

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, April 10, 2013 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7:00 p.m.

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

Commissioners Absent: Ram Moennsad

Staff present: Margaret Washburn

Minutes Approved: March 13, 2013 – *A motion to approve the Minutes as amended (Snow/Emerson) passed 5/0.*

Sign: The Commission signed the Submission of Plan Revisions Policy.

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Peter Millette

Property: 21 Ethier Drive, Spencer, MA DEP#293-0789

Mr. Millette said that Mark Farrell had suggested the new boat ramp be made of versalock blocks. Pea stone will be installed around the house for erosion control. Mr. Millette said Mr. Farrell suggested that the silt fence be installed with 2' high plywood around it to prevent anything from going under. Mr. Grimes asked why plywood because that is a barrier where nothing would move through it. Mr. Millette said the boat ramp will not be used as a boat launch. Mr. Grimes asked how Mr. Millette will deal with the water rising in the trench that will be dug for the septic tank. Mr. Millette said the water will be pumped into a drywell. There will be no effluent standing in the pipe. Ms. Washburn said all the areas that are going to be loamed and seeded must be shown on the plan. She also said the plan must specify the number of inches of loam that will be put down. Also, a hydraulic boom must be shown on the plan within 40' of any use of hydraulic equipment. *At the request of the applicant, the hearing has been continued to April 24, 2013.*

7:45 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Sara Petrozzi

Property: Woodbine Terrace, Spencer, MA DEP#293-0790

Mr. Julian Votruba said he revised the plan. Mr. Grimes said there needs to be a path to the proposed dock. In the Order of Conditions, there will be a condition of a three-foot wide path from the parking area to the dock. Mr. Grimes said no soil disturbance would be better.

The proposed conditions are as follows:

- Standard conditions
- A three-foot wide path from the parking area to the dock

A motion to close the public hearing (McLaughlin/Reed) passed 5/0.

A motion to accept plan as submitted with conditions as discussed (Reed/Emerson) passed 5/0, Order of Conditions to be issued.

7:47 p.m. Opened the Public Hearing for Notice of Intent for Michael Ballou

Property: 22 Treadwell Drive, Spencer, MA DEP#293-0791

Ms. Washburn asked if there are revised plans to be submitted. Jason Dubois, from Bertin Engineering, said no. The project is for a proposed six Megawatt solar array. At the end of the road is a gravel driveway. There is an existing butcher shop on one side of the road, a house on the other side and there is a barn with animals. There are three different wetland series, the A series, B series and C series. They connect and there is a pipe from wetland B that discharges into wetland C.

Part of the solar farm will be in Spencer and the rest will be in East Brookfield. There are proposed gravel roads that will run from Treadwell Drive and around the site. Detention basins are proposed to catch the runoff. A six-foot chain link fence will be installed. The fence will have a six-inch space underneath it to allow small animals to pass under it. There is also a break in the fence to allow animals to migrate back and forth.

There is a peer review in process. Mr. Dubois said they received a comment letter from Graves Engineering and they will address all the comments in the letter. The project is scheduled to go before the Planning Board next Tuesday. Mr. Dubois said there will be shade buffers. The solar companies need to clear trees to get the maximum sun exposure. The south side will be cleared 100 feet for a shade buffer, the east and west side will need 50 feet of shade buffer and the north side needs 20 to 30 feet of shade buffer. Mr. Dubois said stock pile areas and parking areas will be shown on the storm water prevention plan. The erosion control plan and SWPP will be combined into one.

Mr. Grimes said the discharge from Basin #1 dumps over the town line into North Brookfield, but nothing is shown. Mr. Dubois said there are no wetlands there. Mr. Grimes asked if water is already draining from the site onto that piece of property. Mr. Dubois answered yes.

Ms. Washburn read the list of comments that was given to Mr. Dubois. Mr. Grimes said the detention basins must be completed and functional before other work and digging begins. Mr. Dubois said that they will be constructed first. Mr. Dubois said they are not clearing up to the wetland line. Ms. Washburn said Graves Engineering comments state that they are concerned about clearing being done very close to the wetlands. *At the request of the applicant, the hearing has been continued to May 8, 2013.*

8:25 p.m. Opened the Public Meeting for Request for Determination of Applicability for Beata Gorczynski

Property: 5 Shady Drive, Spencer, MA

Ms. Gorczynski said she would like to put sonotubes under the existing porch. Six sonotubes will be installed. They will be dug by hand. The soils will be left under the house. The house will be raised approximately 24” – 36” higher up off the ground. The space underneath will be used for storage space. Mr. Grimes said silt fence is not necessary. The lot is flat.

A motion to close the public hearing (McLaughlin/Snow) passed 5/0.

A motion for a Negative Determination (Reed/Emerson) passed 5/0.

Other Business:

Scope of Services for Depot Trail: Ms. Washburn read a letter from Conservation Works regarding the estimate to prepare a Scope of Services to repair and maintain Depot Trail. *A motion to approve the Conservation Works fee to prepare a scope of services for Depot Trail (Snow/Emerson) passed 5/0.*

Land Acquisition: Mr. Charlie Wyman said the APR on the Sibley property needs to be amended. Mass Audubon wants a new survey prepared that shows the APR for all four properties on one sheet to make it simpler. They also want a better defined easement near Ahearn's. If the APR is ever separated from the other property in the future, where the current access is, they want to be sure a farmer can always reach the APR land. Mr. Wyman submitted the original for signing and copies that have been approved by Town Counsel. *A motion to sign the document (Snow/Reed) passed 5/0.* Lisa needs to notarize the document and bring it up to Adam. Mr. Wyman goes before the Selectmen on April 22nd. Mr. Grimes will sign it while Lisa witnesses it.

Common Ground Land Trust Project, Small Family Farm: Ms. Ginny Scarlet said the Selectmen voted to put the Small Family Farm application article on the warrant. Ms. Scarlet said it is important for a minimum of \$3,000 to pass. The APR Program wants the town to target a 20% match. Twenty percent is approximately \$60,000. Ms. Scarlet said there is no way that will happen.

Ms. Scarlet also said there is a process in which a town can become a priority for APR funding. Spencer already has many of the qualifications they want: it is farm friendly and already has a 400-acre block of farmland preserved. Ms. Scarlet said she wants the town to set up a system protocol to handle Chapter 61 property applications when they

come in so the town can act in a timely manner. Common Ground Land Trust will help write up the protocol. Ms. Scarlet said she is trying to get the Open Space Committee re-activated. Mr. Adam Gaudette has accepted the offer that Ms. Scarlet will be the chair of the Open Space Committee, unless he has someone else that wants to be chair. Ms. Scarlet said the Conservation Commission is the legal body in town responsible for preservation of Open Space under state law.

Ms. Scarlet said there is a person in town that wants to give CGLT a conservation restriction on a 40-acre farm because they have no heirs and do not want it developed. This person cannot do this unless he gets a tax credit. If someone donates conservation land, they can get part of what they gave as a tax credit. The tax credit will be no more than \$50,000.

24 Chickering Road: Ms. Washburn did a site inspection on April 1st. She said the wall has not been built in accordance with the plan. The plan called for stones and mortar. The wall is a partially constructed block wall with a partially constructed stone façade. There are lots of stones (fill) in the Land Under Water Body. No erosion controls are in place. The wall was supposed to be built during the low-water time of the year. There are exposed soils with no ESCs between them and the water. The water is up behind portions of the partially-built wall. There are two PVC pipes dumping unknown liquids into the water. Ms. Washburn said she sent a Notice of Violation on April 2nd telling Ms. Choinere to attend tonight's meeting. Ms. Choinere said the wall got started late October, early November. The dam closed on February 1st. The wall wasn't complete before the water came up. There is a 4' cement base at the bottom. They had to stop work due to the water rising. The ESC's were removed to keep the bales from floating in the lake. The boom was embedded in the ice so they removed the boom. Ms. Washburn is concerned whether or not the wall that is built will hold up to the lake. When the project is done, the rocks will be removed from the water. Mr. Grimes said if hydraulic equipment is going to be used the boom needs to be put back in. He also said hay bales and silt fence can be installed along the edge of the wall, not in the water. Mr. Grimes said when the wall is done the engineer will have to do an as-built. The engineer has to certify that the wall will work. Ms. Choinere said they will plug the holes in the ESC's on Thursday.

17 Shady Drive: Ms. Washburn inspected and took photos on 4/8. No ESCs were in place. Large areas of exposed soils on slopes leading down to Stiles Reservoir were observed. Ms. Mitchner agreed to get hay bales installed along the length of exposed soils by 4/9. The stairs towards the southern end on the wall were not constructed as per the plan. The stairs were supposed to be built into the wall. They were built in the Land Under Water Body and amount to filling in the lake. They will have to come out next fall/winter during drawdown. Trees were removed from the front of the house and shed, including a 36-inch dbh northern red oak. There is an area at the south end of the new wall at water's edge where exposed soils drop down to the water. Ms. Mitchner called on 4/9 to say she installed rocks in this area. She also said no bales were available, so she installed wattles and silt fence. A NOV was issued to her on 4/10 and it required her to attend tonight's meeting. Ms. Mitchner said loam and seed will be put down within the

next three weeks. Ms. Mitchner showed a video of the site explaining the work that has been done. Mr. Berthiaume, Ms. Mitchner's son, asked if they could move the shed. The Commission gave permission for the shed to be moved but the shed needs to be kept 35' away from the water. The shed will be installed on top of crushed stone or blocks. Mr. Berthiaume drew on the plan where the shed will be moved to and he initialed the plan. The Commission also gave permission to install irrigation.

39 Lakeshore Drive: Ms. Washburn inspected in response to a complaint on April 1st. Trees had been cut in the buffer zone to Thompson Pond on both 39 Lakeshore Drive and on the abutting lot at 37 Lakeshore Drive (Hatch). Ms. Washburn issued a NOV on April 3rd; directing Ms. Wenger to attend tonight's meeting. Ms. Wenger claims the trees were damaged. She said she was not aware that she needed to obtain a permit to cut the trees. Ms. Washburn asked if she had permission from the Hatch's to cut the trees. Ms. Wenger said yes and she also said the Hatch's insurance company told her to take the trees down because they were a danger. Ms. Wenger will submit a Request for Determination for work done after the fact.

26 Wilson Avenue: Ms. Washburn said she received a complaint regarding oil running down the road. She emailed the Fire Chief before going to inspect. Ms. Washburn said she met Mr. Canavan, who was operating a tractor that was leaking hydraulic fluid. She told him he needed to put something under the tractor to catch the fluid. Ms. Washburn photographed an oil slick running down Wilson Avenue into a stream about 100 yards away. The stream flows into Stiles Reservoir. Ms. Washburn called DEP. They said to ask the Fire Chief to be the first responders and to ask the Chief to call DEP to report on the measures taken. The Chief cleaned up the spill and put a boom in the Reservoir. The Chief called to say that Bob Dunn of DEP was satisfied with everything the Town had done.

59 Oakland Drive: Ms. Washburn said she received a complaint on April 2nd regarding neighbor's land being disturbed. She inspected on April 2nd and took photos. The contractor was gone but she spoke with him on the phone and told him to get the disturbed areas on the neighbor's lot mulched by the end of the following day. Ms. McLaughlin said they took leaves and branches and threw them on the disturbed soils. There was also dirt in the road. Most is still bare dirt. The Commission asked Ms. Washburn to call the contractor and have them install two bales of hay and/or leaves to cover all the exposed soils. Ms. Washburn will contact the contractor.

89 Smithville Road – Peter Zukas: Ms. Washburn inspected with Peter and Jeff Zukas on 4/1/13. Jeff Zukas signed the Order of Conditions and is the erosion control monitor. He plans to do all the work by 4/15/13. All of the silt fence was in place. Ms. Washburn gave permission to commence construction activities. She reminded Peter and Jeff not to park heavy equipment within 100 feet of resource areas overnight. Ms. Washburn inspected with Steve Tyler on 4/9/13. All the remediation work is complete. ESCs were functioning well. She reminded the applicants that the ESCs have to be maintained until the Commission says they can be removed. Ms. Washburn discussed with Peter and Jeff the fact that a permit is needed from the Selectmen to sell gravel off the site.

183 Paxton Road: Ms. Washburn inspected on 4/3/13. Lots of wetland obligate plants were found outside the flagged wetlands. Mr. Masterson agreed to place pipes with permanent markers on them outside the wetland plants while Ms. Washburn is there on 4/9/13. Ms. Washburn went there as scheduled on 4/9/13. Mr. Masterson failed to appear.

1 Jameson Lane: Ms. Washburn inspected with Bill Goodhue on 4/1/13. She gave permission to remove fallen woody debris to install the raised walkway. He will call for an inspection when the wattles are installed.

115 Wilson Street: Mr. Grimes said they need to inspect where the erosion has gone outside of the property and if the erosion is in the wetlands, it needs to be cleaned up. The Commission will walk the site on Monday, April 29th at 10 a.m.

New Applications: 76 Chickering Road, RDA

A motion to adjourn the meeting at 9:58 p.m. (Snow/Reed) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 4/10/13 Spencer Conservation Commission meeting:

Agenda for the 4/10/13 meeting
Margaret's report dated 4/10/13
Minutes from the 3/13/13 meeting of the Spencer Conservation Commission
NOI file for 21 Ethier Drive
Site plans submitted by Peter Millette for 21 Ethier Drive on 4/10/13, dated 4/10/13
Continuance form for 21 Ethier Drive
NOI file for Woodbine Terrace (Sara Petrozzi)
NOV file for 39 Lakeshore Drive
MACC brochure re: 2013 Spring/Summer Workshops
Letter from FEMA dated 3/21/13 re: 13 Shady Drive
Site plans for 22 Treadwell Drive dated 3/4/13
Overview map of 22 Treadwell Drive submitted by Bertin Engineering on 4/10/13
Letter from Graves Engineering dated 4/9/13 re: site plan review for 22 Treadwell Drive
22 Treadwell Drive review comments prepared by Margaret Washburn, dated 4/10/13
310 CMR 10.53 (1) re: work in the buffer zone at 22 Treadwell Drive
Continuance form for 22 Treadwell Drive
Spencer Conservation policy statement re: Submission of Plan Revisions (signed)
Correction by Amendment to Agricultural Preservation Restriction for Sibley Farm (signed)
File for 173 Greenville Street (Mass Audubon)

Letter from Farm Family Insurance to Hull Forest Products on behalf of James Laliberte,
195 Charlton Road
Letter from Lycott dated 3/29 re: legislative extension for OofC for herbiciding
Thompson Pond
Estimate for Scope of Services for repair/maintenance of Depot Trail from Conservation
Works, dated 4/9/13
RDA file for 5 Shady Drive, including Negative Determination (signed)
File from oil spill at 26 Wilson Avenue
NOV issued to 17 Shady Drive on 4/9/13
Inspection report and photographs dated 4/8/13 from Margaret Washburn at 17 Shady
Drive
Video taken by Bonnie Mitchner at 17 Shady Drive
File for 24 Chickering Road, including NOV issued on 4/2/13
Letter from National Grid dated 4/10/13 re: vegetation management
Letter from CSX dated 4/3/13 re: yearly operation plan for right-of-way vegetation
management