

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, November 12, 2014 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Warren Snow, Dana Reed, Margaret Emerson, John Haverty, Eric Peterson

Commissioners Absent: James Bouley

Staff present: Margaret Washburn

Minutes Approved: October 8, 2014 – *A motion to approve the minutes as amended (Snow/Emerson) passed 6/0.*
October 22, 2014 – Tabled to December 10, 2014

Signed: 91 Wilson Avenue, Order of Conditions

7:16 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Susan Sabacinski

Property: 78 Donnelly Road, Spencer, MA DEP#293-839

Mr. Art Allen submitted two copies of the revised plan to the Commission. He explained the plan to the Commission. Mr. Allen said there will be a garden in an area outside the buffer zone. Mr. Snow asked how wide the bridge will be. Mr. Allen said the bridge will be five feet wide. Ms. Washburn asked how many square feet of clearing was done at the lake. Mr. Allen said he wasn't sure but will provide the square footage to the Commission when he finds out. Ms. Washburn said if the equipment to remove the trees is hydraulic, a boom must be used. If there is ice, the boom needs to be placed on the ice. Mr. Allen would like to do the work while the lake is frozen. The trees will be dropped onto the ice.

Mr. Allen said the proposed bridge will span the Bank. The one to two inches of wood chips will not enter the lake. They will be placed above the Bank. Mr. Allen said there are trees and bushes on the Bank now that will be clipped/cut without disturbing the Bank. He said the dock will be pulled out by an ATV in the winter and will be stored in the cleared area.

The Commission will do a site visit on Wednesday, December 3rd at 10 a.m. *At the request of the applicant, the hearing has been continued to December 10, 2014.*

7:40 p.m. Opened the Public Hearing for Abbreviated Notice of Resource Area Delineation for Christopher Heffernan

Property: 74 Donnelly Road, Spencer, MA DEP#293-

At the request of the applicant, the hearing has been continued to December 10, 2014.

7:43 p.m. Opened the Public Meeting for Request for Determination of Applicability for Robert Ceppi

Property: 15 Marble Road, Spencer, MA

The public meeting has been continued to December 10, 2014.

Other Business:

22 Longview Drive: *A motion to issue a Certificate of Compliance (Emerson/Reed) passed 6/0.*

22 Podunk Pike - Diversified Automotive: Ms. Washburn said she received notification that minor modifications were made during construction of the truck maintenance facility. The revised site plan and letter from Beals & Thomas dated 10/30/14 are available for the Commission's review. The design modifications do not seem to have any wetlands impacts. Ms. Washburn inspected on 11/4/14. The building has been framed, the septic system and drainage system are under construction, the basin closest to the river is partially constructed, and the loam is being spread on the side slopes. There are no issues at this time.

Camp Marshall logging: Fran Gibbons, Sandy Snow, and Ellen Sousa were present. Ms. Washburn received a complaint from Ms. Gibbons about wetlands filled along the MidState Trail on the 4H-Camp Marshall property at 92 McCormick Road. A number of people also complained to Common Ground Land Trust. Ms. Washburn said there is a forest cutting plan (FCP) on file for 20 McCormick Road, not 92 McCormick Road. Ms. Washburn called Hull Forest Products. They said the FCP had recently been modified to include the Camp Marshall property as an access point for 20 McCormick Road, and that the modifications had already been approved by DCR. Ms. Washburn said she did not receive a copy of the amended FCP until this afternoon.

Ms. Washburn said the main concern is that a small amount of wetlands have been filled and at this point; the amount of fill could be removed using hand tools. Along the vast majority of the filled section of trail, there are no sediment controls and those that are there are probably going to be inadequate once very heavy trucks carrying logs cause ruts, especially if it rains. Mr. Peterson (who is employed by DCR) said he agrees that the WPA does apply to 92 McCormick Road because they do not have a FCP. Mr. Snow said a Notice of Violation should be issued to the camp instructing them to install staked hay bales along the impacted wetlands, and file a Notice of Intent by the December

deadline for the January meeting. A Notice of Violation will also be issued to Hull Forest Products.

0 Woodbine Terrace: Ms. Washburn said that DEP issued a letter to Ms. Petrozzi. The letter told her to contact the Commission as soon as she opened it, but she has failed to do so. Lee Jarvis went to court on November 5th with a packet that Ms. Washburn prepared for him for this case. We received a Notice of Arraignment for December 3, 2014 at 9 a.m. at Worcester Housing Court. Ms. Washburn said she issued another NOV today to Ms. Petrozzi instructing her to install hay bales along the boat launch, submit a remediation plan showing the sand being removed from the boat launch and sediment and sand being removed from Thompson Pond. Ms. Washburn also issued a \$300 fine to Ms. Petrozzi.

144 Mechanic Street: A second site visit will be done on December 9th at 10 a.m.

Site Visits: The Commission will do site visits on December 8th at 1 p.m.

New Applications: Browning Pond Road, NOI, BSOA
 460 Main Street, RDA, Ahearn Equipment
 9 West Avenue, NOI, Nelson
 68 Chickering Road, NOI, Harvey

A motion to adjourn the meeting at 8:28 p.m. (Snow/Peterson) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 11/12/14 Spencer Conservation Commission meeting:

Agenda for the 11/12/14 meeting
Margaret's report dated 11/12/14
Minutes from the October 8, 2014 CC meeting
Order of Conditions for 91 Wilson Avenue (signed)
Certificate of Compliance for 22 Longview Drive (signed)
Continuance form for 78 Donnelly Road (signed)
Continuance form for 74 Donnelly Road (signed)
Continuance form for 15 Marble Road (signed)
Revised site plan for 78 Donnelly Road
Violation file for 92 McCormick Road
Photographs submitted by Fran Gibbons for 92 McCormick Road
Letter from Beals & Thomas dated 10/30/14 for the 22 Podunk Pike Truck Maintenance Facility
Revised Grading Sketch dated 10/29/14 for the 22 Podunk Pike Truck Maintenance Facility
Notice of Arraignment from Commonwealth of Massachusetts Housing Court re: 0 Woodbine Terrace - Sara Petrozzi