



Town of Westminster

11 SOUTH STREET
MASSACHUSETTS 01473

FROM THE OFFICE OF THE
CONSERVATION COMMISSION

Phone: (978) 874-7413 * Fax: (978) 874-7411

MINUTES MEETING SPECIAL MEETING September 10, 2014

**To: Selectmen
Board of Health
Building Commissioner
Planning Board
Highway Department
Town Clerk**

Present: Chairman Dan Bartkus, Members:, Tim Sheehan, John Regan, Robert Gendron, Carrie Monty, Agent Bob Maki, Secretary Susan Kalagher

Absent: Gary Smith

Guests: Charles Caron, Terry Aho, John Harrington, Chris Mossman, Robert Francis, Ed Simoncini, Mark Nelson, Paul Glover, Peter Remelius

Documents, Plans, and other Exhibits:

1. 39 Kent Road – photos
2. 214 Bean Porridge Road – plan
3. Oakmont Avenue – plan
4. 319 Worcester Road – plan
5. 44 Ashburnham State Road – plan
6. 272 Minott Road – plan
7. 52 Lake Drive West - plan

The meeting was called to order at 7:03 p.m. The meeting was not recorded.

South Ashburnham Road / solar project

Chuck Caron discussed Redkey's property on South Ashburnham Road. Mr. Redkey will file for a variance for a common driveway with the ZBA. Mr. Caron asked the Commission to support the variance request. The Commission will review the plan after it is officially submitted and make a decision at that time.

The Conservation Commission scheduled this Special Meeting because they would not have had enough Commissioners to make quorum at the regularly scheduled meeting of September 4, 2014. The Chairman apologized to all for the inconvenience.

7:25 pm Carrie Monty arrived.

NOI CONTINUATION

39 Kent Road

Harrington

7:25 p.m. The continuation of the public hearing for 39 Kent Road scheduled for August 14, 2014 to consider the request by Mr. Harrington was opened. The Commission did not have enough voting members to act on this project on August 14, 2014. Robert Gendron recused himself from the vote. Bob Maki gave the overview of the project. Mr. Harrington's project included adding rip rap stone along the shoreline, adding crushed stone to the road to the beach, replacing a timber wall with boulders, and has applied for permitting for the roll-out docks. The Commission found that Mr. Harrington has complied with all requests. A motion to approve the project was made by John Regan and seconded by Tim Sheehan and was approved with conditions. Robert Gendron did not vote. The public hearing was closed at 7:28.

NOI CONTINUATION

44 South Ashburnham Road

Glover / Palmer

7:28 p.m. The continuation of the public hearing for 44 South Ashburnham Road was opened to consider the request filed by Paul Glover for the construction of a garage and workshop at 44 Ashburnham State Road for property owner, Steve Palmer. Mr. Glover gave the overview of the project. The 100 year flood plane was discussed. The plan was unanimously approved with conditions upon motion by John Regan and second by Tim Sheehan. The public hearing was closed at 7:33 p.m.

NOI CONTINUATION

214 Bean Porridge Hill Road

Aho/Ray-Tech Construction

7:33 p.m. The continuation of the public hearing for 214 Bean Porridge Hill Road was opened. Agent Bob Maki issued an Enforcement Order to Terry Aho of Ray-Tech Construction to cease and desist all work at 214 Bean Porridge Hill Road. (DEP # 336-0726). Mr. Maki noted that the location of the house and driveway were not as shown on the plan approved by the Conservation Commission. This new Notice of Intent was filed at Mr. Maki's recommendation as the current development plan is significantly different from that of the original submitted plan. Chris Mossman submitted proof of notification of abutters and gave the overview of the project including a new As-Built Plan. Dan Bartkus and Bob Maki have made site visits to the property. After discussion, a motion was made by John Regan and second by Carrie Monty to approve the amended plan with conditions. The motion carried. The public hearing was closed at 7:40 p.m.

AMENDMENT CONTINUATION
272 Minott Road
Nelson

7:40 p.m. The continuation of the public hearing for an Amendment to the Order of Conditions issued to Mark Nelson (DEP # 336-0762) was opened. Proof of the notification of abutters was submitted. Ed Simoncini gave the overview of the project. The reason for the change was to allow for gravity feed septic system rather than the pump-up system shown on the original plan. After review, a motion was made by Tim Sheehan and second by John Regan to approve the amendment with conditions with all in favor. The public hearing was closed at 7:45 p.m.

AMENDMENT CONTINUATION
Oakmont Avenue / Ryan's Ranch
Francis

7:45 p.m. The continuation of the public hearing for an Amendment to the Order of Conditions issued for Oakmont Avenue / Ryan's Ranch (DEP # 336-0603) was opened. Proof of the notification of abutters was submitted. Bob Francis and Chuck Caron explained the project. The project will begin Phase II and will include plans to build a new house and barn. Previously dug test pits on the property were discussed. Chuck Caron discussed the endangered species of wood turtles possibly on the property and has filed with Natural Heritage. They will comply with the timing so as to not disturb the migration of the wood turtle. Dan Bartkus and Bob Maki have made site visits. After discussion, the hearing was continued to September 25, 2014. The hearing was closed at 8:03 p.m.

AMENDMENT CONTINUATION
52 Lake Drive West
Cooley

8:03 p.m. The continuation of the public hearing for an Amendment to the Order of Conditions issued for 52 Lake Drive West (DEP #336-0749) was opened. Proof of the notification of abutters was submitted. Mr. Cooley would like to make changes to the plan including the re-design of the access road, elimination of a catch basin, and a patio/fire pit area. Chris Mossman gave the overview of the project including the elimination of a garage and a change in the driveway from on the original plan. He proposed that because of the re-design there would be a diminished amount of water from run-off. After review, Dan Bartkus felt that the rip rap should remain in the plan to prevent future problems with run-off. A variety of methods were discussed to control the run-off. After discussion, the Commission continued the hearing to September 25, 2014 to give the applicant an opportunity to obtain a letter from DPW. The hearing was closed at 8:25 p.m.

NOI CONTINUATION
319 Worcester Road
Remelius

8:25 p.m. The Continuation of the public hearing for the removal of cut timber and the re-grading and stabilizing of the slope at 319 Worcester Road was opened. Mr. Remelius submitted proof of the notification of abutters. This filing was in response to an Enforcement Order issued. Mr. Remelius believed the buffer zone to be 25 feet not 100 feet from the wetland. Debris from

the tree removal must not be within the 100 foot buffer zone. Bob Maki has visited the site and is satisfied with the plan. The grinding of the stumps will be added to the conditions. When asked if there was any other activity Mr. Remelius intended to do, he replied that there was one more tree he would like removed, but it was located out of the buffer zone. Upon motion by John Regan and second by Carrie Monty, it was unanimously voted to approve the project. The public hearing was closed at 8:45 p.m.

25 Wachusett Drive Discussion

Bob Maki discussed activities within the 100 foot buffer zone at 25 Wachusett Drive by Robert Szymkowski. Mr. Maki issued an Enforcement Order on August 27, 2014. The work included a boat dock, beach, and wall. Mr. Szymkowski stated that these improvements were done prior to his owning the property, but Mr. Maki is in possession of photographs that dispute this. The Commission discussed fines if Mr. Szymkowski does not comply.

ENFORCEMENT ORDERS

The following Enforcement Orders issued by Bob Maki were approved and signed by the Commission:

1. 25 Wachusett Drive – Robert Abstained
2. 31 Kent Road – Robert Abstained
3. 319 Worcester Road

CERTIFICATE OF COMPLIANCE

The following Certificate of Compliance was signed by the Commission:

1. Lots 4 & 5 East Gardner Road / #336-0760

Minutes, Vouchers, and Correspondence

The Minutes of August 21, 2014 were approved.

Mail was read and distributed

Change of Meeting Schedule

The next meeting will be Thursday, September 25, 2014.

The Conservation calendar will be changed for the remainder of the year to Wednesday evenings. The meetings will be:

1. Wednesday, October 15, 2014
2. Wednesday, November 5, 2014
3. Wednesday, December 3, 2014

Dan Bartkus impressed on all the importance of arriving on time to meetings and discussed the possibility of changing to a 5 member board because of difficulties with meeting quorum.

9:10 p.m. The meeting was adjourned.

Respectfully submitted,

Dan Bartkus
Chairman
(prepared by Susan Kalagher)