

Ashby Conservation Commission

Minutes for the Meeting of January 18, 2017

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

The minutes of the meeting of January 4, 2017 were reviewed and accepted unanimously as amended.

Treasurer's Report: 1 wetland permit fee for \$67.50

Correspondence:

1-9-2017 Received an NOI for Jerry Brodmerkle project on Whitney Road. Derek Saari is the agent.

1-11-17 Received from MACC announcement for registration for the Annual Environmental Conference in Worcester, Saturday, March 4, 2017. The conference workshops are on the new website. All Commissioners should have received notice of the new website along with their login and password. Registration through the website will automatically confer member pricing for the conference.

1-6-17 Email from Judy Schmitz, Wetlands Circuit Rider for the Central Region, reminding Commissions of her availability to provide assistance and a listing of documents copies of which should be sent to DEP.

1-6-17 Email request from C. Deborah Phillips for "a copy of the Agenda and copies of any NOI's for matters scheduled for your upcoming meeting on January 18th". The request was answered with the appropriate information.

1-12-17 Email request from D. Cowell to send copy of signed determination to Hancock Associates, Attn: Brian Geaudreau. Cathy responded "Yes."

1-17-17 Notice from MACC about new website. www.maccweb.org – as noted above.

1-17-17 Notice from Joy Duperrault, CFM, Director, Flood Hazard Management Program State NFIP Coordinator & Hazard Mitigation Officer, Dept of Conservation & Recreation Office of Water Resources with information of the ongoing implementation of HFIAA 2014 Section 28-Clear Communications.

1-17-17 Received a Peer Review from Christopher Environmental Associates on the Brodmerkle NOI. The firm has been engaged by Nickless, Phillips and O'Connor(Law Firm) and representing the McElwains.

1-18-17 DCR Bureau of Forestry sent an approved cutting plan for Phil Thayer for 12 acres on Jewett Hill Rd. Property owned by Louis A Barrette.

1-17-17 NOI coming for David Martin 180 Turnpike Rd – Ducharme and Dillis, Jack Maloney – wants a hearing date and filing deadline. The Chair told Mr. Maloney that they would most probably have the first spot for the hearing, 8:00pm, for the meeting to be held on either the 1st or 3rd Wednesday of February, dependent upon when we actually receive the NOI.

1-18-17 – DEP # for Brodmerkle – 93-358

Old Business:

A Negative Determination for Old Northfield Rd project submitted by D Cowell was signed and issued. Cathy created an arrow to point to the conditions under which the Negative Determination was issued since the check box the Commission used for the negative determination did not have any space available for conditions to be referenced.

Tim will check with Steve Beuregard to ascertain the status of a new Driveway Permit and process.

New Business:

Town Clerk is now the public records access officer. Requests for records need to go through her.

Hearings:

8:00 PM, NOI Brodmerkle on Whitney Road. Tim Bauman read a statement and recused himself from the hearing. The statement is attached to these minutes. Discussion of how to proceed with the project did not result in a decision. Cathy wants some time to review the NOI and the peer review. A meeting was scheduled and posted for Tuesday, 1/24/17 @ 1:00pm to review the NOI.

Hearings Scheduled: none at this time

Site Visits:

1-11-17 at the request of an abutter, Cathy visited lot on the corner of Valley Road and Alan Rd. Cathy spoke with the engineer and the Town's Health Agent regarding the lot's access and suggested they consult with the Highway and Fire Departments before designing a driveway that might not meet the town requirements.

Site Visits Needed:

584 Main Street, New well. FL – this request has been withdrawn by the applicant.

688 Jones Hill Rd – Jon Sommer – environmental Issues.

Jewett Hill Rd – COC – site visit was conducted in Dec. Roberta needs to call the applicant to ask that wetland markers be installed.

The meeting was adjourned at 9:35pm.

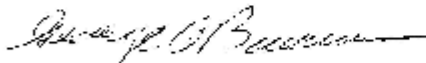
Respectfully Submitted,

Roberta Flashman

Brodmerkle "Notice of Intent Filing

Some form of this project has been before the Ashby Conservation Commission for an extended period of time. Following the issuance of a POSITIVE DETERMINATION by this commission and an appeal to DEP for a superseding determination, the applicant was directed to file a Notice of Intent with the Ashby Conservation Commission in order to proceed with the project. The applicant failed to comply with this directive issued by Mass DEP. The applicant, though somewhat misinformed, proceeded with work at the ill-advised direction of the Land-Use-Consultant he had employed. Subsequently, that Land-Use-Consultant, through written communication with the Town and Agencies of the Commonwealth, deliberately contrived to personally impugn my integrity and reputation. Consequently, I fear that I would not be able to move forward to an unbiased conclusion in this or future submissions by this Consultant. Furthermore, I fear that even if I did participate in this Commission's rendering an informed judgement in this or future submissions by this Consultant, that other prejudiced accusations and speculations might be circulated by that Consultant, Derek Saari.

Therefore, I will recuse myself from participation in this hearing before the Ashby Conservation Commission.



George A. Bauman

1-18-17