

Ashby Conservation Commission

Minutes for the Meeting of September 21, 2016

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

The minutes of the meeting of September 7, 2016 were unavailable for review. Will review at the next meeting.

Treasurer's Report: nothing to report.

Correspondence:

Several inquiries received via phone and email about a forest cutting on Mary Krafp's land on Piper and Richardson Roads. The chair referred the inquiries to the approved Cutting Plan from DCR Forestry Division.

Email forwarded from DEP regarding the Sikkila Project on West Road. The Client was informed that MassDEP will exercise enforcement discretion and will not enforce the September 15th deadline or seek to collect additional penalties, provided that the work is completed by September 30th.

9-14-16, email from Kate Stacy with an attached list of properties subject to Tax Title and Foreclosure and asking if Conservation Commission had any interest in any listed parcels. Cathy had provided maps of the properties to Commissioners. Could meet with Fire Dept on Page Rd for property there with fire pond. Call Michael.

9-15-16: received an open meeting complaint form from D Saari of Rindge, NH. Selectmen, during their meeting tonight, will be voting to enact a law that allows members of boards in Ashby to attend a meeting remotely.

The Environmental Monitoring Report for week 2 was received from Goddard Consulting, LLC on 9-20-16.

Selectmen are calling a special town meeting on Oct 22, 2016 for discussion of Payment in Lieu of Taxes(PILOT) in connection with Lodestar project.

Old Business:

Discussion continued about work at 2376 West State Road. The owner, Ben Babineau, had filed a Notice of Intent (DEP# 93-355) in response to an Enforcement Order and a hearing was opened at the last meeting on 9/7/16. Tonight discussion about project plans continued, but the hearing will have to be restarted, de novo, because of a complaint about a possible lack of quorum for the hearing. Mr. Babineau brought in updated plans to conform to request made by the Commission at a site visit on 9/14/16. A new site visit was scheduled for Sunday, 9/25/16 to view the installation of new siltation barriers. Assuming that the installation is successful, the Commission will issue an Emergency Order of Conditions. This will allow the project to continue forward without having to wait for the new hearing and OOC. The reason for the issuance of the Emergency OOC is public safety as the longer the project is stalled, the more possibility that the project will not complete before the winter. This Emergency was exacerbated by Mr. Saari's delay in reporting this violation for almost 2 months.

OOC for Buckley, 660 New Ipswich Road, DEP #93-356. The Chair received a note (9/20/2016) from Chris MacKenzie about a revision of the septic system. Sending revised plans to the Commission. Leaching field has been reduced about 30%. Reduce work area from 6500sq to 5600sq ft. A motion was made to accept the new plan as a minor change and issue the OOC when we receive the plans, tentatively 9/27/2016 @9:30am. The motion was 2nd and there was a unanimous vote in favor of the motion. Tim will contact Chris to tell him.

New Business:

Signed building permit for Heywood Rd new home construction for Justin Palojarvi, 40 Turnpike

Rd, Ashby, MA. Not within wetlands.

Eric Silva, owner of the property with the barn on Richardson across from Bob Laughlin would like to clear trees and brush from much of the property. He came to discuss what he can do in and around the wetlands on the property. He would like to clear the growth from the last 10 years. The Commission would like to know how long this property has not been in use for farming. He would also like to clear for 2 drives, parallel to each other, that would provide access to the back of the property. Site visit set for 9/27/16 @ 8:00am.

At 8:19pm, an RDA for installation of utility poles for Lodestar project Casseopia was brought forward for discussion by Mark Arnold of Goddard Consulting for the Lodestar project on Main St. He submitted a copy of the advertising for the RDA. The Commission has not yet received the plan. Unutil is requiring that there be 3 more poles that bring the power in 110 ft. onto the property. Lodestar's plan is to clear trees from the area, staying along an existing stone wall, protect the BVW with wattles, and prevent access to the rest of the property from the road through the use of boulders as barriers. The chair noted that the current RDA being submitted to the Commission had been filled in incorrectly. Mark realized that the entries he had made to the form had not been printed on the form. Motion to pause this RDA to later in the evening made and 2nd. Unanimous in favor of motion. Discussion was paused at 8:30pm and Mark went to the back of the room to correct the entries to the form. Motion to Reopened at 8:48 made and 2nd with unanimous vote in favor of reopening. Mark had completed the changes to the form and emailed the corrected form to the Commission. So, the utility poles are proposed to be installed on a 12 ft wide road which fits within the 1 rod road between the existing rock walls. This was probably a cow corridor in the distant past. A motion was made to issue a negative determination conditioned with erosion controls and barriers as described in the RDA. The motion was 2nd and the vote was unanimous in favor of the motion.

Derek Mathieu, Mason NH, formerly of Ashby came before the Commission to discuss an application from Marty's Driving Range in Mason, NH to become an outdoor concert venue. He brought in a blasting map for impact of sound from the noise as an example of the possible area to be negatively impacted by the noise from the proposed music venue. He had also presented the same information to the Selectmen earlier in the evening. The Commission commented that this project was really out of the area of responsibility of the Conservation Commission. Suggestions were made to enact a noise ordinance in Mason.

Hearings:

8:00 PM Amended Order of Conditions, Stan Dillis for hearing on Terkanian property, Erickson Road. Postponed from 9-7-16 at 8:00 PM.

8:30 PM Continued from 9-7-16, NOI for Project Number 93-355 for retaining wall at 2376 West State Road, Ben Babineau owner.

RDA for the Utility poles and gravel access road of Cassiopeia Solar Farm, Mark Arnold. 0 and 1128 Main Street.

Hearings Scheduled:

10/5/16 8:00 PM NOI for DEP Project # 93-355 for retaining wall at 2376 West State Road, Ben Babineau owner. The new hearing is required, de novo, because of a complaint about quorums for the hearing possibly being construed as dependent upon remote participation by one of the Commissioners.

Site Visits:

9-14-16, Site visit Lodestar Solar project at 0 Main Street Duffy's for inspection of wetland replication area and siltation controls. Concerns expressed over drought conditions and plantings. Cathy, Roberta and Bob met with Mark from Goddard Consulting. While he has some more wattles in place, now with bio-degradable covering, the Commission suggested that mulch wattles rather than straw might be more

suitable, as their weight would keep them in place along some more difficult terrain. The “soils” from the excavated wetland along the crossing has been moved and placed into the replication area, after the replication area’s elevation had been reduced down below the adjacent wetland’s elevation. The soils contain a high percentage of rock ranging from 3 – 10inches in diameter. The Commissioners expressed concern for the ability to replicate a wetland during the continuing drought. Suggestions included: on-site rain gauge; stabilization of the area if planting is not able to be done this year because of lack of rain; setting aside a bond for the plantings and labor so that the project could proceed. To be discussed at the upcoming meeting and mentioned in the update report.

9-14-16, visit to site of NOI for Project Number 93-355 for retaining wall at 2376 West State Road, Ben Babineau owner. Cathy, Roberta and Bob met on site with the owner and his wife and son. The Commission viewed the materials on site. The wall is to be 22 ft. from the house foundation and run for close to 100 feet. It will have drainage, since that appears to the owner to be the reason the prior wall failed. The owner also talked of including work on the side yard to the house which would level the area. Roberta discouraged this work from being included in this project, since the project is already large and in jeopardy of not being able to be completed before freezing ground would stop the project. The Commissioners suggested that the placement of siltation barriers be at the toe of the slope, and needed to be included on the plan presented to them. It was also mentioned that the owner would need to provide a re-vegetation plan for the area that looks like a driveway down to the pond’s edge. The owner was to come to the Commission at the next meeting with this information.

9-20-2016 Roberta and Tim stopped by the Terkanian project on Erickson Rd to view the proposed site of the new driveway with plans in hand. It appears that there is no wetland emptying waters into the culvert across the street that will now be spanned by the new driveway. There was no evidence of wetland plants or a stream bed that might be part of or emptying from a wetland behind the houses across from the driveway.

Site Visits Scheduled:

Sunday, Sept 25, 2016 @ 4:00pm 2376 Main St., Babineau. Check the installation of siltation barriers.

Tuesday, September 27, 2016 @ 8:00am Richardson Rd, across from Bob Laughlin’s home. View potential changes to landscape to create a farm.

Site Visits Needed:

Page Rd Fire Pond and property that is located upon appears on the Tax Taking list. Could meet with Fire Dept on a site visit to discuss which department would be best as the owner of the property. Call Michael Bussell to arrange a date and time.

Tax taking property on Mason Rd needs to be viewed to assess the resources on the property.

The meeting was adjourned at 9:15pm

Respectfully submitted,

Roberta Flashman