

Ashby Conservation Commission  
Minutes for the Meeting of October 19, 2016

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

The minutes of the meeting of October 5, 2016 were reviewed and accepted unanimously as written.

**Treasurer's Report:** \$67.50 received for Bruce Adam's NOI. Receipts for \$14.72 for postage were submitted by Tim.

**Correspondence:**

9-23-16 Received a plan for a septic replacement for 676 West Road from Doug Smith, Soilsmith Designs, Fred Walsh owner. Looking for sign-off for BOH. 10-11-16, Smith called the chair reporting that site was staked for inspection. Tim and Roberta went on site on 10/19/2016 and approved the plan as there was no wetland within 100 ft of the proposed system.

10-8-16 Police Officer Eric Salo delivered (5:30 PM) two documents to the Chair at the request of Sgt. Pepple. One is the "Land Court Decision of 1989" and the second is "a Decision on Plaintiffs' Motion for Clarification and/or Correction of the Decision and Judgement dated July 8, 2016." Both of these documents were directly related to Whitney Road.

10-11-16 Received the Environmental Monitoring Report - Week 3, 4, 5 and 6 for the Cassiopeia Solar Farm - 0 & 1128 Main Street. Roberta and Tim were on site today (10/19/16) and saw the conduits being installed on either side of the stream. The conduit was inserted under the stream yesterday under the supervision of Mark Arnold, the Environmental Monitor.

10-12-16 NOI for work at 1341 Richardson Road was received from Adams Construction and Realty Inc.

10-14-16 Received an invitation to join MACC on October 29 for a great Fall Conference 2016 "Managing Massachusetts Forests: Conservation, Stewardship, and Regulation." Tentatively Cathy is considering attending this conference.

10-14-16 RDA for Deer Bay Rd for installation of a proposed culvert and outlet area for water off the driveway. Mike McCallum is the owner of the driveway.

**Old Business:**

The Commission issued the Order of Conditions for DEP Project # 93-355 for retaining wall at 2376 West State Road, Ben Babineau owner. Tim Bauman has recused himself from the discussion. Cathy, Roberta, Bob and Tim signed the OOC. Cathy walked Ben Babineau through the conditions. Cathy will make a template for reporting on progress of the project. Some of the more standard conditions don't apply, since the project is already in process. This includes the pre-construction site visit.

Roberta checked with the Building Inspector, Peter Niall, about whether he had visited the Sikkila property on West Rd. He had conducted a site visit and found cement forms business equipment on site and no sign of house construction. This is a problem, since the area is in the residential agricultural zone, where a business is only allowed to operate adjunct to a residence or farm. He will be writing a letter to Mr. Sikkila asking him to remove all obvious cement forms business equipment and keep that equipment off the property until there is a home on site.

Cathy received baseline of 68 pages for Damon property from the DCR intern. She could get a printed copy for less than \$30. A Motion was made to expend whatever it takes to make a copy and bind it. The vote was unanimous in favor of the motion.

**New Business:**

The Commission received a request for public records from Derek Saari for posted agenda from

1/1/2015 and Emergency Certification Forms issued since 1/1/1988. A motion was made to collect the agendas from the Town Clerk and write a letter to Derek Saari suggesting that he could come and look at them for free or receive a copy for a charge per page as set by Mass public records regulation. The letter should also suggest that the estimate for finding all the Emergency Certificates from 1/1/1988 to present will be approximately 80 hours of work to review the 800+ files to find the certificates @ \$10/hr. and upon receipt of the fee, the work will commence. The vote on the motion was unanimous in favor of the motion.

Stephen Marcoulier, 402 Jewett Hill Rd appeared to talk about getting a COC on his property. He will submit Form 8 and we will set up a site visit at that time.

Discussion of the RDA for Deer Bay Rd for installation of a proposed culvert and outlet area for water off the driveway ensued with Mike McCallum, the owner of the driveway. A motion was made to issue a negative determination of applicability. The vote was unanimous in favor of the motion.

10-17-2016 Email from DEP following their site visits to Whitney Rd. Evidently, DEP will allow Broadmerkle to file with us for the final paving of driveway even though all of the work up to this point has been conducted without a valid OOC and in defiance of a Cease and Desist Enforcement Order.

10-17-2-16 Email from DEP following their site visits to Whitney Rd wants us to work on a culvert issue on that road. DEP suggests that we talk with Highway Dept. to fill with rip rap. Tim will ask Steve to come to the next meeting or will talk with him before the next meeting to see if there is a relatively simple solution to resolve the problem.

### **Hearings:**

8:00 PM, NOI for Bruce Adams, of Adams Construction and Realty Inc. for project at 1341 Richardson Road. Motion was made to continue the hearing to 8:00pm on Nov 2, 2016. The vote was unanimous in favor of the motion.

### **Hearings Scheduled:**

8:00pm on Nov 2, 2016 – continuation of NOI for Bruce Adams, of Adams Construction and Realty Inc. for project at 1341 Richardson Road.

### **Site Visits:**

9-22-16; Cathy met with an intern from DCR to do bounds for the Damon Woodlot.

10-8-16, Tim and Bob called to Whitney Road due to the Ashby Police being on site after the abutter had contacted APD regarding unauthorized cutting of trees. Gerald Brodmerkle informed that work was proceeding without proper filings. We have been informed that DEP will visit the site on 11-14-16

341 Richardson Road. Individually Roberta, Cathy and Tim

10-11-16; 3:00 PM, 73 Russell Hill Road, Stewart Mulford with questions regarding construction of a new house further back on his lot (and behind the existing structure which would then be removed.) All four commissioners.

10-11-16; 4:00 PM, Deer Bay Road for the RDA for installation of a proposed culvert route and outlet area for water off of a driveway. Mike McCallum owner. Bob, Cathy and Tim.

Project # 93-355 for retaining wall at 2376 West State Road, Ben Babineau owner. Cathy, Bob and Roberta.

10-14-16 9:00 AM, Sikkila Project, West Road with DEP Denise Child to inspect work progressing under the Extension issued by DEP until 9-30-16. Roberta, Cathy and Tim with Denise Child and Meghan Selby of DEP and Mr. Sikkila and Chris Guida. The project now looks nicely landscaped, using plantings scraped from some other site that the contractor was working on. It is not clear that these plantings will survive the winter or make it through the required 2 year growth period. Culverts have been shortened, but left above grade, which will both make it difficult for waters to enter the culverts

and exit the culverts without making a small ponding area at the end of the culverts caused by the force of the water exiting and dropping down to the level of the ground.

10-19-16 Tim and Roberta conducted a site visit to Deer Bay Rd, Mike McCallum's driveway. Took measurements from the driveway to an isolated wetland as well as to the stream and BVW that goes under the road. The project work is all outside the 100ft buffer to bvw. It was unclear whether the project might not create more ice on the road.

10-19-16 Tim and Roberta conducted a site visit at 676 West Rd to view the location of a proposed septic system and leach field. A vernal pool that was identified about 15-20 years ago is in the opposite direction from the house, and so is in no threat from the proposed system. There were no other wetlands within 100 ft of the proposed system.

10-19-16 Lodestar Solar project on Main St, at Mr. Duffy's. Work was progressing on trenching to insert conduits for the electric lines. Yesterday the conduit was inserted under the stream under the supervision of Mark Arnold, the environmental monitor. The workers were taking care to keep muddied waters out of the stream by building earthen dams. Did not walk further onto the property to view the replication area or any other activities.

**Site Visits Needed:**

None at this time.

The meeting was adjourned at 9:49pm.

Respectfully submitted,

Roberta Flashman