanimously, as written.

**Treasurer's Report:** \$14.15 expended for poles and cable ties for bird signs in Town-owned fields dedicated to conservation.

**Correspondence:**

- 6/19 – The exact language on a deed restriction was emailed to the Commission by Scott Goddard.
- 6/18 – Fieldstone Environmental Consulting emailed their Riverfront Alternatives Analysis to the Commission in advance of the June 20, 2018 meeting.
- 6/15 – Fieldstone Environmental Consulting emailed to inform the Commission that their Alternatives Analysis would not be available by the deadline for the requested.
- 6/14 – The Commission and DEP exchanged emails to ascertain the nature of work at the Brodmerkle/Whitney Rd property.
- 6/14 – The Town Clerk informed the Commission via email of possible impending work at the Brodmerkle/Whitney Rd location. A culvert and fill was being brought to the site.
- 6/13 – Stan Dillis confirmed via email that his NOI for the Terkanian property on Erickson Rd would be ready for a hearing on July 18,2018. The Commission will not set a time and date until the NOI is actually received.
- 6/13 – The NRWA sent an email listing culverts that are questionable for habitat passage in Ashby. These were identified as a result of their stream crossing survey.
- 6/13 – John Forest/70 Beaver Dam Rd requested a site visit for an interim step in his construction.
- 6/11 – The Town clerk forwarded an email from DEP informing the town of Fitchburg Water Dept. property hearings.
- 6/8 – The Commission exchanged numerous emails with Natural Heritage and Endangered Species Program Vernal Pool specialist to confirm the original state of 369 Northfield Rd Certified Vernal Pool. The Commission also was instructed on possible ways to mitigate the illegal clearing's potential for destruction of life in the pool.
- 6/8 – The Commission emailed the change in date of the first Commission's meeting in July to Neil Gorman. The date will be July 2, 2018 because the 1<sup>st</sup> Wednesday is July 4<sup>th</sup>.
- 6/7 and 6/12 – email communication with Scott Goddard about potential deed restriction that he is requesting the Commission accept.

**Old Business:**

Library public well issues. The Selectmen discussed the well issue with Library Trustees, Conservation Commission and Mark Storzynsky, of HydroTech, on Wednesday, June 13<sup>th</sup>. Town Manager has given us a copy of the easement and plot plan. Library will proceed with testing. There may be a need for an emergency OOC if vehicles have to enter the well area which is located in close to, if not within, BVW.

SOCs issued to Goddard, 0West Rd/Jewett Hill Rd project. Mr. Goddard requested that the Commission be the holder of deed restriction on the properties restricting further filling of wetlands. The deed restriction is an option offered by DEP in place of submitting a 401 Water Quality Certification Application to the Army Corps of Engineers. The Commission discussed whether or not to accept these deed restrictions (4 properties).

Negative: The deed restrictions are not in power in perpetuity. They are limited to 30 years.

Negative: There is no provision for easement or other access for monitoring the properties for violations of the deed restrictions.

Negative: There is no specified enforcement body or penalties specified.

Negative: The potential liability for enforcement falls upon the town. The town does not have the resources to take on enforcement through the courts.

Negative: The wording of the restriction would allow the new owners to think that they had the right to fill more wetlands.

Motion made and seconded to deny accepting the deed restriction. The vote was unanimously in favor of the motion.

369 Northfield /1342 Richardson Certified Vernal Pool (CVP) violation. Cathy has exchanged emails with the Natural Heritage and Endangered Species Program Vernal Pool specialist to confirm the original state of 369 Northfield Rd CVP from their records. They have also suggesting mitigations to employ to protect the animals currently in the pool. Cathy will continue to follow up with Mark Lapham on implementing the mitigations for the pool environment.

Issued OOC for Lot 4 Main St DEP#93-379 and Lot 3 County Rd DEP# 93-378

### **New Business:**

Peter McMurray requested a visit to his house to check for wetlands. 9:00am Friday, June 22, 2018

Correspondence with Town Clerk and DEP about Brodmerkle working on Whitney Rd and bringing a culvert.

DEP held a property hearing for the Krapf property and one of the Crocker properties on June 11, 2018 with comments due on the 19<sup>th</sup>.

NOI received for lot 4 South Rd from Janet Flinkstrom. Only one copy of the plan was submitted. Hearing set for 9:00pm on July 2, 2018.

Have money left in the budget – purchase of the MACC handbook for \$15 and 2 hardcopy of WPA regulations for \$28 and \$12 for the maps for Open Space.

### **Hearings:**

June 20, 8:00 pm, Northstone Builders, represented by Fieldstone Environmental Consulting, 4 Greenville Rd., 3 Single Family Homes. This is a continuation of the hearing. The hearing was closed at 8:48pm. The Commission will deliberate and issue their decision and/or OOC within 21 days.

June 20, 8:30pm, Northland Engineers, 9 Taylor Rd, Septic replacement. The hearing was continued at 9:20pm to July 2, 2018 @8:30pm because there had been no DEP file number issued at the time of the hearing. The chair was to write a note to Ashby BOH so that their process could continue.

**Hearings scheduled:**

July 2, 2018 @ 8:00pm, Ross Assoc., Mattis at 284 Deer Bay Rd, continuation

July 2, 2018 @ 8:30pm, Northland Engineering 9 Taylor Rd, Septic replacement. Continuation from June 20, 2018. Waiting for the DEP#.

**Site Visits:**

June 11, 2018, 262 County Rd, Neil Gorman/Ross, Michael Hopkins, SFH, Tim, Roberta & Cathy were on site with Neil Gorman and interested citizen, Brendan McNeil. The lot is being subdivided from the main lot (parents/child) and contains 1 ½ acres – still within the residential district. Proposed 4 bedroom home. There were a few small, isolated depressions in the soils that appear to hold a bit of water in the spring, but were now dry. The possible pools/puddles wouldn't hold more than 6 inches of water: not enough to support life in a vernal pool. No other wetlands were found on site. Tim signed the septic plan indicating no wetlands.

June 11, 2018, 9 Taylor R, Northland Engineering, Tim, Roberta & Cathy Gorman and interested citizen, Brendan McNeil. Northland Engineering confused the time and was not on site with us. The replacement system appears on the plans to be 54 ft from edge of wetlands and 74 ft from the well. The wetland bounds on the property need to be reviewed as there was more than 50% wetland vegetation in all non-mowed areas, including sedges, reeds and sphagnum moss.

June 14, 2018. Roberta and Cathy walked the area of the Library well site to see if there were alternatives for bringing in large equipment to the area. The backs of the Main St properties are separated from the well site by stone walls, which would have to be removed to allow vehicle access to the well. The back of the Vogt's property would provide access, but, in addition to removal of the stone wall on the Vogt's property, there would have to be trees removed on the town property within the BVW. Their removal would remove shade from the BVW. The BVW has its source of water from a stream flowing out of the "rectangular" pond. The ground is very, very soft and machinery would severely damage the area, if it didn't sink in and become stuck first.

June 14, 2018, 70 Beaver Dam Rd, construction progress, Tim, Roberta & Cathy. The foundation is in place with a walk out basement. The wood retaining wall that was along the road will not be replaced. The area was filled with gravel/sand. Siltation barriers are still holding: suggested minor repairs.

**Scheduled Site Visits:**

Peter McMurray requested a visit to his house to check potential location of an addition to his house for proximity to wetlands. 9:00am Friday, June 22, 2018

June 26, 2018 @ 9:30 – Commission will walk the property at 4 Greenville Rd, as part of their deliberation process, to view alternatives to work within the Riverfront.

The meeting was adjourned at 9:58pm.

Respectfully Submitted,

Roberta Flashman