

Ashby Conservation Commission

Minutes for the Meeting of Nov 7, 2018

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

The minutes of the meeting of October 17, 2018 were reviewed and accepted as written unanimously. The minutes of the meeting of October 31, 2018 were reviewed and accepted as written unanimously.

Treasurer's Report: \$7.20 and \$7.62 for postage reimbursement from petty cash.

Correspondence:

- 10/17 - From Martha Morgan/Nashua River Watershed – information/discussion of the Town of Ashby's participation in the MET culvert program. She will attend the 11/7 meeting.
- 10/22 - received Request for Certificate of Compliance from Buckley/660 New Ipswich Rd
- 10/30 - North County Land Trust will monitor Wiita property on Tuesday, Nov 20th @ 9:30am
- 10/31 - received Request for Certificate of Compliance from Goddard Consulting for the LodeStar solar farm project. They asked that COC issuance be placed on the 11/7/18 agenda.
- 11/4 - email -Karen Harris asked for Commission's assistance in the Assessors' determination that the land on Fitchburg State Rd be classified as unbuildable.
- 11/5 - email from Devin Crowe asking about how to restart his project at 0 Valley Rd.
- 11/7 - email and call from State Service Forester with concerns about land clearing at Organic1

Old Business:

The Commission is waiting for a clarification of the legal status of the Whitney Rd NOI before continuing with a Highway Dept. general permit.

It is time for the Forest Legacy annual monitoring. Cathy will contact land owners and She and Roberta and Bob will schedule these mostly for weekdays to try to conclude before deer hunting season.

Karen Harris, the land owner of a parcel on Fitchburg State Rd, has asked what the Conservation Commission can give the owner that is within the Commission's purview? We could confirm the bounds of the wetlands. This could be done by submitting the maps for the area showing all the differing wetland classifications of areas on the property. Cathy will produce the map and see what else the Assessors need.

The Commission has not yet issued a COC for Lodestar. The replication has just been replanted and the planting has been done poorly. Roberta talked with and wrote a letter to the Town Administrator to ask for legal counsel on how to manage this project without inciting backlash against the town from the applicant. Investigating bond or escrow account. Question is how/who to redo the work if there is a failure of the plantings.

The Commission issued a Certificate of Compliance for Mr. Buckley/ 660 New Ipswich Rd. He installed the last wetland marker on a post after the site visit.

The Commission issued the Order of Conditions for 446 Wares Rd. Pre-Construction site visit set for 9:00am on Monday, Nov 12, 2018

The Commission issued the Order of Conditions for 290 Erickson Rd/Terkanian. It is extremely important that this project have a pre-construction site visit. Lack of this will result in an immediate Cease and Desist Enforcement Order.

The Commission issued the Order of Conditions for 151 Erickson Rd/ Harding. Because the entire build is within the 50 ft. buffer zone, the Order is quite restrictive on future use of the property by owners.

New Business:

1299 Greenville Road restoration – The Commission has received no further update on seeding. May need another site visit to ensure the project has been stabilized.

Page Road flooding – Tim and Cathy had viewed the flooding with Steve Beauregard and talked with Bob Hanson about what could be done. Roberta talked with Mike McCallum and Jim Souko, owner of Ashby Auto Care. Beavers have built multiple dams behind Ashby Auto and now that the beavers have been removed, it's time to look at whether dams can be breached. Mike McCallum was going to check further on this with the Board of Health, who have the ability to issue an Order to breach a dam..

The Commission has chosen to cancel the 2nd meeting in November (3rd Wed of the month) because it is on the eve of Thanksgiving. If the Commission receives a NOI that requires a hearing before the 1st meeting in December (1st Wed of the month), we will schedule and advertise accordingly.

Cathy and Roberta attended the free MACC Wetland Buffer Zone training held on Saturday, November 3, 2018 in Hadley, MA. The training was mostly on the basics level, but they did garner some strategies to writing orders of conditions that might cite buffer zone science that proves its protection of the wetland as a basis of some restrictions imposed on buffer zone activities.

Devin Crowe appeared to discuss how to restart his project at 0 Valley Rd project. Cathy gave him the instructions for submitting an NOI to the Commission, including how to advertise the project.

Martha Morgan from Nashua River Watershed Assoc. (NRWA) came to talk with the Commission about culverts. NRWA received a grant from Mass Environmental Trust (MET) for identifying and assessing culverts in the Nashua River watershed. NRWA assessed culverts in Ashby as well as other towns. A follow up to that project is another project to find a way to assess culverts in a standard way – within the watershed of the Squannacook River. NRWA will assess 5 culverts in the watershed for this newer project. NRWA had assessed 33 culverts in Ashby already. Their aim is to contact Cons Comms and DPWs in the towns with an aim to ensuring that wildlife can pass through the culverts. The end result is to eventually have culverts replaced to meet stream crossing standards. Harris Rd might be the perfect place to look for a restoration grant – MET grant is coming up. Martha will investigate grant opportunities and whether NRWA can apply for the grant for us. DER, Brian Keldar, and Judy Schmitz from DEP, have also noted the condition of the culverts on Piper Rd.

No 3rd Wed. Meeting in November, as it is the Wed. night before Thanksgiving. Will see if there are any NOI's that must be responded to with a hearing before the 1st Wed in December. Will schedule one if necessary only.

The Commission received a call from Mike Downey, State Forester, reporting problems with clearing of land at Organics1 on Bennett Rd and problems with a cutting on Main St. Roberta and Cathy will check on Bennett Rd on Thursday morning and drive by Main St (Bussell?) where Mike reported a machine stuck in the mud.

Hearings:

11/7 at 8:00pm, Graz Engineering, 429 West Rd, Repaal, septic replacement, continuance. Hearing closed at 8:07pm. Cathy will write the OOC.

Hearings Scheduled: none

Site Visits:

10/21 8:00am, 1299 Greenville, erosion control installation review, Tim and Cathy

10/23 9:30am, 1299 Greenville, rock wall review, Tim and Cathy

10/25 4:00, 350 South Rd. Bob and Cathy attempted to confirm the wetland bounds, 100 ft. buffer and 200 ft. buffer. Owner will have to make property more accessible or markers clearer to the Commission.

10/26 10:00 a.m., 151 Erickson Rd, Roberta and Cathy unexpectedly met Mr. Harding on site and had a lengthy discussion about his plans and how they differ from what was presented to the Commission during the hearing, now closed. The most crucial wetland flag was only 19 ft. from the proposed corner of the building, in the opinion of the Commissioners. Mr. Harding talked of building stone walls with cement backing rather than the “block” wall presented in the hearing, of rebuilding the existing structure rather than building a new house, of expanding the footprint of the existing house, of how to remove rock piles from the edge of wetlands, of working on the project in stages possibly over as many as 10 years. We told him that siltation fencing would have to follow and separate the stages of the project, with a pre-construction site visit required between stages.

10/30 350 South Rd, wetland bounds and solar install review, Bob and Cathy returned to the property to review the now well marked wetland bounds and markers for 100ft. wetlands buffer zone and 200ft. riverfront bound as well as the markers for the approximate location of the solar arrays.

11/05 11:15am, 660 New Ipswich Rd, Buckley, Roberta, Cathy and Bob met out on site with Mr. Buckley to review the project. All siltation barriers have been removed and the project is stable. One more wetland bound marker is needed near the property border, to be placed on a permanent stake.

11/05 11:30am, Main St, Lodestar, Roberta, Cathy and Bob conducted an inspection of the replication area on the project in response to a request for a Certificate of Compliance on the project. Plantings were done with little care to placement of plants at the correct height – matching top of plant soil with the surrounding soils – and neglect to surround plantings with mulch to aid in the reduction of shock and start of growth of these plants. The condition of the planting calls into question whether these plantings will have a better survival rate than the prior planting (5 surviving out of 35 plants). Also, the overflow berm has been degraded by heavy flow, allowing waters to flow over unprotected soils(sand) before entering the wetlands. The overflow pipe structure within the detention pond appears to be crooked and flowing without water entering through the top. Might be an indication of failure of the structure.

Site Visits needed:

End of Harris Rd - Wayne Hardy

Organic One, Bennett Rd, land clearing

1299 Greenville Road restoration

Meeting was adjourned at 9:40pm.

Respectfully submitted,

Roberta Flashman