

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, December 14, 2011, at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7:01 P.M.

Commissioners Present: Ernie Grimes (Chairman), Judy Lochner, Mary McLaughlin, Dana Reed, Warren Snow, Ram Moennsad

Staff present: Margaret Washburn

Minutes Approved: November 9, 2011 – *A motion to approve the Minutes as amended (Snow/Moennsad) passed 5/0.*

7:18 p.m. Opened the Public Hearing for Notice of Intent for Carol Baker Property: 47 Wilson Avenue, Spencer, MA DEP#293-0765

Jason Dubois, Bertin Engineering, presented the plan for a new septic system. The property is located right on the water. There is a right-of-way (ROW) that goes between the house and the garage. The existing system is in failure. A perc test was done. The property is so tight that there is no other place to put the system except the location that is approximately 8 feet from the water. The tank is a waste water treatment system all in itself. By having that tank, it allows for a 50% reduction in the size of the system. The tank treats the water to almost drinkable water quality standards. Board of Health approval was given (with local upgrade approvals for the tank to be less than 50 feet from a wetland, less than 100 feet from a well, and less than 10 feet from the foundation). Hay bales and silt fence will be placed across the top of the retaining wall alongside the shoreline and a boom will be placed in the water 40 feet from the machines.

A motion to close the public hearing (Moennsad/Snow) passed 6/0.

The proposed conditions are as follows:

- Hydraulic boom 40 feet from equipment
- Hay bales and silt fence installed
- Follow the plan

A motion to accept plan as submitted with conditions as discussed (Snow/Moennsad) passed 6/0, Order of Conditions to be issued.

Other Business:

115 Wilson Street: Roy Smith, Civil Engineer from R.J. O'Connell & Associates, came before the Commission for an informal hearing to introduce a potential renewable energy project on 65 acres of land at 115 Wilson Street. The environmental consultant has been in touch with Ms. Washburn to schedule a site walk of the property. They would like a site walk done with Ms. Washburn before they file for the permits. They will pay the filing fee before the walk is done but they cannot submit the ANRAD because they do not have the topographic map. Mr. Grimes suggested that they submit the ANRAD and then submit the topographic map when it is done. Mr. Smith wants to get the site walk done before any snow. A third party reviewer will be hired for the project. Ms. Washburn will send the project to three reviewers for bids.

Spencer Abbey Dam: Ron Michalski from Tighe & Bond was before the Commission on behalf of St. Joseph's Abbey. The spillway at the St. Joseph's Abbey dam needs to be grouted. Mr. Michalski submitted and read from the Lac Marie Dam Reconstruction Summary Information packet. Mr. Reed asked what type of materials will be used in the grouting. Mr. Michalski said it will be a liquid concrete that forms very quickly once it gets into the cavity and cold water. The grouting is tentatively scheduled for next Monday. Ms. Washburn said the grouting is new work that was not included in the Notice of Intent. Mr. Michalski said the grouting is being done to stop the leakage. Mr. Moennsad asked when the grouting is complete, will the leak be stopped completely. Mr. Michalski said the leakage will not be mitigated 100% because a dam is going to have water that weeps through the soil and reaches the downstream drains. It was indicated to the contractor that more work may need to be done than what is proposed.

Mr. Michalski said no plans were submitted because they believed this project would be a continuation of the construction work to complete the project. The water level will be lowered for this project so the spillway doesn't have water flowing over the dam. Ms. Lochner asked how low the water needs to be. Mr. Michalski said the water needs to be two or three inches below the concrete lip, which is 8 – 12 inches of water. Mr. Grimes asked what will be installed downstream for erosion control. Mr. Michalski said there is no plan for erosion control because there is no physical excavation that is taking place. Ms. Washburn said even though there is no plan for digging, there is still reason for concern about erosion downstream. There are two endangered species of mussels living there. Ms. Washburn spoke with Natural Heritage and they would like to see revised site plans and/or a narrative about the revision of the work. Mr. Michalski said most endangered species are in hibernation and burrowed into the soils. They won't be impacted by water flows. The water flow will continue. They do not anticipate any sediment or construction material entering the water because the contractor will be working over a concrete slab. Mr. Michalski said work will not proceed until NHESP replies that the work can proceed without any more of their involvement and that reply is forwarded to the Commission. Mr. Michalski will tell the contractors to hold off on the work until the Commission does a site visit to go over the work details.

Ms. Washburn suggested a pre-construction meeting with the contractor and the environmental monitor. The Commission agreed. Ms. Washburn will get the contact information and set up a meeting. Ms. Washburn will copy the Commission when she receives the emails from Mr. Michalski.

109 Wilson Avenue: Paul Schold said the owners want to put in a concrete pier attached to their dock. There will be footings and 3 walls that will be 4 feet high. Mr. Grimes said they cannot do that because it is considered filling the lake. He said by putting a concrete pier into the water, you are taking away from the lake. Ms. Lochner suggested a temporary dock that can be put in and taken out of the water. Ms. Washburn said floating docks are also allowed.

William Casey Estates: Attorney Phil Stoddard said when he started the project, there were no wetland issues. There was a river within 200 feet of the work; therefore, he applied for an Order of Conditions. The Order was issued and recorded. There have been some problems with the anti-tracking pad which will be repaired. They are also going to stabilize the disturbed area. Ms. Washburn said this all started with a complaint about dirt in the road. Eben Butler told Mr. Jennings employees to sweep the road. There was sediment on the road at both exits. The sediment from the exit on the right extended several hundred yards down the road towards Jolicoeur Road. The exit on the left needs to have an anti-tracking pad installed as soon as possible. Mr. Stoddard and Mr. Jennings are willing to maintain the area and do whatever the Commission wants them to do.

Ms. Washburn said the Commission did a site visit and they would like only one exit to be used. Mr. Jennings said they will use the exit on the left once the exit on the right is cleaned and stabilized. Mr. Grimes said there needs to be a time frame of when they can get the exit stabilized. Mr. Stoddard said nothing will be taken out until the scrubbing tire system is in place. The following conditions will be completed by January 11, 2012:

- only one exit in use and the anti-tracking pad installed and maintained
- all sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately
- all work shall be limited to one lot at a time
- DEP numbers must be posted clearly and maintained
- All other Conditions as listed in the Order of Conditions

Mr. Stoddard said there has been no more than an acre of disturbance on the lots; therefore, he does not need to do a Stormwater Management Plan. Mr. Grimes said he believes more than one acre has been disturbed. Ms. Washburn printed out the Stormwater Management Plan regulations and gave them to Mr. Stoddard and Mr. Jennings. Mr. Stoddard said if more than an acre has been disturbed, he will have a Stormwater Management Plan done.

Tax Receivable Properties: Mr. Snow commented on 25 Kingsbury Road. He thinks it could be a link to Spencer State Forest down by R. Jones Road and across to the Audubon land. Ms. Washburn said it could serve as a corridor. Mr. Grimes said he would keep the

Cranberry Meadow Road property as well. The Commission agreed to hold on to both properties, R25-16 and R25-38.

54 McCormick Road: Ms. Washburn inspected the property in preparation for a septic repair to be done in the spring. She recommended filing an RDA.

Depot Trail: The Commission scheduled a volunteer day to clean all the trees off the trail. The Commission decided on Saturday, January 7, 2012 at 8 a.m. Ms. Washburn will contact the Snowbirds and let them know the date of the cleanup. Ms. Washburn will also contact Artie Williamson and David Bercume.

76 East Charlton Road: Carol Kurland called Ms. Washburn to ask how to make sure her farm never gets developed. Ms. Washburn gave her the contact information for the APR Program and Charlie Wyman of MA Audubon.

North Spencer Road: Ms. Washburn received a complaint about dirt in the road. Ms. Washburn did a site visit on December 14th. She took photos and called DCR Forester, Doug Hutcheson, (the person who prepared the forest cutting plan) Kurt Leslie, and logger Raymond Sawyer. She told them no more vehicles are to leave the site until an anti-tracking stone is installed and the road must be swept on December 15th.

93 Lakeshore Drive: Ms. Washburn inspected on December 14th in response to a complaint about junk near Thompson Pond. She met with Mr. John Kelly. Mr. Kelly is renovating the house. There is a large amount of construction debris within 100 feet of the pond, including insulation. Mr. Kelly expressed interest in burning some of it. Mr. Grimes said he cannot burn construction debris. Ms. Washburn said Notices of Violations have been sent to Mr. Kelly before. Mr. Grimes said to issue an Enforcement Order for doing activities within 100 feet of the pond without an Order of Conditions. He must install ESC immediately; he must remove all said garbage/demolition materials from the property, no burning allowed; Mr. Kelly must have a plan drawn up of what he plans to do with the property.

Zukas Farm: Ms. Washburn said while she was inspecting the Meadow Road sewer pump station on November 30th, she looked across the meadow and noticed dark brown material stockpiled very close to the meadow on the other side. On December 11th, she called Jeff Zukas. He said the topsoil is stockpiled approximately 150 feet away from the edge of the wetlands/riverfront area in an area formerly used as a gravel pit. He also said he uses it to fill in holes on the farm. He said there is no ESC between the fill and the wetlands/riverfront area. Mr. Grimes told Ms. Washburn she needs to get permission to go out to the site.

Conflict of Interest Meeting: Ms. Washburn told the Commission that Mr. Jarvis would like the Commission to attend this meeting on January 11, 2012 at 3 p.m. The Commission has already signed the Conflict of Interest paperwork and they do not think they should have to attend. Mr. Reed will attend the meeting.

Flexcon: Kim Bercume, David Bercume's wife, gave a plan to Ms. Washburn for snow storage. Ms. Bercume asked if Ms. Washburn could show the Commission the plan to make sure the area will be acceptable for snow storage. The area is more than 100 feet away from the wetlands. The Commission agreed the plan is fine.

New Applications: None

A motion to adjourn the meeting at 10:06 p.m. (Snow/McLaughlin) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

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

Agenda for 12/14/11 meeting.

Minutes from 11/9/11 meeting.

Margaret's report dated 11/14/11.

File for 47 Wilson Ave. septic upgrade, and new site plans submitted on 12/14/11 by Bertin Engineering for the same property.

File for Lac Marie Dam repair, St. Joseph's Abbey. Narrative packets and stamped and signed plans for same submitted by Tighe & Bond on 12/14/11.

Letter from Lycott Environmental re: herbiciding Lake Whittemore, dated 11/18/11.

Letter from Lycott Environmental re: herbiciding Thompson Pond, dated 11/15/11.

Letter from EcoTec, Inc. Re: snow storage at Flexcon dated 12/5/11.

List of the receivables of 2010 tax titles from Mary Barrell dated 10/18/11, and assessor's maps of the parcels.

Guidance for NPDES Stormwater Pollution Prevention Plan document prepared by Steve Tyler and Margaret Washburn.

Files for 4 Jolicoeur Ave. and 84/86 Cranberry Meadow Rd. (re: Wm. Casey Estates NOV)

Sketch of proposed concrete pier at 109 Wilson Ave. submitted by Paul Schold.