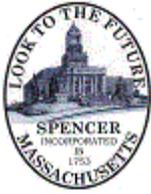


# Conservation Commission – Town of Spencer

## *Minutes*



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

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The Meeting was opened at 7 p.m.

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

Staff present: Margaret Washburn

**Re-organize the Conservation Commission:** *A motion that Mary McLaughlin accept the Chairmanship (Snow/Emerson) passed 3/0. Ms. McLaughlin will not be at the next meeting; therefore, Mr. Snow will chair the meeting.*

**Minutes Approved:** June 12, 2013 – the minutes have been tabled to July 31, 2013  
June 26, 2013 – *A motion to accept the minutes as amended (Emerson/Reed) passed 3/0. Mr. Snow abstained as he was not at this meeting.*

**Signed:** 1 Tom Casey Road, Order of Conditions  
43 Oakland Drive, Certificate of Compliance – Ms. Washburn said she inspected yesterday and reported that everything looked good. *A motion to issue a Certificate of Compliance (Snow/Emerson) passed 4/0.*

**7:15 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, said the detention basin and discharge have been moved to over 100 feet away from the vernal pool. Mr. Dubois said the fence was changed for the corridor for wildlife. Mr. Dubois said double-staked rows of hay bales and check dams will be installed every 100 feet. The water will get caught in the hay bale berm and naturally flow into the temporary ditch that also has check dams. Mr. Dubois said the drainage calculations were revised as well to show the volume of water that goes into the vernal pool during a storm event. The discharge was eliminated completely from the pond and isolated the vernal pool as the discharge point. Mr. Dubois said Graves Engineering has reviewed this plan and they are all set with it.

Ms. Washburn said the plan needs to show the silt fence/hay bale barrier at least 25 feet away from all wetland flags in all areas. The ESC barrier is closer than 25 feet in the following areas: WFa42r, WFa41r, WF48a, WFa48r, WFa49a, and WFa52. She suggested that if the Commission approves the plan tonight, that a condition be added to the Standard Conditions stating “plans must be revised and re-submitted showing all work and all silt fence/hay bale erosion control barriers no closer than 25 feet to wetland flags”. She said they could also add another order to the Special Conditions that states “plans must be revised and re-submitted showing the vernal pool labeled as “Vernal Pool”.

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

The proposed conditions are as follows:

- Plans must be revised and re-submitted showing all work and all silt fence/hay bale erosion control barriers no closer than 25 feet to wetland flags a42r, a41r, a48r, a48a, a49a, and a52.
- Plans must be revised and re-submitted showing the vernal pool labeled as “Vernal Pool”.

*A motion to accept plan as submitted with conditions as discussed (Reed/Snow) passed 4/0, Order of Conditions to be issued.*

**7:35 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Paul Dansereau**

**Property: 40 Point Eastalee Drive, Spencer, MA**

Ms. Washburn said at the previous meeting, a question was raised about Lake Residential (LR) zoning applying to this site. Mr. Dansereau submitted a new sketch on July 3<sup>rd</sup>. His project now appears to meet all the zoning requirements with room to spare. He is going to build a 24' x 15' permeable paver patio. The driveway will be asphalt. Mr. Dansereau submitted a sketch showing the base to be installed below the patio and a spec on his permeable paving stones. All the excavated dirt will be removed from the site the same day it is dug up. Mr. Dansereau deleted a few hay bales close to the road, and dated and initialed the approved plan.

Ms. Washburn said that Lee Jarvis has told her that another Board's regulations should not hold up the issuance of a permit by a separate board or commission. Mr. Steven Tyler said he agrees with Mr. Jarvis's comment on holding up permits (not for this project but regarding stormwater related projects).

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

**7:50 p.m. Opened the Continuation of Public Hearing for Notice of Intent for George Bell**

**Property: 22 Podunk Highway, Spencer, MA DEP#293-0795**

The hearing has been continued to July 31, 2013.

**7:52 p.m. Opened the Public Meeting for Request for Determination of Applicability for James Barnett**

**Property: 116 Charlton Road, Spencer, MA**

Mr. Reed read the site inspection report from July 8, 2013. The Commission had viewed the areas where work is proposed and went through the plan. They had no issues. Mr. James Barnett presented his plan to grow mushrooms.

*A motion to close the public meeting (Snow/Reed) passed 4/0.*

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

**8:02 p.m. Opened the Public Meeting for Request for Determination of Applicability for Spencer Sewer Commission**

**Property: 69 West Main Street, Spencer, MA**

Greg McVeigh presented the proposed work. They will be installing an emergency generator and a new electrical service with a new transformer. The pavement will be cut out, concrete will be poured and the generator will be installed on the concrete. Then they will excavate and put the transformer pad in and rip-rap specified areas. Two rows of silt fence and hay bales will be installed. Ms. Washburn inspected the site and took photographs. She said she had no issues.

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

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

**8:16 p.m. Opened the Public Meeting for Request for Determination of Applicability for Steven Blake**

**Property: 123 Wilson Avenue, Spencer, MA**

Mr. Blake said he would like to add a 12 x 12 foot deck onto the existing deck. There will be two sonotube holes dug. The excavated soil will be put under the existing building. The Commission said no erosion controls are needed. Ms. Washburn asked Mr. Blake to call her a week before he wants to start work.

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

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

**Other Business:**

**90 South Spencer Road:** Ms. Washburn said the Gauchers have agreed to hire Scott Morrison, from Ecotec, to flag the wetlands. Scott has spoken with Ms. Washburn and said he will flag the wetlands and will draw up a planting plan to remediate. He will submit the plan at the July 31<sup>st</sup> meeting. Ms. Washburn said the work is going to be done under an Enforcement Order so the Gauchers do not have to file a Notice of Intent. *A motion to ratify the Enforcement Order (Reed/Snow) passed 4/0.*

**13 & 28 Briarcliff Lane:** Ms. Washburn said that Mr. Reil called her to see if there was any progress made since the site inspection. She told him that no progress has been made and that she will issue a Notice of Violation. Ms. McLaughlin read the site inspection

report from the June 13, 2013 inspection. Mr. Steven Tyler said he has already issued a warning to the owner of 13 Briarcliff Lane before he knew about 26 Briarcliff Lane also contributing to the problem. 13 Briarcliff Lane deposits stones and soils into the roadway and 26 Briarcliff Lane does not. Colleen Hope has not responded to the warning issued on June 6<sup>th</sup>. Ms. Washburn said she will write two Notices of Violation requesting they have to come in to the July 31<sup>st</sup> meeting to start a dialogue.

Site Visits: The Commission will do a site inspection on July 22, 2013 at 10 a.m.

Mike Toomey spoke about the Mass Congress of Lakes and Ponds (COLAP) satellite imagery and how it is used to verify nutrient levels in lakes and ponds. COLAP wants to get more Conservation Commissions involved. Mr. Toomey asked if the Commission would offer a letter of support for a 319 Grant. The Commission said they would issue a letter supporting the grant. If Mr. Toomey applies for a grant that the Commission agrees with, they will endorse the grant.

**195 Charlton Road:** Ms. Washburn said Mr. Laliberte submitted an email from EPA acknowledging receipt of his NOI for a NPDES permit. He purchased the four permanent wetland markers he needs to place along the driveway and scheduled an ESC inspection. Ms. Washburn inspected on July 3<sup>rd</sup>. She reported that there was no DEP sign. She did re-inspect when the DEP sign was put up. She has no issues except that the stakes needed to be driven deeper into the ground to attach the hay bales firmly. Mr. Laliberte agreed to do that. Ms. Washburn said she gave permission to start work.

**Permanent Wetland Marker Signs:** Ms. Washburn suggested adding some language to the generic conditions template specifying the minimum and maximum heights at which the markers should be displayed. She said on a recent visit to 195 Charlton Road, the markers were screwed onto short lengths of plastic pipe and were less than a foot tall, barely visible already in tall grass. Ms. Washburn suggested that a height between three and five feet might be more suitable. The Commission agreed.

**O’Gara Park:** Ms. Washburn said only one pile of fill has been removed from near the stream. The other piles remain. Ms. Washburn said she met with the Parks and Recreation Department on July 9<sup>th</sup>. They said they would have the fill moved out of the buffer zone by July 31<sup>st</sup>.

**22 Treadwell Drive:** The Commission discussed draft special conditions for the Order of Conditions. *A motion to approve the draft Special Order of Conditions (Snow/Emerson) passed 4/0.*

**22 Podunk Pike:** The Commission discussed the draft special conditions for the Order of Conditions.

The Planning Board will discuss the project next on July 16.

A site investigation was conducted on 6/17/13 by Ms. McLaughlin, Mr. Reed and Mr. Snow. The site inspection report noted that at one point, the work is approximately 20 feet from the wetland flags. The applicant has agreed to put up wetland marker signs in the areas Ms. Washburn requested to have marked, where work is about 20 feet or so from wetlands. These flag numbers are listed in the Special Orders. The applicant has agreed to certify the vernal pool within three months after the start of the 2014 vernal pool species breeding season, also addressed as a Special Order.

The DEP commented:

“Snow storage areas should be designated so as to prevent short-circuiting of meltwater around stormwater BMPs. Were there any other Low Impact Development (LID) measures considered that could be incorporated into the stormwater design to improve water quality?”

Regarding snow storage, Dan Feeney e-mailed this to Ms. Washburn today: “Sand helps with the traction in snow and ice conditions, but does not melt the ice. Salt (sodium chloride) is used to melt the ice and is necessary for safety. The Facility currently uses an 88% sand and 12% salt mix which is what we propose to use in the new vehicle bay area. The snow storage area is located adjacent to the existing stormwater basin that is being enlarged along the south side of the expansion area. The snow storage area will drain into this basin which addresses the DEP comment. Also, this basin does not discharge into the vernal pool, but rather to the east along the property line with the Diversified Project site.”

Regarding LID Techniques, Dan Feeney e-mailed this to Ms. Washburn today: “The other DEP comment was a question on whether other LID measures could be incorporated into the stormwater design. We are big proponents of using LID Stormwater techniques for appropriate developments. The proposed vehicle bay expansion consists of substantial paved areas on sloping topography. The best way to collect, treat, and convey the stormwater is with a conventional curb and catch basin design. We have incorporated numerous BMP's such as deep sump hooded catch basins, sediment forebays, infiltration basins, proprietary water quality structure, wet basin, and subsurface infiltration structure to treat and mitigate proposed stormwater discharge. By trying to introduce bioretention areas, vegetated filter strips, or other LID measures will result in additional land disturbance and the potential for erosion. A significant opportunity for LID measures exist on a lot of projects by using drywells and rain gardens for clean roof runoff. We do not have any proposed buildings for this project so it is not applicable.”

**Gale Drive:** *A motion to reject the right of first refusal for Kurt Nordquist (Emerson/Reed) passed 4/0.*

**Sugden Reservoir:** Ms. Washburn said the reservoir was treated. Ms. McLaughlin said she was never notified. She didn't see any postings anywhere. Ms. Washburn will ask Lee Jarvis if a reverse 911 call goes out to residents when the lake will be treated.

New Applications: 12 Bond Street, RDA  
116 Ash Street, RDA  
97 Lakeshore Drive, RDA  
62 Thompson Pond Road, NOI

*A motion to adjourn the meeting at 9:47 p.m. (Snow/Emerson) passed 4/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 7/10/13 Spencer Conservation Commission meeting:

Agenda for the 7/10/13 meeting  
Minutes from the 6/12/13 Spencer Conservation Commission meeting  
Minutes from the 6/26/13 Spencer Conservation Commission meeting  
Margaret's report dated 7/10/13  
Enforcement Order for 90 South Spencer Road (ratified)  
Negative Determination for 123 Wilson Avenue (Steven Blake), signed  
Negative Determination for 69 West Main Street (Waste Water Treatment Facility), signed  
Negative Determination for 116 Charlton Road (James Barnett), signed  
Negative Determination for 40 Point Eastalee Drive (Paul Dansereau), signed  
Certificate of Compliance for 43 Oakland Drive (Joann McGinn), signed  
Order of Conditions for 1 Tom Casey Road (John Kennedy), signed  
Memo from Michelle Buck re: Timing of Conservation Commission approvals  
Letter from Lycott Environmental dated 5/29/13 re: herbicide treatment of Lake Whittemore  
Letter from Lycott Environmental dated 6/27/13 re: herbicide treatment of Sugden Reservoir  
Letter from Lycott Environmental dated 6/19/13 re: herbicide treatment of Thompson Pond  
Letter from Lycott Environmental dated 7/3/13 re: herbicide treatment of Thompson Pond  
Letter from FEMA dated 6/11/13 re: 9 Lake Avenue  
Letter from Kurt Nordquist re: removal of one lot on Gale Drive from the Chapter 61A program  
File for 28 Briarcliff Lane re: complaint about #13 and #26 Briarcliff Lane  
Continuance request for New England Automotive Gateway Expansion, Phase 1 (signed)