

**Conservation Commission  
Meeting Minutes of September 11, 2013  
Ashfield Town Hall**

Present: Lester Garvin, Chair (LG)  
Brian Clark (BC)  
Janet Clark (JC)  
Dave Fessenden (DF)  
Brittany Martin, Scribe (BM)  
Neil Hopkins, Guest (NH)  
Russ Evans, Guest (RE)  
Marsha Evans, Guest (ME)

Absent: Phil Lussier (PL)  
Will Thayer (WT)

1. The meeting is called to order at 7:35pm.
2. Board reviews the August 14, 2013 minutes. BC moves to accept the amended minutes, JC seconds and all vote in favor. Board reviews the August 28, 2013 minutes. JC moves to accept the amended minutes, DF seconds and all vote in favor.
3. LG gives an update on the Pleasant Street culvert. 2 years ago, hurricane Irene destroyed the culvert and it was replaced. There was no NOI filed. Tom Poissant hired someone to help out with a restoration plan and followed up with them with phone calls with no response from that party or the DEP. Three weeks ago Tom Poissant put black top over it to smooth it out because of the bad condition. The culvert was 8-12 inches above the water pool and was considered to be a barrier to fish migration, which MA Wildlife was concerned with as well. LG hasn't received any further news.
4. Board holds an RDA hearing for Albert Pieropan of 69 Pfersick Road. He has filed a Request for Determination of Applicability for a Title 5 septic system upgrade in the buffer zone of a resource area. RE and ME are neighbors. LG states that when a plan like this is submitted the approval is based upon things such as materials, water table, distribution box and lines in the system. The septic system has already been replaced. The Board doesn't know if it is operational at this point in time. The Board is unsure if AP has built the septic system in the same location as shown in the plan. RE states that the river and delineation are supposed to be on the map submitted by the applicant and there is a stream on the property that isn't on the map as well as another stream where there is also a culvert in place. RE and ME received a call and letter because it was rumored that RE was doing this work, which he wasn't. RE states that AP cleared an entire hill, disposed of all stumps down the hill and put in a leach field. RE states that the system is in and the laws do not condone the project. RE also states that there was no silt fence installed and all of the Christmas trees have been pushed back. RE and ME have 25 acres of land next to AP's property and they have had visits from the Army Corp because of disgruntled neighbors, and they were not violating the law at either visit. RE states that there should have been a cutting plan for the trees that were taken down. RE and ME want this project/property to be looked at properly and would like their neighbors to have to follow the same set of rules that they have to follow. LG states that the engineer should have come to the Board before the system was built. LG states that at the site visit they found that the project was 140 feet away from the stream, outside the resource area. JC is concerned about the stumps being ripped out of the ground and buried. There is no evidence of the trees being buried. JC states that there are other resource areas and is concerned about how those areas

were protected during this project and whether it was built according to plan. LG states that Tom Leue and the Chair of the Board of Health will be invited to the next meeting to continue this discussion.

5. Neil Hopkins gives update from MassDot regarding the work and restoration on Sears Road. NH discusses the land south of Sears Road and 112. He states that his maintenance crew went up to clear out a culvert that runs under Sears Road and did some auxiliary damage to the stream bank. Mr. Landers, whose property this affected, complained to massDOT. NH states that either his crew or Mr. Landers tried to fill the area back in, however street sweepings were used in the process. He further states that it's not bad to use street sweepings for certain applications, but you cannot use them in wetlands or on residential properties. He further states that the homeowner has complained a second time and the DEP has taken over this project. The street sweepings have been removed from the area. The stream bed is to be rebuilt, the bank re-graded and then the area will be seeded. The DEP wants to approve this restoration themselves. NH is waiting for an administrative consent form from the DEP; he is hoping he will receive it within the next few weeks. The wetlands scientist, Dennis Lowry, will be present to oversee the work to be done and will monitor the completed work. NH is here as a courtesy as he attended our May 22, 2013 meeting regarding this matter.
6. JC motions to adjourn the meeting, BC seconds and all vote in favor.

Meeting adjourns at 9:08pm.

Respectfully submitted,  
Brittany Martin, Scribe

Documents and Exhibits (filed at the Ashfield Town Hall)

1. Pfersick Road Septic System map
2. Before and after on Sears Road from MassDOT