

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, August 10, 2011 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7:09 p.m.

Commissioners Present: Judy Lochner (Chairman), Dana Reed, Ram Moennsad, Mary McLaughlin (arrived at 7:13 p.m.)

Commissioners Absent: Ernie Grimes, Warren Snow

Staff present: Margaret Washburn

Minutes Approved: July 27, 2011 – *A motion to accept the Minutes as amended (Moennsad/Reed) passed 4/0.*

Signed: Re-sign Lot 1, Terkanian Drive; Certificate of Compliance

7:15 p.m. Opened the Public Hearing for Request for Determination of Applicability for Ronald Dionne, P.E.

Property: Route 49, Spencer, MA

William Clougherty, Mass DOT Highway Division, was present to discuss maintenance activity along Route 49. Routine maintenance will be performed and resurfacing of the roadway. Mr. Clougherty said that DEP has named the Seven Mile River as an impaired water body. As such, Mass DOT is going to make drainage improvements in those areas. Mr. Clougherty explained the plan to the Commission. Straw wattles will be used as opposed to hay bales. The straw wattles are bio-degradable. They do not need to be removed.

The current catch basins will be replaced with deeper sump catch basins, four to six feet in depth. The diameter of the catch basins may go from four feet to six feet. Another proposed improvement will be changing a 150-foot linear paved waterway to a riprap lined waterway. The existing paved waterway runs right to the river. The pipes from the catch basins to the conveyance will be replaced also. The flared ends of the pipes are now paved. The pavement will be replaced with stone. All material will be immediately taken away from the work site. Mr. Moennsad asked how many miles is the roadwork. Mr. Clougherty said 1.2 miles in the Town of Spencer.

Ms. Lochner asked if the catch basin work is in the narrative of the RDA. Mr. Clougherty said he was not sure. The Commission looked at the RDA. The catch basin work is not mentioned in the RDA.

A motion to close the public hearing (Moennsad/McLaughlin) passed 4/0.

The proposed conditions are as follows:

- Details of the sumps, rip rap, and catch basins to be provided.
- Hay bales/silt fence on plans need to be changed to straw wattles.

A motion for a Negative Determination with conditions as discussed (Reed/Moennsad) passed 4/0.

8:00 p.m. Opened the Public Hearing for Notice of Intent for John Knight

Property: 45 Washburn Drive, Spencer, MA DEP#293-0760

Mr. Richard Gobi, representative for John Knight, said the project is to remove the garage and camp closest to the water, then construction of a new home within the buffer zone. A new septic system and well will be installed. The well is outside the buffer zone. Mr. Gobi would like to use hay bales and silt fence instead of the mulch tubes that are on the plan. While using the driveway, the hay bales and silt fence can be moved easier when vehicles are in and out. The site is relatively flat and is all gravel. The Board of Health has approved the septic system. There are two pine trees that will be taken down. The stock piles will be kept outside the 100 foot buffer zone. Ms. Lochner informed Mr. Gobi if there is any hydraulic equipment within 40 feet of the water, a boom must be installed.

A motion to close the public hearing (Moennsad/McLaughlin) passed 4/0.

A motion to issue an Order of Conditions with standard conditions (McLaughlin/Moennsad) passed 4/0.

Other Business:

158 Greenville Street: On August 2nd, Mr. Grimes, Ms. Lochner, Mr. Moennsad, Mr. Reed, and Ms. Washburn conducted a site inspection. They met with Nelson Labelle and Laurie Dick, who assists Mr. Labelle with legal matters. Ms. Dick said that four dumpsters of trash have been removed. Mr. Labelle said that two trailers have been removed. Ms. Dick will request a letter from Glen Krevosky regarding the state of the replication area, which looked acceptable. The debris needs to be removed from the pond. The metal and plywood need to be removed from the stream between the pond and the marsh. ATV's must cease driving beyond the house and areas disturbed by ATV's must be allowed to grow vegetation. Mr. Labelle agreed to loam and seed the leachfield and septic tank and the areas where the trailers were removed, and to do all other work requested. He said he was going to place some boulders near the house to prevent ATV's and other vehicles from driving beyond the house. There are chains with a padlock and no trespassing signs at the abutting property owned by Frederick and Georgette Chesanek. Ms. Washburn called the Chesaneks to ask them to attend the site inspection but they declined. Ms. Dick was informed that Mr. Labelle should apply for a Certificate

of Compliance after all work has been completed. Ms. Washburn took photographs and Ms. Dick signed and received a copy of the site inspection report.

Chickering Road culvert: On August 4th, Eben Butler informed Ms. Washburn that he is not comfortable with removing the window screen from the culvert. On August 8th, Ms. Washburn inspected the site and took one photograph. Someone has added a wooden frame to the screen and changed the ropes holding it against the culvert. The screen now appears to be deeper in the water than it was on Ms. Washburn's inspection of July 11th. Ms. Lochner suggested to Ms. Washburn to email Phil Nadeau at DEP and ask him to call Eben or send a letter and tell him it is okay to remove the screen.

4-H Camp Logging: On August 8th, Ms. Washburn called the Service Forester, Doug Hutcheson, about the logging. He said he would drive by on August 9th to verify whether a forest cutting plan should have been generated for the subject property. No forest cutting plan was submitted for the subject property.

17 Shady Drive: Ms. Washburn said Bonnie Mitchner came in to the office and asked for help filling out a Notice of Intent application. Part of the proposed work includes repairing an existing stone retaining wall at the water's edge (bank). It is proposed to repair one existing staircase in the wall and to construct a new additional second staircase in the wall. The second staircase will not extend beyond the existing wall. Ms. Washburn was seeking clarification from the Commission regarding Section B.2.a on page 2/8 in the NOI as to the size of the proposed alteration to the bank. The Commission advised Ms. Washburn that she should put zero feet for proposed alteration size to the bank.

54 Smithville Road: On August 2nd, Ms. Washburn met with Travis Reilly at the site to conduct an inspection. She took photographs for the Commission to review. Mr. Reilly has moved the fence further away from the stream. He has sold his two cows and now has only one calf in the barn. He stated that he no longer has any intention of letting the livestock have any access to the stream or the land on the other side of the stream. Ms. Washburn checked the other side of the stream where he cut vegetation for proposed fencing. The vegetation on the other side of the stream is growing back. The area where Mr. Reilly removed multiflora rose is growing back herbaceous vegetation. He said he would try to remove all the debris away from the stream by September 1, 2011 including old beams from a portion of the barn that were placed there before he bought the property. Ms. Washburn says that if he can meet the deadline of September 1st, the soil seed bank should provide sufficient seeds for vegetation to become re-established. If soil is still exposed on November 1st, he could add some straw mulch to cover bare soil for the winter. Mr. Reilly will continue to remove debris in the meantime.

59 Donnelly Road: On August 2nd, Ms. Washburn inspected the work done on the driveway and took photos. Three water bars were installed using riprap. They are designed to allow fines to settle out of the runoff. The fourth water bar, closest to the cell tower, is constructed of soil with no riprap. Ms. Washburn returned to inspect the site on August 8th due to approximately three inches of rain that fell on Sunday, August 7th. No

sediment appeared to have washed into the road or the town drainage system. Mark Couch, of CZ General Contracting, called to ask for a letter or email stating that the Commission is satisfied with the work so that he can get paid. Ms. Washburn recommends writing such a letter. The Commission gave Ms. Washburn permission to write the letter.

28 Jolicoeur Avenue: On August 1st, Ms. Washburn inspected the site with John Kennedy. He installed the anti-tracking pad 79 feet up the driveway. It is composed of 1 ½ inch stone. Double staked hay bales and silt fence have been installed. The soil has been removed from the road and the property across the street. Ms. Washburn took photographs. She also returned to inspect the site on August 8th due to approximately three inches of rain that fell on Sunday, August 7th. Ms. Washburn met with Mr. Kennedy. He said he was there on August 7th from 10am until 1pm and that a little dirt had washed into the road. He had swept the road by the time Ms. Washburn had got there. Ms. Washburn took one photo of the sandbags and hay he put across the road at the top of the neighbor's driveway. Mr. Kennedy seems to want to cooperate but the ESC does not seem to be sufficient. We discussed putting a berm across the crest of the driveway. Mr. Kennedy said most of the dirt is coming from up there. He said that some of the anti-tracking pad washed down hill and that he wanted to dig a 16" deep hole where the hay bales are. Ms. Washburn expressed concern that it could turn into a mud puddle and increase the dirt washing into the road. Ms. Washburn advised him to entrench the silt fence with more soil. On August 10th, Ms. Washburn called Mr. Kennedy and recommended that he install a temporary sediment trap like the one at the cell tower driveway gate (59 Donnelly Road), which consists of an eight inch deep trench, two feet wide, across the width of the driveway towards the bottom of the hill. This is working extremely well at the cell tower driveway. Ms. Washburn will do a site visit tomorrow morning at 9am.

Deer Run Phase II: The Town Planner had requested that Ms. Washburn prepare a list of comments regarding the Application for Revised Definitive Plan for Subdivision for Deer Run Phase II submitted by Andrews Survey and Engineering. The Commission reviewed Ms. Washburn's comments and made a suggestion to move the section on the outstanding enforcement order to the beginning of the list of comments.

Lake Street Extension: Ms. McLaughlin had seen Alan Simakauskas and he had requested an inspection of the erosion and sediment controls that he had installed on his property at 35 Lake Street Extension. Ms. Washburn said she would call Mr. Simakauskas.

Site Visits: The Commission will do their site visit on Tuesday, August 16 at 5:00 pm; meet at the Town Hall.

Ms. Lochner and Mr. Moennsad will not be at the August 24th meeting. Ms. McLaughlin was not sure whether she could be at the August 24th meeting. She will call if she cannot attend.

New Applications:

A motion to adjourn the meeting at 9:10 p.m. (Moennsad/Reed) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services