

Ashby Conservation Commission  
Minutes for the Meeting of November 20, 2019

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

The Minutes of the meeting of November 6, 2019 were reviewed and accepted unanimously with one change to indicate that they were minutes and not the agenda.

**Treasurer's Report:** nothing to report

**Correspondence:**

- 11/7 - Texts with Kimberly Clinton requesting site visit for 80 South Rd view stabilization efforts
- 11/7 - Form 8A from Van Dyke for lot 2 Allen Road DEP# 93-392
- 11/8 - Received DEP File Number 93-385 for 584 Main St.
- 11/9 - Received RDA for 73 Erickson Rd from Three Oaks/Soilsmith
- 11/11 - Response from Gene Chaison, 7 Piper Rd, actions to be taken to stabilize work and submit RDA
- 11/13 - Received email update from 1051 West Rd, Theodora Cohen
- 11/14 - emails with Whitman & Bingham and Cornerstone to schedule site visits
- 11/15 - call from abutter concerning hearing for 499 Jewett Hill Rd.
- 11/19 – Roberta received a call reporting filling that has occurred at 804 Fitchburg State Rd and a hazardous waste spill.

**Old Business:**

Property at 80 South Rd, owned by Kimberley Clinton, work in buffer zone without permits. The Commission is looking for a status report on remediation of the area. Access to the property is still denied. This project and the Enforcement Order issued by the Building Inspector, is under discussion with the ZBA. ZBA upheld the Building Inspector's Cease and Desist on 11/19/19. It is expected that the owner will appeal the decision to the courts.

Discussion on whether to refer Enforcement Order for 1051 West Rd to DEP for punitive action for lack of evidence of action on the part of the owner to resolve damage to the property within the 100 ft buffer to the wetlands and 200 ft Riverfront buffer. Perhaps a site visit to view stabilization before full onset of winter is warranted. Site visit – week after Thanksgiving – Tuesday or Wednesday – Dec 3 or 4<sup>th</sup>. – Roberta to call.

**New Business:**

7 Piper Road, work in the buffer zone - Gene Chaison. Has erected siltation barrier and will submit an RDA for Dec 4th meeting. Roberta sent him the advertising information.

Bob Hakala, Hakala Bros. Corp. appeared before the Commission requesting signatures on building permits for lots 2 on County Rd & lot 5 on Main St. These are the 2 lots closest to the existing farm house that were outside of any wetland buffers. Motion to sign the permits were vote unanimously in favor of signing the permits. Tim signed the permit applications.

Steve Phaneuf appeared to discuss the site visit earlier in the day in response to an anonymous call reporting prior wetlands filling and hazardous waste spill at the site. The Commission gave him one of the copies of the original plan and a copy of OOC and COC with continuing conditions which were evidently not being implemented at the site. He will suggest mitigation and conformance to the continuing conditions and get that back to the Commission within 2 weeks.

Lot 6 Heywood Rd – following the site visit on 11/18/19, Motion to sign Lot 6 Heywood Rd. A unanimous vote was in favor of the motion.

### **Hearings/Appointments Scheduled:**

8:15 An RDA had been submitted for 73 Erickson, BLR Properties, for a septic repair. This house was razed prior to the submittal of the RDA without any permits. The proposed structure will be built in the footprint of the prior home, which had its closest corner only 33 ft from the edge of wetlands. DEP allows a project to be managed under an RDA when the project is 50 ft or more from the edge of a wetland and that area has already been converted to and stabilized as lawn. A motion to issue a positive determination. Was made and seconded. Unanimous vote in favor of the motion. #4 was checked as the reason for the positive determination. The Commission will expect the submission of NOI for the project. Completed the discussion at 8:25pm.

11/20 - 8pm - NOI, 584 Main St, BLR Properties, emergency septic repair. The hearing was continued to 12/4/@ 8:00. Meeting closed at 8:15pm

11/20 - 8:15pm - NOI, 402 Jewett Hill Rd, Stephen Marcoulier, continued. Closed hearing @ 8:34

11/20 - 8:30pm - NOI, 499 Jewett Hill Rd, Hannigan Eng, SFH addition. The hearing was continued to Dec 4<sup>th</sup> at 8:30pm. The meeting was closed @ 9:04pm with a site visit being set for Wed. Nov 27<sup>th</sup> @ 9:00am.

### **Site Visits Needed:**

499 Jewett Hill Rd, Hannigan Eng, SFH addition.

584 Main St, BLR Properties, erosion control install for emergency septic repair

402 Jewett Hill Rd, Stephen Marcoulier, Marked wetlands and boundaries of no touch zone.

### **Site Visit Log:**

**11/10/19** 7 Piper Rd. Gene Chaison. Roberta stopped to talk with the owner about work within the buffer zone to the pond on South Rd being conducted without any permits. This is the same site that she stopped at many years ago for similar work without a permit (2013?). The new owner of the property was very gracious and eager to comply. Stopped work and went to a store to purchase siltation barriers and get forms from DEP to file RDA for work. Roberta did suggest an emergency order, since winter had begun to close in, but Mr. Chaison was not sure the work could be completed within a month.

**11/15/19** Allen Rd. COC request from Jamie Van Dyke. Tim and Roberta met on site with Charlie, the site manager. The site was not stabilized. Siltation barriers were still in place. Slopes were still left barren of load, seed or mulch. No grass had been established on slopes that had been loamed and seeded; just a bare minimum of hay cover had been tossed on them. Charlie requested a partial COC. Told him that we don't know how you partially remove an OOC from a deed, hence there is no such thing as a partial COC. The site needs to be stabilized. Suggested heavy wood chip or bark mulch on all unstabilized slopes. All siltation barriers must be removed without threat of damage occurring to any wetlands. Edge of wetlands on back side of lot is not marked.

**11/18/19** - 73 Erickson Road, BLR Properties, NSFH House was demolished without any permits. The applicant had submitted an RDA for building a new house. Siltation fencing was installed in a haphazard manner. 40' to the edge of wetlands from what appears to be the corner of the existing foundation of the prior home. It is unclear how the proposed new home compares with the prior home. Need an NOI instead of a RDA. Within the 50 ft buffer.

**11/18/19** - 712 Foster Rd, Cornerstone, NSFH – Cathy, Roberta and Bob conducted the site visit. All wetlands were greater than 100ft from the proposed system or house. Wondered what happened to the house. The property has a driveway that clearly use to lead to a house. There is a pond to the left of the property which has a stream outflowing from it across the back of the property. Bob signed the plan after site visit on 11/18.

**11/18/19** - Cathy, Roberta and Bob met Jamie Reault from Whitman & Bingham on site to view Lots 2,3,6 and 8 Heywood Rd, for review of plans for single family homes, septic systems and driveways. Lot 8 – the applicant has a choice of whether to move the proposed leach field out of the 100 ft buffer to the wetlands or file a Notice of Intent for the proposed system. Lot 6 was clear, with no wetlands within 100 ft of the proposed single family home or driveway or septic system. Ready for sign-off. Lot 2&3 have a shared driveway with a detention pond proposed at the bottom of the properties to regulate water shedding from the driveways. These 2 lots will require at least an RDA as the outflow of the detention pond will flow into a wetland across the street.

**11/18/19** - 499 Jewett Hill Rd, Hannigan Eng, SFH addition. Roberta had a phone conversation with Chris Anderson of Hannigan Engineering. Nothing on the property has been staked. Roberta was trying to arrange a site visit prior to the hearing on 11/20/19. Chris had not yet contacted the owner to be able to get a survey crew out to mark the property. He understands that 1) the hearing will not close without a site visit 2) As the weather gets colder, the harder it is to confirm the wetland bounds. He said that he assumed the risk.

**11/18/19** – Roberta, Cathy and Bob viewed 1033 Turnpike Rd for a Request for a COC. The erosion controls are still in place. The wetland bounds markers are in place. The work is completed. Someone needs to contact the owner to let them know that the erosion controls need to be removed.

**11/20/19** 804 Fitchburg State Rd. Bob & Roberta met with Steve and Danielle Phaneuf on site. Did see some very old oil drums very near the wetlands. The area behind the buildings has not increased in size but is no longer grassed. There were oil drums with unknown contents stored behind the building. There were also a lot of cars stored in the back as well as an old RV.

The meeting was adjourned at 9:35pm.

Respectfully Submitted,

Roberta Flashman