

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, June 12, 2013 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

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

Staff present: Margaret Washburn

Minutes Approved: May 22, 2013 – *A motion to approve the minutes as amended (Snow/Emerson) passed 5/0.*

Signed: 70 Chickering Road, Cert. of Compliance: Ms. Washburn said the site is stabilized and looks great. *A motion to issue the Certificate of Compliance (Reed/Emerson) passed 5/0.*
1 Jameson Lane, Cert. of Compliance: Ms. Washburn said the site is stabilized and came out beautiful. *A motion to issue the Certificate of Compliance (McLaughlin/Snow) passed 5/0.*
195 Charlton Road, Order of Conditions

7:16 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Michael Ballou

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

Jason Dubois, from Bertin Engineering, updated the Commission on the comments from Margaret Washburn. Mr. Dubois said all the comments were resolved and another set of plans were revised and submitted today. He said Basin Two formerly had a single, 24-inch outlet. Now there are two separate 18-inch outlets. Ms. Washburn said since the Monday meeting with Mr. Dubois at Town Hall, Mr. Ballou signed a permission form to certify the vernal pool. Ms. Washburn said a report has not been submitted from Graves Engineering regarding the last plan revisions. Ms. Washburn has been in touch with Graves Engineering and they told her they would help with the concept of the vernal pool certification.

Ms. Washburn asked if Mr. Dubois sent a revised plan to DEP. He said he has not sent the current revised plan but sent the revised plan from the last Conservation meeting. Ms. Washburn said she spoke with Joe Bellino from DEP and he told her the Stormwater Handbook states the BMP's need to be at least 100 feet away from outstanding resource

waters. Mr. Bellino had recommended that could be accomplished by removing a few rows of solar panels and/or rotating the basin 90 degrees so it's in a north/south configuration instead of east/west. Ms. Washburn said the size and elevation of the inlet and outlet of the pipe that connects with Wetland A is still not shown on the plan. Mr. Dubois said it's a 12 inch concrete pipe which is shown on the existing conditions page of the plan. Mr. Snow asked how a change in groundwater would affect the vernal pool. Ms. Washburn said Mr. Dubois has been working with Graves Engineering trying to make the pre-construction and post-construction flows to that pool equal. Ms. Washburn said Mr. Bellino told her he was concerned about re-designing the fence so wildlife can move in a wildlife corridor from Wetland A to the other wetlands on the site. Mr. Dubois said the Planning Board requires a fence. Ms. Washburn said to fence off the panels but leave the wetlands accessible.

Ms. Washburn said during the construction phase there should be some rows of erosion controls or terracing across the 400-foot slope to slow down the flow. Mr. Dubois said the drop in elevation goes from 756 feet to 726 feet, which is not that steep. He also said there are temporary diversion channels along the wetlands with check dams that will catch anything during the construction along with check dams every 100 feet before the sedimentation basin.

Ms. Washburn said there is still less than a 25-foot no-touch buffer around some of the wetland flags. Ms. Washburn said she had given Mr. Dubois a list of comments on April 10th. She had asked how the pipe that flows from Wetland D to Wetland A will be protected during barn demolition, construction of the 20-foot-wide gravel access road and the drilling for the solar panels. Mr. Dubois said the grade is not changing for the access road. Mr. Dubois said the contractors are going to have to work with care in that area and repair any damage that occurs.

Mr. Brett Chapman requested approval with conditions. They have done their best to accommodate everything that has been asked for. Mr. Grimes said this Commission will not approve the project until the Planning Board approves the project.

Mr. Steven Tyler commented that he is concerned with the 300-foot long open slope. He recommended using the Forestry Management Guide to make a water bar. He also said he thinks they need answers from the Wildlife Habitat Evaluation with regards to the issues associated with the vernal pool and the storm water. Mr. Chapman asked why these issues are coming up now. Ms. Washburn said things changed when they realized the vernal pool was going to be certified. *At the request of the applicant, the hearing has been continued to July 10, 2013.*

7:54 p.m. Opened the Public Hearing for Notice of Intent for John Kennedy Property: 1 Tom Casey Road, Spencer, MA DEP#293-

At the request of the applicant, the hearing has been continued to June 26, 2013.

7:56 p.m. Opened the Public Hearing for Notice of Intent for Town of Spencer, Utilities and Facilities Department

Property: 126 North Spencer Road, Spencer, MA DEP#293-0794

Dave Varga, from the BSC Group, said the project is for partial flood mitigation. The water from a 200+ acre water shed goes through an existing 36-inch culvert which does not have the capacity to handle any of the frequent storms; it over tops and runs down the road to the low point and discharges across the road. They are proposing a stone interception swale, an inlet, and another 36-inch diameter pipe connecting to an unnamed stream that flows to the Sevenmile River. Ms. Washburn said that she and Mr. Reed did a site inspection on Monday. Mr. Reed asked if this project will hold up to prevent street flooding in a 100-year storm. Mr. Varga said no, absolutely not. Mr. Varga said this project will probably reduce the flow from a two-year storm by 50%.

Mr. Aaron Hoffman, property owner of 124 North Spencer Road, said his property is essentially the low point where all the water flows to his driveway from the south and wishes more could be done to control flooding from that direction. He has had multiple floods. Mr. Hoffman said the two catch basins near his driveway are totally eroded and washed out from the rushing water. He would appreciate some backfill for his driveway because it is also eroded from the water.

David Vandale, an abutter on Hastings Road, said he had received a map that showed a blue/gray shaded area on his property. Ms. Washburn said nothing is going to happen on his land. The map is from the Assessor's Office and shows who is an abutter and who gets notified.

Mr. Hoffman asked if there is a target date for this project. Mr. Tyler said they would like to start the project this summer.

Ms. Washburn said a DEP number has not been issued yet. The Order of Conditions will be issued once the number is assigned and received.

The proposed conditions are as follows:

- Follow the plan

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

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

Other Business:

28 Briarcliff Lane: Mr. James Reil submitted pictures to the Commission. He said when there is a heavy rain the water comes down from the top of 25 Briarcliff Lane. 26 Briarcliff Lane's driveway is not paved and all the dirt and water goes into Mr. Reil's property and then into the lake. Mr. Reil said all the water fills up his septic tank. Mr. Reil said there is a catch basin approximately 130 feet to 145 feet from the lake.

Catherine Letourneau, from 26 Briarcliff Lane, said she has brought in six truck loads of gravel over the last seven years. Mr. Reil said he wants to address the problem coming from up-slope. It creates a plume of sediment going into the lake.

Mr. Tyler said this is a complicated matter. It seems to be a dispute between property owners. The town is not responsible for all water that falls out of the skies. The Town Bylaws can take care of dirt from the driveways onto the town road. Mr. Tyler can issue fines and enforce keeping the dirt off the road. Mr. Grimes said the Conservation Commission can pursue the dirt going into the lake. Mr. Tyler said the offending property owner is Colleen Hope. Mr. Tyler said he sent a letter to her regarding the dirt on the road. Mr. Grimes told Ms. Washburn to send a Notice of Violation. They need to control runoff from their property and the erosion/sediment going into the lake. Mr. Tyler said paving the driveway would help lower the sediment but would increase the velocity. Most likely would make Ms. Letourneau's driveway worse. Mr. Grimes said they need to hire a professional to make recommendations. The Commission members will inspect 13 Briarcliff and 28 Briarcliff on June 13th at 4pm.

22 Treadwell Drive – Vernal Pool: *A motion to allocate \$400.00 to pay EcoTec to certify the vernal pool at 22 Treadwell Drive (Snow/McLaughlin) passed 5/0.*

38 East Charlton Road – right of first refusal: *A motion to send a letter to the Board of Selectmen to release the 61B property (Emerson/Reed) passed 5/0.*

Depot Trail Scope of Services: Ms. Washburn said Bill Shemeth spoke with her, Mr. Grimes and Mr. Reed. Mr. Shemeth suggested that the \$10,000 allocated from the Finance Committee could go to pay for the grant writing to pay for all the trail work. Mr. Grimes said the first on-site work priority that needs to be done is removing the water from the trail. The second priority is extending the trail beyond Chestnut Street. Mr. Grimes said that is up to the Town Fathers. Mr. Grimes asked how much will Bill Shemeth do. The land is Parks and Recreation land. Ms. Washburn said he can pay for the grant writing. Ms. Washburn will ask Mr. Shemeth for the money ASAP. Ms. Washburn also will thank Dick O'Brien for writing the Scope of Services and tell him the Commission is getting the funding for the grant.

1 Tom Casey Road: Ms. Washburn returned the NOI as incomplete. She met with Mr. Kennedy on 6/3. She gave him photocopies of parts of the plans for 7 Debbie Drive to use as an example of how to design storm water measures for single-family houses to meet the Spencer Stormwater bylaw requirements. Steve Tyler has agreed to review the revised plans in regards to compliance with the Spencer Stormwater bylaw requirements. Mr. Thomasian contacted Lee Jarvis to state that he believes the project should be exempt from the local Stormwater Bylaw. Mr. Tyler, Mr. Reed and Ms. Washburn conducted an inspection on 6/10/13. Mr. Tyler feels that the project meets two of the three Stormwater Application checklist thresholds for a minor project. Mr. Tyler said he wants to see on-site infiltration from the roof drains. Ms. Washburn contacted Mr. Kennedy on 6/10 and told him what Mr. Tyler said and gave him Mr. Tyler's phone number.

Site Inspections: The Commission will do site visits on Monday, June 17th at 6:45 p.m.

57 Oakland Drive: Ms. Washburn inspected the grass that has grown on the new septic system. She gave permission to remove the ESCs. While she was there, she noticed and photographed water running out from under the garage door into the driveway and down into the Reservoir. Mr. Zalieckas indicated that the pipe that runs from a wet spot on Mary Barrell's land to his land is plugged up. Mr. Zalieckas said he wanted to change the drainage so it flows onto the right-of-way on the property next to his garage. This land belongs to someone else. Ms. Washburn asked Mr. Zalieckas to file for a permit before doing any work in the Buffer Zone to correct the drainage problem.

94 South Spencer Road: On 6/10/13, Ms. Washburn said that she, Mr. Reed, Mr. Tyler inspected due to driveway work in the buffer zone. Driveway work and grading were being done in the buffer zone without any ESCs. Some fill including soil and yard waste has been deposited either in wetlands or very close to the edge of wetlands. They spoke with Cheryl Ormsbee, who said she was willing to have the fill removed. She said Paul Gaucher would remove the asphalt and cement, etc. in the buffer zone. Ms. Washburn will issue an NOV.

New Applications: 40 Point Eastalee, RDA, Dansereau
Podunk Highway, NOI

Mr. Grimes said he has submitted a letter to the Board of Selectmen stating after 15 years on the Conservation Commission, he will not accept re-appointment. He will still work on the Depot Trail. He said if there are ever any questions or concerns, it is fine to get in touch with him.

Mr. Snow and Ms. McLaughlin both will be absent for the July 24th meeting.
Mr. Snow will not be at the August 14th and August 28th meetings.

A motion to adjourn the meeting at 9:30 p.m. (McLaughlin/Emerson) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 6/12/13 Spencer Conservation Commission meeting:

Agenda for the 6/12/13 meeting

Margaret's report dated 6/12/13

Minutes from the 5/22/13 Spencer Conservation Commission meeting

E-mail from Conservation Works re: Depot Trail Scope of Services

Depot Trail Scope of Services prepared by Conservation Works

Subpoena for Margaret Washburn from Worcester Superior Court re: Lake Construction

Letter from Lycott Environmental dated 5/14/13 re: Sugden Reservoir aquatic vegetation management

Photographs and sketches submitted by Jen and Jim Reil for 28 Briarcliff Lane

Notice from Meloche & Meloche dated 5/30/13 re: right of first refusal for 38 East

Charlton Road

Notice of Violation issued by Steve Tyler to Colleen Hope at 13 Briarcliff Lane

Field file and NOI for 126 North Spencer Road

Photographs taken by Steve Tyler for 126 North Spencer Road

Continuance form for 1 Tom Casey Rd. (signed)

Continuance form for 22 Treadwell Drive (signed)