

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, February 27, 2013 at 7:00 PM
Town Hall, Conference Room A

The Meeting was opened at 7 p.m.

Commissioners Present: Ernie Grimes, Mary McLaughlin, Warren Snow, Dana Reed

Commissioners Absent: Ram Moennsad, Margaret Emerson

Staff present: Margaret Washburn

Minutes Approved: February 13, 2013 – Tabled until March 6, 2013

Signed: 89 Smithville Road, Order of Conditions

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Richard Barrell

Property: 26 Laurel Lane, Spencer, MA DEP#293-0783

At the request of the applicant, the hearing has been continued to May 8, 2013.

7:16 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for James Laliberte

Property: 195 Charlton Road, Spencer, MA

Mr. Bartlett said the plans were revised prior to Ms. Washburn's site walk. Ms. Washburn had additional requests which have not been met yet due to the frozen ground. There were issues with round stones that rolled off of the road bed into the wetland. Mr. Bartlett thought that when the ground thawed out, the stones could be picked up and put back on the road. Mr. Grimes said he thinks an angular stone would work better because they would interlock with each other. Ms. McLaughlin read Ms. Washburn's inspection report. Ms. Washburn said that Mr. Laliberte must file for a permit from the Board of Health to have livestock or fowl on the property. The Board of Health also requires a written manure management plan. Mr. Lee Jarvis has met with Mr. Laliberte regarding these issues.

Ms. Washburn said that Mr. David Gray of US EPA informed her on 2/25/13 that Mr. Laliberte is not exempt from needing a NPDES permit application. Mr. Laliberte said he has been in touch with David Gray as well. Mr. Laliberte said Mr. Gray had told him because he is creating a swale, he is not exempt.

Mr. Reed asked how many horses would be kept on the property. Mr. Laliberte said approximately 20 horses. Mr. Grimes said the Board of Health would have to issue a permit before Conservation approval. The Lalibertes need to decide what they want to do. Ms. Washburn said they need a storm water permit. Mr. Hubacz said that he read the bylaw and it states that the Commission has the ability to provide exemptions from the storm water permit requirement. Ms. Washburn said that if the Commission starts exempting projects from the requirement, everyone that needs a storm water permit will ask for an exemption.

Mr. Snow asked if the Planning Board officially designated the Conservation Commission to waive parts of the bylaw. Ms. Washburn said they are officially designated. Ms. Washburn suggested that the Lalibertes have a meeting with the Board of Health before going any further.

Ms. Washburn said there are still a few issues. A few more wetland flags need to be installed between wetland flags A18 and A30. ESC should be installed along either side of the cart path to keep the rocks out of the wetland. Ms. Washburn saw other wetlands within 100 feet to the south of the arena. She said those wetlands need to be delineated. She is concerned that the new paddock between the swimming pool and the BVW may increase nutrient-laden runoff. Ms. Washburn said she asked the Lalibertes to show on the plan what they want to do with the area where they previously cut brush. Mr. Grimes said to mark on the plan where the witch-hazel was cleared out and indicate on the plan that they would like to mow it once a year to keep it down. Ms. Washburn said she would like all the fences described on the revised plans.

The Lalibertes are going to set up a meeting with the Board of Health. The current plans are not acceptable. The Commission agreed that stamped, engineered plans must be submitted. *At the request of the applicant, the meeting has been continued to March 13, 2013.*

Other Business:

Cranberry Meadow Lake Association: Mr. Patrick Gallagher requested the Commission to consider modifying the Extension of the Order of Conditions by removing Conditions of Extension 1, 2, and 3. Conditions 4, 5, and 6 would remain the same. Ms. Washburn has never seen these conditions on any other Order of Conditions for a lake/pond in town. *A motion to remove Extension Conditions 1, 2, and 3, DEP#293-72, (McLaughlin/Snow) passed 5/0.*

Mr. Gallagher asked the Commission about the permit process for hydro-raking. Ms. Washburn doesn't think it would be individual permits. It would be a collective effort through the Lake Association. Mr. Grimes said he might be able to file for an amendment to his Order of Conditions. Abutters would have to be notified and a hearing would be held. Ms. Washburn said she would research the appropriate process to apply for a permit for mechanical harvesting of aquatic vegetation.

131 Main Street, Price Chopper: Mr. Letendre said they will put the boom in and pull the stones back. Ms. Washburn said the wall must be fixed also. Ms. Washburn said depending on when the river is up or down, the pipe may or may not be under water. Mr. Letendre would rather not dig the hole. He would like to just fix the wall. Ms. Washburn said as soon as the wall is fixed, the Commission can sign the Certificate of Compliance. Ms. Washburn said the wall must be fixed by May 31, 2013. Mr. Letendre will call for an inspection once the ESC's are installed.

21 Ethier Drive: A NOI for a septic repair was submitted. Ms. Washburn said the NOI did not include a remediation plan. The 11/26/12 NOV required a remediation plan to be submitted for soil stabilization. Ms. Washburn e-mailed the NOV and photos of the site to Mark Farrell of Green Hill Engineering so that he can address them.

Mark Farrell submitted a Spencer Stormwater Permit Application Checklist that Ms. Washburn believes to be erroneous. He checked the box that states that the work is not within 100 feet of the pond, while the entire lot is within 100 feet of the pond. He also checked the box stating that less than 10,000 square feet of land disturbance has taken place. Ms. Washburn believes that more than 10,000 square feet of land was disturbed without a permit. The lot is 19,602 square feet in size and the vast majority of it has been stripped down to highly erodible exposed sand. On 2/25/13, Ms. Washburn e-mailed Mark Farrell another Spencer Stormwater Permit Application Checklist to complete and submit. She encouraged Mark Farrell to discuss various stabilization methods with Mr. Millette and to submit a remediation plan by 3/7/13. Ms. Washburn said a site walk should not take place until after the snow has melted in order to evaluate disturbance to the bank and soils.

Environthon Team: The team will meet with the Commission on March 27, 2013.

COLAP: Mr. Reed said dam regulations have either been issued or are going to be issued from the Environmental Office in Boston. The regulations have to do with ownership and maintenance of dams. Mr. Reed said it is important for lake/pond owners to be aware of the regulations. Ms. McLaughlin said the regulations can be put on the town website so they are available to the public.

New Applications: 21 Ethier Drive, NOI

A motion to adjourn the meeting at 9:00 p.m. (Snow/McLaughlin) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 2/27/13 Spencer Conservation Commission meeting:

Agenda for the 2/27/13 meeting

Margaret's report dated 2/27/13

Certificate of Compliance for Greenville Street (re-signed)

Order of Conditions for 89 Smithville Road (signed)

Continuance form for 26 Laurel Lane (signed)

Revised current existing conditions hand drawn site sketch for 195 Charlton Road

Revised proposed conditions hand drawn site sketch for 195 Charlton Road

Hand drawn site sketch of cross section of drainage swale for 195 Charlton Road

Town of Spencer Application for Building Permit for 195 Charlton Road, submitted by James Laliberte

Site inspection report for 195 Charlton Road, dated 2/6/13

Site photographs of 195 Charlton Road taken by Margaret Washburn on 2/6/13

Continuance form for 195 Charlton Road (signed)

Memo from Margaret Washburn to Conservation Commission members re: 195 Charlton Road

Town of Spencer Board of Health Regulations Governing the Keeping of Animals and Fowl

Extension Permit for Order of Conditions for DEP # 293-72, for Cranberry Lake Association, dated 1/13/10

Handout from Aquatic Control Technology re: Mechanical Weed Control, submitted by Patrick Gallagher on 2/27/13

Report from Lycott Environmental dated 2/25/12 re: aquatic vegetation management for Thompson Pond