

## Ashby Conservation Commission

### Minutes for the Meeting of June 6, 2018

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

The minutes of the meeting of May 16, 2018, were reviewed, revised to show that they were minutes and the amount of treasurer's report corrected and were accepted unanimously. The minutes of the meeting of May 30, 2018 were reviewed, revised to show that they were minutes and not the agenda, and that DEP requested an electronic copy of County Rd project and accepted unanimously.

**Treasurer's Report:** Check received from Fieldstone Wetland Consultants for 4 Greenville Rd for \$262.50 for additional fee required for a development within a riverfront area.

#### **Correspondence:**

- 6/6 - email from Ducharme/Dillis looking for hearing date for Erickson NOI
- 6/6 - document update from Northstone for tonight's 93-377 hearing
- 6/6 - file number for Lot 4 Main St : DEP#93-379
- 6/6 - email from LEC with invoice for 0 South Rd peer review
- 6/6 - email from Denise Child/DEP about violation report for 1342 Richardson/369 Northfield
- 6/1 - email from Denise Child/DEP about DEP site visit for SOC at 0 West Rd/Sikkala
- 5/30,31 - emails with Denise Child/DEP regarding 401 Water Quality Certification requirement for 93-372, 93-373, 93-374 & 93-375.
- 5/30 - Mail from Northland Engineers with abutter's notice and certified receipts
- 5/25 - email from Scott Goddard regarding deed restriction
- 5/24 - email from Neil Gorman requested site walk for 262 County Rd, Michael Hopkins, Single Family Home – site visit on June 11<sup>th</sup> @ 9:30am.
- 5/24 - email from Neil Gorman requesting continuation of 284 Deer Bay/Mattis to first July meeting – July 2<sup>nd</sup>.
- 5/24 - email issuance from DEP of SOC for Goddard lots on 0 West/Jewitt Hill
- 5/24 - email issuance of file #93-378 for Lehtola from DEP, note requiring re-advertisement
- 5/22 - email from Northland Engineering verifying staking for site visit
- 5/21 - email from Rick Metcalf re: 110 Whitney Rd horses – He drove by and cannot see the horses – have been moved to the back of the property? Will have to wait until he actually walks the property.
- 5/17 - emails with Sherri Bean/MRPC re: Ashby POI for their regional map update

#### **Old Business:**

The Commission continues to sort and clean-out the file cabinets for an hour prior to meetings

For further open discussion of the Library well issues there has been a meeting scheduled for June 13<sup>th</sup> @ 7:30pm, as part of the Selectmen's meeting.

Unitil's Yearly Operational Plan (YOP) - Comments due 6/11 – won't spray any pesticides in Ashby

Superseding Order of Conditions(SOC) issuance to Goddard by DEP. At the meeting of May 30, 2018, the Commission decided not to appeal the issuance of SOC. Communications with DEP and Scott Goddard now center around Mr. Goddard requesting that the Commission hold deed restrictions on the 4 properties that he is developing. We have yet to see the language of the deed restriction. The deed restriction would be in lieu of Mr. Goddard submitting an application for a 401 Water Quality Certification to the Army Corp of Engineers. Assuming that we will receive a copy of the actual deed restriction, the Commission will continue this discussion at the next meeting and make a decision about whether or not to accept a deed restriction on the properties. Motion: in light of the fact that we have no draft language it is impossible to decide in favor of taking the deed restrictions on the properties. Unanimous vote in favor of the motion.

### **New Business:**

Received an email from DEP on 6/6/18 that they had received a complaint in April for 1362 Richardson and Northfield Rd. Cathy and Roberta went out on a site visit for Josh Marble and Mark Lapham. Saw that clearing had been done and saw critters in the pool. Cathy sent request to Natural Heritage and Endangered Species for assistance in restoring the function of the pool and, perhaps, protecting the critters in the pool his year from loss of the pool water or excessive heat due to the loss of the forest cover for the pool. Cathy also requested information about how to put in branches to help anchor future egg masses. Steps to reach goal of shaded environment for the pool: Salamanders require water to remain for up to 12 weeks after egg masses. Plant red maples to the south of the pond.5-10 red maple seedlings and some blueberry bushes in the fall or early spring. Send to: PO Box 249, Ashby, MA. Mark and Josh appeared at the meeting and signed a Memorandum of Understanding, acknowledging the damage and agreeing to take steps to restore the pool.

Tim and Shauna Macuga, 992 Erickson Road, Building a barn 50 ft from wetland, pond edge. Old barn will be taken down. Pasture will be in opposite direction from the pond. Pond is isolated land subject to flooding. It does not hold a quarter acre ft. of water. No inlet or outlet to the pond. So, no need for NOI or RDA. Tim signed the building permit.

Letter to BOH re: 284 Deer Bay Rd.

Request from June McNeil to look at neighbor McPhee whose plans include clearing behind them for animals. Rick Metcalf, Nashoba Assoc Boards of Health, said he would look at it from the road and then couldn't see anything, so asked for McNeil's phone numbers. We will await finding from Rick.

Tom & Erin Snow, 194 County Rd and own a lot on Jewett Hill Rd from Barrette farm – across the street from the farm. Commission was out on the lot in late fall. Prior site visit 6-19-2017 Jewett Hill Road Lot 2, 29.2, Septic Plan all out of the wetland. Soilsmith Design and Louis Barrette owner. Tim signed, noting the need for water bars on the driveway to prevent run-off siltation to the road. Roberta, Cathy and Tim

Bob Somers appeared before the Commission to discuss a potential purchase of a lot in Ashby. He has a pre-agreement for financing from USDA, but fears that they will not approve a lot larger than 2 acres. After discussion about the lot and the ability to build, the Commission agreed that, if asked, they could write a letter explaining the nature of the lot.

Replacement septic system being proposed for existing house at the corner of 9 Taylor Rd and Main St. – NOI – by Northland Engineering DEP#93-378. Angel handed 2 copies to the Commission tonight. DEP noted in their issuance of a project number that Northland Engineering needed notify the abutters about the hearing now scheduled for June 20, 2018 @ 8:30pm. Site visit scheduled for 10:00am on June 11, 2018.

OSRP – Cathy and Roberta have updated section 4 - environment. Roberta is working on the LAND Grant.

July Meeting will be at 7:30 on July 2nd. First Wednesday of July is the 4th

Cathy has made signs to ask that vehicles refrain from driving through the fields because of nesting birds. Cathy has received permission from Dan Harju of the cemetery commission that the signs be installed at the cemetery in the center of town. Cathy will create similar signs for the Blood Hill fields.

Motion to pay the bill of \$1,674.46 from LEC for the peer review of South Rd. property from the wetland fund. Discussion: normally we make the applicant pay for the peer review. This was abnormally high priced. Motion passed unanimously. Cathy agreed to question the bill to better understand why it was almost doubled the estimate.

### **Hearings**

June 6, 7:30 pm, Northstone Builders/Fieldstone Land Consultants, 4 Greenville Rd., 3 New Single Family Homes(NSFH), Hearing continued to 8:00pm on June 20, 2018.

June 6, 8:30pm, Northland Engineers, Lot 3 County Rd, NSFH Hearing closed @9:02pm and the Commission will issue OOC on June 20,2018.

June 6, 9:00pm, Northland Engineers, Lot 4 Main St, NSFH Hearing closed @9:20pm and the Commission will issue OOC on June 20,2018.

### **Hearings scheduled:**

June 20<sup>th</sup> @ 8:00pm, Northstone Builders/Fieldstone Land Consultants, 4 Greenville Rd., 3 New Single Family Homes(NSFH)

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

### **Site Visits:**

May 17, 9am, Steve Sockol, 149 Bennett Rd. Cathy and Roberta met on site with Steve to review a building permit for a green house. No wetlands were within 100 ft of the building. However, they found a ditch that extended the drainage pipes from the bottom of the slope behind the barn to the edge of a slope leading to the nearby stream, less than 50 feet away. Commissioners requested that he immediately put haybales around the outflow of the pipe and divert the water from direct access to the stream. One possibility would be to install a drywell. Commissioners promised to revisit the site after June 15<sup>th</sup> to view the completed project. Roberta signed the building permit for the greenhouse.

May 22, 12pm, Lot 3 County/Lot 4 Main St. Northland Engineers. Tim, Roberta & Cathy met with Angel and Carol Lehtola. Lot 4 is downhill from Lot 3, County Rd. Both lots have issues with the driveway and garage within the 100 ft buffer to the stream and BVW. The wetland bound was obvious and the Commission accepts it as marked on the plan. Both lots are 1 acre lots. The other 2 lots were not disclosed or open for discussion. Members suggested that they relocate porches, garages and driveways to be outside the 100 ft buffer to the wetlands.

May 22, 1pm, 4 Greenville Rd, Northstone Builders. Tim, Roberta & Cathy met with Chris Guida from Fieldstone Land Consultants. Cath and Roberta investigated the stream that crosses Rt 31 from the property. Despite the fact that there was no visible flow in the stream entering the property from County Rd, there was significant flow coming off the property and entering Willard Brook. Chris had marked the corners of the septic systems and a "no touch" zone that was mostly right on the 50 ft buffer line from the wetlands line. His plans and explanation showed that pretty much everything would be cleared outside the 50 ft buffer to the wetlands. He was resistant to discussion of any changes. It appeared to the Commission

that full clearing of the property would alter the amount of water that the wetland could retain because of the loss of cover for the wetland.

June 6, 11:30am, 1342 Richardson/369 Northfield, Roberta & Cathy met with Mark Lapham on site. Mark explained that the property had been cleared during 2016 and 2017. They removed the canopy to a certified vernal pool, exposing it to full summer sun from the southern exposure. Mark Lapham is acting as Josh Marble's agent. Josh owns the property and is Mark's son-in-law. Agreed to come to the meeting tonight. He also agreed to stop changing the landscape. We have permission to enter the property. Cathy as to respond to DEP about the current state and Roberta was to write up something for tonight's meeting.

**Site Visits Scheduled:**

June 11<sup>th</sup> @ 9:30am 262 County Rd, Neil Gorman/Ross, Michael Hopkins, NSFH

June 11<sup>th</sup> @ 10:00am 9 Taylor Rd and Main St. – NOI – by Northland Engineering DEP#93-378.

The meeting was adjourned at 10:06 pm

Respectfully submitted,

Roberta Flashman