

Ashby Conservation Commission

Minutes for the Meeting of June 16, 2010

Meeting opened at 7:30 with Bob Leary, Cathy Kristofferson and Roberta Flashman in attendance

Treasurer: \$400 paid to ESRI for the renewal of the annual software maintenance contract. \$39.56 paid back to petty cash, leaving \$31.58 left in the budget.

Correspondence:

Notice of MA sustainable Policy & Planning Summits to be held in Worcester and Newton.

Annual dues reminder from Nashua River Watershed Assoc. Expected dues: \$50.00. Also received the NRWA Annual Report.

DCR requested a site visit at Damon Pond for installation of a French drain in a picnic area next to Willard Brook.

Key Provisions in the new Open Meeting Law, an informational sheet written by Town Counsel. - attached.

Notice of Deed filing for OOC for 584 Main St – Mike Bussell

Old Business:

Negative Determination issued for Dana Fugelso, 844 South Rd.

Still awaiting determination/action from DEP in the Enforcement Order on Butch Shepard's property on Jewett Hill Rd.

63 Ingerson Rd and clearing of property – site visit for Thursday, 6/17/10 @ 7:30am - Roberta and Bob.

A discussion with Ed Torcoletti, Manager of Willard Brook State Park, about the condition of the Valley Rd culverts resulted in a suggestion that DCR engineer join us for the site visit for the vernal pool. He is expected within a week or two for inspection of the bridge and parking lot projects. Ed will contact the Commission as soon as he knows the date. Expect to have the site visit at 7:30am.

New Business

Emily Norton, Pres. of Friends of Willard Brook, appeared before the Commission to explain a plan to apply for a grant to manage invasive species in all of the State Park areas in Ashburnham, Ashby, Townsend, Groton Pepperell and Ayer. Initially the group was investigating how to tackle a small phragmites colony in a swap in Townsend. They arrived at an estimated of \$1,000 to remove the invasive. Then they found out about a State Grant available for managing invasive species. However, the grant is for \$25,000 - \$30,000 and requires a 1 to 1 match of money/in-kind to the grant amount. Their strategy is to ask Ashburnham, Ashby, Townsend, Groton Pepperell and Ayer(all the towns through which the Rail Trail passes or within which are situated State Forests or State Parks) to contribute a small monetary commitment - \$50 or so, provide a letter of support, and commit to provide in-kind services. In light of the increased size of the grant over their initial modest proposal, they are proposing to cover all the State properties within these towns. One of the members is licensed to apply herbicides. They have a deadline this summer for a preliminary proposal, and, if acceptable, a deadline in September for the full application. The grants will be awarded on January 31st, 2011. The early successional habits are the targeted/preferred areas. Commission members agreed that there are plenty of invasives at Willard Brook State Park and the Watatic Reservation. A Motion was made to write a letter of support, and make a nominal donation

to Friends of Willard Brook in support of their grant for Controlling Invasive Species. Unanimous vote in favor of the motion. Public education is also a part of the grant. Emily will email the materials to the Commission to assist in writing the letter. Roberta or Tim will write the letter.

451 Wares Rd. Barry Donahue. Needs a site visit for replacement of septic system from 1986. Has an engineered plan. Asked him to mark the system extents on the property. Scheduled a site visit for Tuesday 6/22/2010 @ 7:30am.

Mike Donnelly planning to refurbish 2 camps on 122 Deer Bay Rd. Intends to install a septic system and well. 978-855-4590 cell Thursday 6/24/10 @ 7:30am. Bob will call to confirm.

Cathy attended the first meeting of regional Conservation Commissions at NRWA on 6/3/10, the "Environ Working Forum". The group was organized and the discussion lead by Mark Archambault, Smart growth Circuit Rider from NRWA. The group went through an exercise of identifying Strengths, Weaknesses, Opportunities and Threats within each of their communities in relation to the health and well-being of the environment surrounding the Nashua River. It is still unclear what the objectives are for the group.

There is some sense that the trails being cut across the old ski trails at Watatic are meant to be mountain bike trails. Others have been found by members of the Friends of Willard Brook.

The erosion controls from the guard rail project at Willard Brook State Park will be used to protect the vernal pool near the intersection of Valley Rd. and Rte 31. Cathy has been working with a DCR representative to determine the best siting of the material and plans to flag it so that the installation will be effective. The Commission is to be informed of the installation time and date so that members can observe if they so choose. The installation was to take place sometime this week.

Roberta made a call to Nick Murray to investigate the extent and purpose of excavation next to the pond on Piper Rd across from Dick Catalini. Nick told her that we was removing "bamboo", aka Japanese Knot Weed, and filling in a foundation to eliminate a possible child hazard. Tim and Cathy met on the site on 6/15/10 with Dick Catalini after Nick relayed Roberta's request that he contact the Commission before proceeding with the work. Work was done within 12 feet of the pond. Siltation fencing must be installed before any work can continue, and remain in place until soils are stabilized. Mr. Catalini plans to plant blueberry bushes. Why isn't he filing a Request for Determination? The project at 844 South Rd was of a minor nature, yet they filed the RDA.

Tim and Cathy attended an informational meeting at which representatives from MRPC presented the initial findings of the Ashby Sewer District Study. The study defined a core area in the town center and an outer area. They still need to hire an engineer to assist in arriving at a cost estimate. The plan would require a 4 acre sewer treatment plant, with outflow into Trap Falls Brook or a pipe down Rte 31 to connect the outflow into the Fitchburg sewer treatment plant. The full plan is expected to be completed by October 31, 2010.

Bruce Adams brought up discussion of comparison of open space plan and natural resource planning. This is more of a Planning Board concern than BOH, but there might still be BOH issues – for community sewage treatment. Cathy and Roberta had presented information about this type of development to the Planning Board. Bruce had been in attendance.

Bruce Adams has not recorded the OOC on the house on New Ipswich Rd. He has sold the house to a couple that will rehabilitate the house rather than tear it down. As a result, he has no intentions of recording the OOC.

Bruce Adams would like a site visit 137 Damon Rd. Subdividing a lot into 2 – one replacement system, one new house. Schedule site visit for Monday, June 28, 2010 – 7:30 am.

Sheldon Farm, Damon Rd, Dave Masse. Anonymous call with concern for the state of a the pond next to the barn. The property is now being used for storage, cleaning and preparation of port-a-potties. There are about 60 –80 on site. BOH and Nashoba BOH will be checking on whether there are any regulations about port-a-potties and their maintenance and wash out. Smells have been reported emanating from the property. The concern is for the proximity of these activities to the Pond and the use of the pond for providing water for the operation. This can be seen from the road. Commissioners will drive by the property at the earliest opportunity.

Hearings:

8:00pm DEP#93-317 NOI for Septic System Replacement at 126 Jones Hill Rd, Fred Alden IV, owner. Dillis and Ducharme engineers. Stan Dillis appeared to provide information during the hearing. Hearing was closed at 8:27. Bob Leary will be writing the Order of Conditions for the project.

Site Visits Conducted:

6/7/10 - 126 Jones Hill Rd. Review of plans for a septic system replacement with Stan Dillis of Dillis and Ducharme Engineering. Tim, Bob, Cathy and Roberta attended. Requested that the plans show the wetlands rather than just the 100 ft buffer line.

6/11/10 - Valley Rd/Rte 31 Cathy met with Paula Packard representing DCR at the vernal pool to flag the most effective placement of erosion control materials.

6/15/10 - Valley Rd/Rte 31 Cathy met with Bruce Colburn/WBSP to review the flagging for installation of erosion controls around the vernal pool. They will reinstall the erosion controls that were used in the parking lot project and send photos via email of the completed installation.

6/15/10 - Piper Rd. Tim and Cathy met with Dick Catalini to review the ongoing project being conducted by Nick Murray. Removal of vegetation and filling area near pond. Will install siltation barriers.

Site Visits Scheduled:

Thursday 6/17/10 @ 7:30am 63 Ingerson Rd.

Tuesday 6/22/10 @ 7:30am 451 Wares Rd., Barry Donahue

Thursday 6/24/10 @ 7:30am 122 Deer Bay Rd., Mike Donnelly

Monday 6/28/10 @ 7:30am 137 Damon Rd., Bruce Adams

Site Visits still awaiting scheduling:

Willard Brook State Park - French Drains.

Damon Rd, Sheldon Farm - Dave Massey owner.

Meeting Adjourned at 9:45 pm

Respectfully Submitted,

Roberta Flashman

Town Hall
Town Clerk,
Treasurer &
Town Accountant
978-386-2424



TOWN OF ASHBY

895 Main Street
Ashby, Mass. 01431
Town Hall Fax: 978-386-2490

Board of Selectmen &
Town Administrator
978-386-2501
Town Collector &
Board of Assessors
978-386-2427

TO: Department Heads
June 8, 2010

KEY PROVISIONS OF THE NEW OPEN MEETING LAW

Brian W. Riley of the law firm Kopelman and Paige has developed the following Top Ten list of changes to the open meeting law. This new law takes effect on July 1, 2010.

- **Information:** All persons serving on "public bodies" will be required to receive the attorney general's version of the open meeting law as well as regulations and educational materials. The town or city clerk, or a designee, shall maintain written certifications of receipt.
- **Notice:** The law still requires forty-eight-hour notice of meetings, but Saturdays, Sundays and holidays cannot be counted as part of the notice period. For example, a Monday night meeting must be posted by Thursday night.
- **Notice:** Meeting notices must include a list of topics that the chair reasonably anticipates will be discussed, and notices must be posted in or on a municipal building to be visible to the public at all hours.
- **E-mail Deliberation:** E-mails are expressly included in the definition of "deliberation," which is prohibited outside of open session, but using e-mail for the distribution of agendas, scheduling information, or reports to be discussed at the next meeting is permitted.
- **Quorum:** Attendance by a quorum at a conference, social event or a meeting of another municipal board, for example, is not a "meeting" if there is no intent to conduct business and there is not deliberation.
- **Minutes:** In addition to "date, place, time and matters discussed," meeting minutes must include summaries of matters discussed, a list of documents used, and all decisions made and votes taken.

- **Documents:** Documents and other exhibits – such as photographs, recordings or maps – used by public body at an open or executive session shall, along with the minutes, be part of the official record of the session.
- **Executive Session:** Chairs will be required to periodically review executive session minutes to determine if they should be released. The purpose for the executive session must be ongoing in order for the minutes to be kept confidential.
- **Enforcement:** The attorney general's office will assume all interpretation and enforcement authority over open meeting law, with broader enforcement authority. District attorneys will no longer be involved.
- **Complaints:** Citizen complaints of open meeting law violations must be filed, in writing, with the governmental body first. The governmental body will submit its reply to the complainant and the attorney general's office.

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Lorraine Pease

Lorraine Pease, Town Clerk