

Ashby Conservation Commission

Minutes for the Meeting of Oct 3, 2018

Meeting was opened at 7:00pm with Cathy Kristofferson, Tim Bauman and Roberta Flashman in attendance.

The minutes of the meeting of September 5, 2018 were reviewed and accepted as written unanimously. The minutes of the meeting of September 19, 2018 were reviewed and accepted as written unanimously.

Treasurer's Report: \$67.50 from NOI 429 West Rd., Steve Repaal, owner.

Correspondence:

- 9/20 - Call from June McNeil (McNeilJB@gmail.com) requesting a site visit to parcel 118, map 12. This is the property that the prior owner was going to give to the town/Land Trust before he died suddenly. A stream runs through the property and there are some associated wetlands as well as shoreline to Ashby Compensating Reservoir. The Commission suggested that either she or current owner submit a RDA to determine if the lot is buildable with or without an NOI.
- 9/20 - Email inquiry from Devin Crowe about 2 Valley Rd Order of Conditions
- 9/24 - Received RDA from June McNeil of 920 Piper for Map 188 Parcel 0 on Deer Bay Rd
- 9/24 - Report of work in a wetland resource off of Byfield Rd
- 9/25-6 - Emails with Dan Harju regarding mowing at South Road Fields
- 9/25 - Roberta had a phone conversation with Jack Maloney, Ducharme & Dillis, re: site visit to 446 Wares Rd. He also agreed to make changes requested to the NOI description and details.
- 9/25 - Roberta had a phone conversation with Mike McCallum about the Erickson Rd Project - gave some details on prior work done and site and she asked that he attend the hearing if at all possible.
- 9/25 - Roberta did a brief site visit to Pillsbury Rd new construction site. Hay bales and mulch were put in place, but somewhat poor execution. Called Northland Engineers to see if they could assist - spoke with Valerie,(978-827-5944), who said they would assist the home owner.
- 9/25 - Roberta spoke with Judy Schmitz about Highway Dept action based on her suggestions and options available to the Commission on the review of 151 Erickson Rd.
- 9/26 - Phone calls with Travis Drudi of Mass Fish & Wildlife about project on Harris Road
- 9/26 - Emails from LodeStar to set up replication site visit
- 9/28 – Roberta spoke with Darlene from Caldwell Banker about 712 Foster Rd, next to Ted Whitten-Kraus home. The house had been burned down as training for the fire department. It had a dug well and a cesspool. 285 ft of frontage and +-1.9 acres of land. She wanted to know if this was an ANR lot. It appears that it meets minimum, but that is no guarantee of whether it is buildable. Did not set up a site visit. Suggested that the owner would need to talk with engineers to determine whether the lot is buildable.
- 9/30 - Phone calls about septic issue Ingerson Rd, referred to Board of Health
- 10/2 - phone call from Travis Drudi of Mass Fish & Wildlife about further issues with silt on Harris Rd.

Old Business:

- Discussion of South Rd fields maintenance and haying. John Kimball is no longer mowing the field owned by the town, not even having the time to do a second cut on the field. Paula Packard has been asked and agreed to do the 2nd cut, if possible and to mow with a field bird schedule in the future.
- Issued COC for Brownell, 80 Flint Rd

- Issued COC for 389 Turnpike, Boggs-Lightfoot

New Business:

- Issue Determination of Applicability for Richardson Rd property at the corner of Richardson and South, Map 12 Lot 118. A positive Determination was issued.
- Request from Highway Department to work on breaching the beaver dams below the culvert on Bennett Rd to reduce the flooding of the road in high water. The Commission issued an Emergency Order for the work at tonight's meeting.
- Linda Stacy requested an Emergency Order of Conditions for breaching the dams upstream that are flooding the Stacy's property. The Commission needs to wait for BOH permit to breach the dam.
- Jeff Smart, construction on 191 Damon Rd on existing barn and roof, came to have the building permit signed. Tim signed building permit.
- Log Cabin Rd, Adam Hargraves. Presented a plan for a septic system, new construction, that needs a site visit to review the wetlands or lack thereof. Set the visit for 8:00am Friday, October 5, 2018.
- Mark Haines appear with a request to sign the building permit for 366 Erickson. Set a site visit for 8:30am Friday, October 5, 2018.
- 95 South Rd – Septic Upgrade – Graz Engineering. Lot 23. We are all familiar with this property and the location of the septic upgrade is outside 100 ft buffer to all wetlands. Tim signed the plan so that the hearing with the BOH could proceed.
- NOI received today for 429 West Rd. Steve Repaal. Upgrade to septic system. The applicant needs to stake the system location before there can be a site visit. Schedule Hearing for Oct 17 @8:45
- RDA submitted for 350 South Rd. Clear area for solar installation outside riverfront and 100 ft buffer.

Hearings:

- 10/3 at 7:00pm, Ashby Highway Dept., Whitney Rd, culvert, Hearing continued to 7:00pm, Oct 17, 2018.
- 10/3 at 8:00pm, Jack Maloney of Ducharme & Dillis, 446 Wares, septic upgrade. Hearing continued to 8:00pm Oct 17, 2018.
- 10/3 at 8:30pm, Stan Dillis of Ducharme & Dillis, 0 Erickson/Terkanian, Driveway extension. Applicant requested that the hearing be continued to Oct 17, 2018. Time set to 8:15pm.
- 10/3 at 9:00pm, Chris MacKenzie of Ducharme & Dillis, 151 Erickson/Robert Harding, NSFH w/septic. Hearing continued to Oct 17, 2018 @ 8:30pm

Hearings Scheduled:

- 10/17 at 7:00pm, Ashby Highway Dept., Whitney Rd, culvert,
- 10/17 at 8:00pm, Jack Maloney of Ducharme & Dillis, 446 Wares, septic upgrade
- 10/17 at 8:15pm, Stan Dillis of Ducharme & Dillis, 0 Erickson/Terkanian, Driveway extension
- 10/17 at 8:30pm, Chris MacKenzie of Ducharme & Dillis, 151 Erickson/Robert Harding, NSFH w/septic
- 10/17 at 8:45pm, NOI 429 West Rd. Steve Repaal, Graz Engineering

Site Visits:

- 9/25/18 Roberta drove by the new construction on Pillsbury Rd to see if mulching and haybales had been put in place to prevent further erosion into the stream. There had been an attempt to meet the Commission's request, but not 100%. Contacted Northland Engineering to take more control of their project.
- 9/27
 - 4pm: pre-construction site visit at 1392 W. Main. Roberta and Cathy met on site with Peter and Mary McMurray, Ainno Perna and Tom Carmichael. Siltation fencing was in place and installed correctly. Wetland bound markers were also in place. Reviewed requirements with all people who would be doing the excavation and construction work.
 - 4:30pm: COC, 369 Turnpike, Boggs-Lightfoot. Roberta and Cathy met on site with Bud Lightfoot to check for the wetland bound markers with the owner and found many of them deep in the woods. Issued the COC onsite.
 - 5:00pm, RDA, off Richardson. Roberta and Cathy met on site with June McNeil, applicant and Brynn Hart, owner to view the property. A perennial stream runs through the property from across Richardson Rd to the reservoir. There are also many BVW and a possible vernal pool on the property, in addition to one side of the property being bounded by the reservoir. While the Wetlands Protection Act doesn't prevent building in the buffer zone to a wetland, it does prevent building in the riverfront area – within 200 ft to a perennial stream. It is questionable whether there is any buildable area on the property. Only an engineer could determine that for sure. However, any work done on the property would definitely require the filing of a Notice of Intent.
 - 5:45pm 446 Wares Rd - Septic System Replacement. Roberta and Cathy met on site with Jack Maloney from Ducharme and Dillis. There is a stream flowing across the front of the property. This is most likely a seasonal stream. The closest part of the septic leach field is 50 ft from the edge of the stream. Fill from grading will extend to within 20 ft of the stream. Will need to ensure that conditions restrict movement of machinery and materials to keep them from damaging the stream. There is no other place on the property for placement of the replacement system.
- 10/3 9:00am Lodestar Replication. Cathy and Roberta met on site with Mark Arnold, Goddard Consulting, Kevin Sullivan, Lodestar site manager, and Kevin Midei, Lodestar Elec. Engineer. The solar farm soils are stable and covered with an amazing amount of wetlands plants. The replication area appears to be inundated with beggartick (yellow flower), as is the surrounding area. Although they originally planted 40 wetland shrubs, only a few were evident. It appears that they are being crowded out by the wetlands mix generated herbaceous plants that fill the area. They will replant 35 shrubs within the next 2 weeks and video the planting. They will also video removal of siltation barriers and the entire area.

The water being released from the detention ponds was running clear and there was little evidence of siltation in the area between the existing wetland and the detention pond. This was a good sign, given the amount of rains that have fallen in Ashby over the past 2 weeks.

As part of the COC that they will request once the plantings have been documented, ConsComm will require monitoring report 2x a year on the progress of the shrubs being planted. This is to continue for at least 2 years with less than 25% mortality of plants expected. (survival of 30 total plants, original and

new) Greater than that mortality rate will require additional planting and continuation of monitoring reports until 30 plants survive for 2 years beyond their planting date.

Researching the plant in the National List of Plant Species that occur in Wetlands, Massachusetts 1988, Roberta found *Bidens aristosa* (BEGGAR-TICKS, BEARDED) FACW- , which resembled the plant seen on site. This guide, condensed by the Buzzards Bay National Estuary Program, published in May, 2006, lists the following descriptions of the types of plants listed:

OBL Obligate Wetland - Plant has a >99% occurrence in wetlands.

FACW Facultative Wetland - Plant has a 67% to 99% occurrence in wetlands.

FAC Facultative - Plant has a 34% to 67% occurrence in wetlands.

With further definition “-“ indicating that the Plant is in the lower portion (“dryer”) of the indicator frequency.” Their final determination is that “FACW-“ is a wetland indicator plant.

- 10/3/2018 Roberta and Cathy view 72 Park Rd, next to Highway Department storage yard for a site where solar panels were to be ground mounted. Screw in posts are to be used. Roberta signed the building permit. Gave signed permit back to the Town Clerk.
- 10/3/2018 Roberta and Cathy view 1299 Greenville Rd where the applicant was requesting a building permit to be signed for a 10x12 ft deck on the back of the house. Work has already begun with tree clearing(?) in anticipation of building the deck. Reviewing original plans for the home and the Certificate of Compliance issued in 2017 for new owners, the plans show that the house is just on the edge of the riverfront and wetlands 100 ft buffer. This project will require permitting for further intrusion into the riverfront and wetlands buffer. As leaving the site, there appeared that there might be clearing already done closer to the wetlands. Did not do a site visit without permission to be on the property. Gave unsigned Permit application back to the Town Clerk.

Site Visits needed/scheduled:

- End of Harris Rd - Wayne Hardy
- 10/4 Harris Rd @ 8:00am
- 10/5 Log cabin Rd @ 8:00am
366 Erickson Rd @ 8:30am

The meeting was adjourned at 9:47pm

Respectfully Submitted,

Roberta Flashman