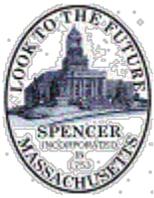


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, May 22, 2013 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7:12 p.m.

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

Commissioners Absent: Ram Moennsad

Staff present: Lisa Daoust

Minutes Approved: April 10, 2013 – *A motion to approve the minutes as amended (Reed/McLaughlin) passed 5/0.*
April 24, 2013 – *A motion to approve the minutes as amended (McLaughlin/Snow) passed 5/0.*

Signed: 26 Laurel Lane, Continuation Form
21 Ethier Drive, Order of Conditions

7:24 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 July 24, 2013.

7:26 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Michael Ballou

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

Mr. Jason Dubois said there have been revisions made to the plan. He said Graves Engineering is basically satisfied with the revisions. There are several corrections to be made.

- Basin 1 was resized and kept 100 feet away from the wetland
- There is a 25 foot or greater No Disturbance line
- Sediment fore bays were added to the basins
- A large berm was added along with tree plantings
- On the west side of the site, a sedimentation basin was added

- The erosion control plan was broken into three separate phases; each are approximately five acres in size
- Diversion trenches were added along the sides of the wetlands
- Check dams made of crushed stone were added every 100 feet
- The sedimentation basin will catch runoff
- There will be an eight inch pipe that will run through the berm. There will be rip-rap protection on the outlet
- Inside the basin is a 90 degree fitting that will be perforated and wrapped with ¾ inch crushed stone acting as a filter for the water

Mr. Dubois said all the notes are on the first sheet of the plan. The temporary sedimentation basin will be leveled off and seeded once construction is completed. The basins on the northwest side of the site are permanent basins. The construction entrance is located on the east side of the site. There will be a 20 foot by 50 foot tracking pad installed.

Mr. Dubois said the shade buffers are shown on the plan. The sequence of construction is spelled out regarding Phases 1, 2, and 3. Mr. Dubois pointed out that the site is not steep. There will not be a lot of high velocity runoff at the site. Mr. Dubois said he will be meeting with Ms. Washburn next week.

Mr. Grimes said there is a possible vernal pool on site. The Commission would like that area certified. Either the Commission can inspect the area and certify the vernal pool or a condition can be written in the Order of Conditions that a solar company has to have the area certified.

Mr. Grimes said the Commission would like the name of the person that flagged the intermittent stream and a report on the flagging. Mr. Grimes said the Commission asked that detention basins be 50' from the wetlands. Basin 1 is 100' from the adjacent wetlands on the plan. The others are less than 50' from the wetlands.

Mr. Dubois said the erosion controls are wire-backed silt fence with double-staked hay bales. Mr. Grimes said that Ms. Washburn wrote in her report that she wants the wire backing changed to four inch by four inch hog wire attached to the posts. Mr. Grimes asked where the stumps and stock piling will be located. Mr. Dubois said the stumps will be trucked out. There are stock piling areas shown on the plan. Mr. Grimes said they need to decide if they will stock pile for a week or haul the stock piling out every couple days.

Mr. Reed asked what the plan is for the start and end of the project. Mr. Dubois said he wasn't sure of the timeframes. Mr. Dubois does know that a site contractor has been hired. Mr. Grimes said he does not want any construction during the winter months. That will be in the Order of Conditions. Mr. Dubois said the project has been approved by the Zoning Board of Appeals. The Planning Board has continued the hearing. Mr. Grimes said the Conservation Commission will not approve the project until the Planning

Board approves it. *At the request of the applicant, the hearing has been continued to June 12, 2013.*

7:45 p.m. Opened the Public Meeting for Request for Determination of Applicability for Paul & Mary McLaughlin

Property: 47 Oakland Drive, Spencer, MA

Ms. McLaughlin has recused herself; this is her own property. Mr. McLaughlin is proposing to add an 8x12 foot addition to an existing balcony on the back of the house. It is within 100 feet of the lake. The drawing shows where the hay bales and silt fence will be installed. There will be two sonotubes that will be hand dug. The remaining dirt will be placed up near the foundation of the house. Mr. Grimes said to place three hay bales around each sonotube hole and that there was no need for the silt fence.

A motion to close the public hearing (Snow/Emerson) passed 4/0.

A motion for a Negative Determination (Snow/Reed) passed 4/0.

7:52 p.m. Opened the Public Meeting for Request for Determination of Applicability for Barbara Wenger

Property: 39 Lake Shore Drive, Spencer, MA

Ms. Wenger is looking for approval to continue pruning damaged trees within 100 feet of the water. All the pruning of the trees will be done by hand. There is a lightening-damaged tree that is leaning over the house and over the water. Mr. Grimes said permission for the pruning will be granted. Permission is also given if the trees need to be removed. He also said he would prefer that if the tree is to be removed, that it be done when the pond is frozen over.

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

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

8:00 p.m. Opened the Public Hearing for Notice of Intent for Daniel Ford

Property: 11 Lake Whittemore Drive, Spencer, MA DEP#293-0792

Mr. Dubois said the project is for a septic system upgrade. A Title 5 inspection was performed and failed. There will be a new leach field. Two to three feet of fill will be put along the back side of the system. There is a stone wall along the property. Silt fence will be installed along the wall. When the project is complete, the area will be loamed and seeded. Mr. Grimes said the fill being added is going to be right up against the silt fence. Mr. Grimes said he would like hay bales installed. Mr. Dubois revised the plan showing the hay bales, initialed, and dated the plan.

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

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

**8:08 p.m. Opened the Public Hearing for Notice of Intent for James Laliberte
Property: 195 Charlton Road, Spencer, MA DEP#293-0793**

Chris Keenan, from Quinn Engineering, presented the plan. Mr. Keenan said there is an existing cart road and existing culvert that crosses the wetlands. The culvert had been previously replaced. Mr. Grimes said that was approved by the Commission but there was not an official filing. Mr. Grimes had ordered the culvert to be replaced before a hurricane. Mr. Keenan said the applicant is proposing the following: an addition to the existing barn with fencing around it; a gravel cart road; a riding ring area made of sand and stone dust with grass areas on either end; a series of paddocks; a storm water management system to collect water that runs off the impervious areas, the riding ring and the gravel turn around for the roadway, which consists of sediment fore bays and a water quality swale that ultimately discharges to the wetlands. Mr. Keenan said they have identified a couple areas where brush will be continually removed. They are proposing to remove a few stones that have rolled off the cart path and down into the wetlands. A manure storage management plan was also submitted. There will be a temporary stockpile area for soil. There will be a manure storage area with a berm on the low side to contain the manure. The manure will be covered with a tarp. There is a pile of existing stumps and stones that will be placed on the back side of the fencing area. Mr. Grimes asked if there are erosion controls. Mr. Keenan said hay bales and silt fence are proposed on the low side of the storm water management barrier. Mr. Grimes said he would like silt fence installed from where the culvert is and then going up to where the construction of the driveway is. Mr. Grimes also said wetland markers need to put up along the driveway.

Taryn San Martino, an abutter, asked what the dark green area is on the plan. Mr. Keenan said the dark green areas are woods and the light green areas are grass. Ms. San Martino said she thought most of the trees have been cleared along the Crestwood Avenue area. Mr. Keenan said there is an existing tree line that follows along the dark green shaded area. That tree line was a surveyed tree line. Mr. Grimes said the paddock at the top of the hill will be below the crown so there will not be any water that runs toward the wetland. Mr. Grimes said the manure is a temporary stockpile and will be hauled away. Mr. Moschini has made an agreement to take the manure for his composting business. Mr. Keenan said that correspondence has been submitted to the Commission.

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

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

Other Business:

Green Property Conservation Restriction: *A motion to accept and approve the Conservation Restriction (Emerson/McLaughlin) passed 5/0.* The Commission signed the final draft of the Conservation Restriction. Lisa notarized it and she will bring it to Adam Gaudette to present to the Selectmen at their meeting a week from tonight.

90 South Spencer Road: Mr. Gaucher said he removed trees that were damaged. He also cut other vegetation in the wetlands because the vegetation was shading his solar panel. Mr. Gaucher said he has been clearing that area for 40 years. Ms. Washburn issued a Notice of Violation. Mr. Grimes said Mr. Gaucher needs to file a Notice of Intent. Mr. Grimes said he will want Mr. Gaucher to replace some of the trees that he cut down with shrubby wetland vegetation. The Commission gave Mr. Gaucher until June 5, 2013 to submit the Notice of Intent. They were given a deadline of June 19th in the Notice of Violation.

40 South Spencer Road: Mr. Rondeau said he received a Notice of Violation from Ms. Washburn. His house caught on fire about two years ago. The Board of Health required that a new septic system be installed. Mr. Rondeau said installing the new septic required the new house to be moved slightly back, which impeded on the area for their horses, therefore, the horses had to be moved back. Mr. Rondeau said there were trees back there that were dangerous. The land was cleared and they had planned to plant grass there. They did not realize they had to get permits from Conservation. Mr. Rondeau will file a Notice of Intent by July 3rd, as stated in the Notice of Violation.

115 Wilson Street: Mr. Grimes said that he and Ms. Washburn inspected on 4/29/13. Trash that has been blown around still needs to be removed. They observed that sediment was deposited in the stream down slope of Basin 2, to the area of WF213. Also they observed that sediment was deposited in the stream down slope of the existing crossing, all the way down to the pond. Sediment was deposited in the stream that flows into the pond from the north. They observed sediment that flowed through the culvert under Wilson Street onto someone else's property. A NOV regarding silt clean-up was issued on 5/13/13. Restoration of the existing crossing and its buffer zone was discussed with Pete Pender of J. Bates and Tom Liddy of Lucas Environmental. It is recommended to restore this area when the seasonal water table is low. This restoration should be completed by September 30, 2013.

Depot Trail Scope of Services: Mr. Grimes asked the Commission which services they would like to pursue. Ms. Emerson asked if there might be a grant available for the year 2015. Mr. Grimes said they can apply for a grant. Mr. Grimes said the Snowbirds are looking to apply for a grant to re-do the trails. Ms. Emerson suggested having a scope done for the whole project for the rail trail. Lisa will send an email to Adam Gaudette and ask for his preference.

Site Visits: The Commission will do site visits on Sunday, June 2, 2013 at 9:15 a.m.

New Applications: 1 Tom Casey Rd., NOI, Kennedy

A motion to adjourn the meeting at 9:15 p.m. (McLaughlin/Emerson) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 5/22/13 Spencer Conservation Commission meeting:

Agenda for the 5/22/13 meeting

Plans prepared by Bertin Engineering, dated 3/4/13 for 22 Treadwell Drive

Notice of Intent received 5/9/13 for 22 Treadwell Drive

Order of Conditions for 21 Ethier Drive, Spencer

RDA for 47 Oakland Drive, Plan, and signed Determination

RDA for 39 Lakeshore Drive and signed Determination

Report from Margaret Washburn dated 5/17/13

Continuance form for 22 Treadwell Drive, Spencer

Continuance form for Richard Barrell, 26 Laurel Lane, Spencer

Amended Conservation Restriction for Green Property, Greenville Street, Spencer

Notice of Intent and plan for 195 Charlton Road, Spencer

Stormwater Report for 195 Charlton Road, Spencer

Notice of Intent and plan for 11 Lake Whittemore Drive, Spencer

Wetland Peer Review Comments from EcoTec, Inc. dated 5/16/13, received 5/17/13

Analysis and Recommendations – Scope of Work – Depot Trail, Spencer – dated 4/8/13