

Ashby Conservation Commission
Minutes for the Meeting of November 19, 2014

Meeting was opened at 7:30pm – Cathy, Bob, Tim and Roberta

Review of the minutes of the meeting of November 5, 2014.

Treasurer's Report:

Correspondence:

MACC sent a notice of the FY16 Fee schedule for member Commissions. The annual dues will increase to \$183/yr.

Nashua River Watershed Assoc. (NRWA) sent a request for an annual membership of \$50. A motion was made and 2nd to pay the membership fee. A discussion followed the motion about whether to support NRWA in light of their actions or inactions in relation to the Kinder Morgan proposed new 36 in pipeline. Tim will write a letter that voices the Commission's disappointment with NRWA stance of just protecting their own properties rather than an opposition to a new infrastructure for fossil fuel. Vote on an amended motion to pay the membership fee and send a letter – 3 in favor, one opposed.

Effective at the close of business on Friday, November 14, 2014, the MassDEP Central Regional Office will be re-located to 8 New Bond Street, Worcester, MA 01606. Same Phone (1-508-792-7650) and staff extensions will remain the same. Directions to the new office and information on access and parking can be found at the MassDEP website at: <http://mass.gov/dep/cero>

Ashby Land Trust is sponsoring a post-Thanksgiving Hike at 1:30PM on Sunday Nov 30th. Meet at the Damon Pond parking lot on Rt. 119 in Ashby.

NRWA will lead a walk on Blood Hill, potentially for viewing where the pipeline would border the property on Sunday, Nov 23rd.

Janet Morrison, Exec Director of North County Land Trust, emailed asking for a copy of the baseline for Blood Hill. This should be handled by the Land Trust. An email was forwarded to members of the ALT Board of Directors with the request.

349 Erickson Rd M/B/L--008./ 028 /Question of outstanding problems/violations with the above mentioned property? Nothing in the files to indicate that there was ever a project on the property.

Old Business:

Statewide Summit was held in Fitchburg at Monty tech on Saturday, Nov 15. Over 400 people attended. The speakers, including Shanna Cleveland from Conservation Law Foundation, were excellent. Action groups met after the general meeting to discuss ways to channel people's energies into positive actions. Presentations and videos are on the Commission's page about the pipeline.

Open House to be held by Kinder Morgan in Pepperell on November 13 and Ashburnham on Nov 20 have been postponed. They will probably be rescheduled to sometime in January or later.

Review of maps showing the pipeline route.

Roberta talked with Marielle Stone at DEP and there is a possibility that there may be one OOC and 401 Water Quality Cert for the pipeline project completed at the State level. However, at this time, there have been no decisions about how these projects will be handled.

New Business:

Certificate of Compliance for 109 Breed Rd was signed and issued.

Request for Certificate of Compliance for property at 405 Bennett Road (Cahoon property) was received from Patricia J. Fulmer, Manager, Cornerstone Title Services. Site visits were conducted on 11/18/14

and 11/19/14. 6 of 7 points on the OOC were outstanding. Upon further investigation tonight, found old site visit notes and minutes which appear to allow the existing state of the stream to remain and no replication required. Still need the wetland bound signs installed and the siltation from the stream and the road corrected and the culvert cleared and either the siltation removed from the pond or a letter from the owner of the pond denying this action. – see email to Patricia Fulmer at end of these minutes.

The Commission received a Request for Determination of Applicability for a proposed land clearing project at 664 Richardson Road to Charlotte McAuley today. Tim and Cathy had responded to a phone call made by the applicant to conduct a site visit to talk about planned work on the property. Cathy had given her everything that to advertise the Determination. A Determination of Applicability will be issued at the next meeting. Roberta will call to ensure that she understands the advertising process.

Cathy received an email requesting that the Commission sign on to a Letter to Gov. Elect in Support of Solar Energy – 20% of our power by 2025. The group Environment Massachusetts, led by Benjamin Lawson, is sponsoring this letter. A motion to Sign the letter made and 2nd. The Commission voted unanimously in favor of the motion. Cathy will reply and add the Ashby Conservation Commission to the list of officials.

Roberta wrote a comment for the Commission to the FERC pre-filing for the Kinder Morgan pipeline. Members reviewed it and made comments for improvement. Members voted to submit the comment when the suggested corrections were made and circulated. The comment will be posted on the Commission's page for pipeline information after it is submitted to FERC.

DCR has extended the quarantine for Emerald Ash Borer to a state-wide quarantine.

Hearings: None

Hearings Scheduled: None

Site Visits:

Friday, 11-14-14, 109 Breed Road for issuance of Certificate of Compliance. Roberta and Bob conducted the site visit with Terry Myles, the former owner. The wetland was in good condition with no evidence of the prior problems and all debris from the Highway Dept's years of dumping had been removed.

Sunday 11-16-14, Bob and Roberta held meeting to communicate with the Rod and Gun Club regarding cutting with wetland bounds on Richardson Road. The State Service Forester had stopped the cutting at the time it was occurring. This explains why the cutting had ended before entering the wetland. Explained the cutting law to those attending and gave them a copy of the manual of cutting best practices and the laws. Asked that they contact us before starting any new projects so that they would have a better chance of reaching their objectives.

Tuesday 11/18/14 Bob and Roberta 406 Bennett Rd. Reviewed the property and made note of existing new stream bed, siltation in the pond, lack of wetland markers, missing replication area. Roberta wrote an email to the applicant outline the deficiencies.

Wed 11/19/14 Cathy and Tim at 406 Bennett Rd. Review the property to gain better understanding of the problems cited by Roberta and Bob.

Site Visits Needed: None at this time.

Meeting was adjourned at 9:20pm

Respectfully Submitted,

Roberta Flashman

From: Roberta Flashman [<mailto:rflashman@comcast.net>]
Sent: Tuesday, November 18, 2014 11:02 PM
To: 'closing@cornerstone-title.net'
Cc: 'Roberta Flashman'; Bob Leary (jflink@aol.com); Cathy Kristofferson;
Tim Bauman (tsbauman@comcast.net)
Subject: Problems with 405 Bennett Rd

Hi Patricia,

I have attached an electronic copy (unsigned) of the Order of Conditions (OOC) issued for the project in 2003 to Jim Carey as a courtesy in case you do not have access to a copy of the original OOC. The last 2 pages of the OOC list the special conditions written specifically for this property.

The findings following a site visit to the property today are that the following Special Conditions (SC) have not been met:

- * SC 18 & 23 address the driveway, which from all appearances is still the source of deposits into Bennett Rd.
- * SC 19, 20 & 21 address a replication area. According to a plan we have for the project, updated on 3/31/03, this replication area would have been placed approximately 40 feet downstream from the place where the driveway crosses the stream. No such replication exists.
- * SC 24 specified that the original stream bed was to be made functional and the newly dredged stream bed was to be filled in. Neither of these actions were taken.
- * SC 25.d specified that siltation was to be removed from the pond into which the stream flows. There was no evidence of siltation having been removed and it appears that there is still some siltation entering the pond. No letter was in the file indicating that the neighbor has refused permission to correct the problems in the pond (the pond is on the neighbor's land).
- * SC 29 required that the edges of the wetland be marked with permanent markers. No markers were found on the property. These are made available at no charge to applicants.
- * SC 30.a specified that culverts were to be maintained. The culverts near Bennett Rd have not been maintained in some time. The culverts could not even be seen for all the debris that had collected in them.

One of the special conditions had been followed:

- * SC 28 required that siltation barriers be removed when the project has been stabilized. Siltation barriers were found near the driveway crossing, having been removed and left in a rolled up state.

The results of today's site visit will be discussed at tomorrow evening's meeting (11/19/14) and a formal vote taken to respond to the request for the Cert of Compliance (CoC). I will be voting against issuing a CoC and I strongly suspect that the other Commissioners will vote the same way after reviewing the outstanding issues on the project.

It would be my recommendation that the applicant meet with the Conservation Commission during one of their regularly scheduled meetings to discuss this project and how best to proceed. The Commission meets on the 1st and 3rd Wednesday evening of each month, starting at 7:30pm.

Sincerely,
Roberta Flashman
Secretary
Ashby Conservation Commission

(978) 386-7104 (h)

alks Nov. 8 – 20.

Need to communicate with the Rod and Gun Club regarding cutting with wetland bounds on Richardson Road. Bob's action item.

Map printing confirmation.

Concerns regarding the EAB and tree removal from the Common.

New Business: MACC recommends for commissions meeting rules.

Hearings: None

Hearings Scheduled: NONE

Site Visits:

Site Visits Needed:

Adjourn:

Note: