

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, October 10, 2012 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, Ram Moennsad, Margaret Emerson

Staff present: Margaret Washburn

Minutes Approved: September 12, 2012 – *A motion to approve the minutes as amended (Moennsad/Snow) passed 6/0.*
September 26, 2012 – Tabled until October 24, 2012

Signed: 31 Lake Avenue, Order of Conditions

7:24 p.m. Continuation of the Public Hearing for Notice of Intent for Diversified Automotive, Inc.

Property: Podunk Highway (Route 49), Spencer, MA DEP#293-0779

At the applicant's request, the hearing has been continued to November 14, 2012.

7:27 p.m. Opened the Public Meeting for Request for Determination of Applicability for Mary Ann Houston

Property: 22 Shore Drive, Spencer, MA

Richard Potvin, the contractor, said the project is to construct a second story addition. The addition will be on a sonotube foundation. The tubes will be dug by hand. There will be no heavy equipment used. The excavated soil will be covered with tarps. The sonotubes are 50 feet from the lake.

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

A motion for a Negative Determination (Moennsad/Snow) passed 6/0.

The proposed conditions are as follows:

- All excavated material must be covered and placed under the house.

7:33 p.m. Opened the Public Meeting for Request for Determination of Applicability for Dean Chaffe

Property: 4 Wilson Street, Spencer, MA

Mr. Chaffe said there are three parts to this project. Three trees need to be removed from the river bank. He is concerned the trees will fall on the house with winter storms coming. The stumps will not be taken out. No heavy equipment will be used in the river. Mr. Chaffe said he also wants to install a 3 x 5 foot generator pad next to the driveway between the deck and the driveway. Lastly, in the spring, he would like to repave the driveways and the walkways. Mr. Grimes asked if the whole driveway will be torn apart. Mr. Chaffe said he would like to just put asphalt over the existing driveway. No erosion controls are needed as long as the driveways are not torn apart. The Commission has no issues with this project.

A motion to close the public meeting (Moennsad/McLaughlin) passed 6/0.

A motion for a Negative Determination (Snow/Moennsad) passed 6/0.

7:46 p.m. Opened the Public Meeting for Request for Determination of Applicability for Travis Soulor

Property: 35 Northwest Road, Spencer, MA

Chris Garieri, from Ideal Pools, got a building permit about a month ago. The project is to install an in-ground pool. Hay bales and silt fence have been installed. Mr. Garieri drew the stockpile and grading on the plan. Mr. Garieri will cover the stockpiles. Mr. Grimes wants the stockpiles as far away from the stream as possible. Ms. Washburn asked that the hay bales and silt fence remain in place until the spring when the grass has grown back. Mr. Grimes said he would like the grass mowed a couple times to make sure the grass is established before calling for a Certificate of Compliance inspection.

A motion to close the public meeting (Snow/McLaughlin) passed 6/0.

A motion for a Negative Determination (McLaughlin/Snow) passed 6/0.

7:54 p.m. Opened the Public Hearing for Notice of Intent for Gail Choiniere

Property: 24 Chickering Road, Spencer, MA DEP#293-0781

Mike Andrade, from Graves Engineering, said EcoTec has identified the resource areas. The project is to reconstruct a portion of a retaining wall/rip rap slope that is in a state of disrepair. Seventy feet of the wall will be replaced. The wall will be mortared with a foundation. The footing will be dug down approximately four feet below grade. The new wall will be more structurally sound. The work will be done during draw down. Mr. Andrade will revise the plan and add the hydraulic boom.

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

The conditions are as follows:

- A revised plan must be submitted showing the hydraulic boom
- Call seven days before inspection is needed.

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

8:05 p.m. Opened the Public Meeting for Request for Determination of Applicability for Jody Bolafka

Property: 24 Laurel Lane, Spencer, MA

Ms. Bolafka said she would like to put in some short retaining walls with gardens behind them. She would like to install steps with landscaping timbers. Ms. Bolafka revised the sketch showing brick patios, walkways, and more landscape timbers with loam to be added. She would also like to construct a gazebo. The gazebo will be 10 feet from the property line. No heavy equipment will be used. The gazebo will be built by hand. Mr. Grimes asked how far all the work is from the lake. Ms. Bolafka said the work is 22 feet from the hay bales. Ms. Washburn requested that the hay bales remain in place until the spring when everything is stabilized. Then call for an inspection.

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

A motion for a Negative Determination (Moennsad/Reed) passed 6/0.

Other Business:

67 Jolicoeur Avenue: (Ms. McLaughlin recused herself) James Bouley, owner, has requested a Certificate of Compliance. The Commission did a site visit on October 7th. Mr. Snow read the inspection report. *A motion to issue a Certificate of Compliance (Snow/Moennsad) passed 5/0.*

89 Smithville Road: The Commission did a site visit on October 3rd. They saw a brush pile that is near the wetlands. The pit area was viewed. No work has been done in the wetlands. The pit is less than 100 feet from the wetland border. Mr. Zukas said they do not intend to dig any deeper. Mr. Grimes said he thinks the berm is a good idea. The berm should be constructed and seeded in the spring. Mr. Snow asked for a plan showing what further excavation will be done. Mr. Grimes said the loam pile needs to be pulled back away from the river as well as the screening plant. Mr. Grimes said the loam pile and the plant must be 100 feet from the BVW. Mr. Zukas said the asphalt pile will be removed this weekend. Mr. Grimes requested that a before sketch and an after sketch be submitted along with the filing of a Request for Determination.

129 Wilson Avenue: Ms. Paquette called Ms. Washburn and asked if she should attend tonight's meeting because Alton Stone is still working on the plan. Ms. Washburn had told her that the last time the Commission discussed the project Mr. Grimes had said that Ms. Paquette may be able to get away with filing an RDA. Ms. Washburn gave Ms. Paquette an RDA package to fill out and file.

175 Paxton Road: Mr. Cutler was told at the 8/22/12 meeting that he had to file a NOI by 9/19/12 to be on tonight's agenda. He failed to do so. Ms. Washburn inspected with Joe Belino from DEP on 10/2/12. Ms. Washburn and Mr. Belino did not see any recent wetland flags on the property. The Commission told Ms. Washburn to issue an Enforcement Order along with a \$100 fine. The Enforcement Order will state that by 10/24/12 they must submit a restoration plan prepared by a professional showing the flags.

183 Paxton Road: Mr. Masterson was told at the 8/22/12 meeting that he had to file a NOI by 9/19/12 to be on tonight's agenda. He failed to do so. Ms. Washburn inspected with Joe Belino from DEP on 10/2/12. They were greeted by Norman Lamothe, Mr. Masterson's father-in-law. Mr. Masterson was not home. Mr. Belino talked to Mr. Masterson on the phone while they were there. Mr. Masterson told Mr. Belino that Mr. Grimes told him he did not have to file until 10/24/12. Mr. Belino told Mr. Masterson that unless he files by 10/24/12, he will have to deal with MA DEP instead of Spencer Conservation. Mr. Grimes said he never spoke with Mr. Masterson.

Ms. Washburn said they saw a few new flags on the edge of the crushed stone where the trailer is. It is not clear whether the consultant checked for hydric soils under the crushed stone. They asked Mr. Lamothe if they could inspect the rest of the flags. Mr. Lamothe would not allow them to inspect the flags.

73 West Main Street: A Certificate of Compliance was requested. Ms. Washburn inspected on 10/2/12. She had no issues. *A motion to issue a Certificate of Compliance (Reed/McLaughlin) passed 6/0.*

70 Browning Pond Road: Ms. Washburn said Mr. Toupin submitted a plan to stabilize the shoreline as he was requested to do. Ms. Washburn read his proposal of work. Mr. Grimes said Mr. Toupin needs to file a RDA. Ms. Washburn will send a letter stating the Commission would like Mr. Toupin to file the RDA by November 7th to be on the November 28th meeting agenda. The Commission also wants to know the height and length of the wall, the distance from the bank, a list of species, and a planting plan.

North Brookfield Road, Chapter 61A: Ms. Washburn said the land belongs to Dorothy Bemis and Kathleen Hayes. Ms. Washburn read the letter from Adam Gaudette. The owners are selling the property and looking to take the 40-foot strip of land out of Chapter 61A. *A motion to release the parcel of property from Chapter 61A (Moennsad/Snow) passed 6/0.* Ms. Washburn will send a letter to Mr. Gaudette.

William Casey Estates Gravel Pit: Ms. Washburn inspected on 10/3. Attorney Stoddard submitted a letter regarding extending the anti-tracking pad over town land. Attorney Stoddard said he would be willing to move the anti-tracking pad further back onto his land if he moves the pile of loam. The Commission told Ms. Washburn to send a letter to Attorney Stoddard stating the gravel pit renewal is contingent upon either of the following two conditions being met:

1. Enter on the left and leave on the right

2. Extend the anti-tracking pad on the left to the edge of Cranberry Meadow Road a minimum of 50 feet into the site. Permission must be obtained from the Town. Angular stone needs to be used for the tracking pad.

30 Bond Street: The Commission did a site visit on 10/9. The fill remains in the buffer adjacent to the wetland. The grass is growing on it. The hay bales are acceptable. Ms. Beauvais filed an RDA without a sketch on 10/10. He will bring in a sketch. *A motion to ratify the Enforcement Order (Snow/Moennsad) passed 6/0.*

10 Lyford Road: On 10/3, Ms. Washburn inspected due to dirt in the road. Mr. Lussier cleaned the road that day and installed an anti-tracking pad as requested. No dirt was observed in the road on 10/10.

17 Shady Drive: Ms. Washburn inspected on 10/2. No silt fence was installed as shown on the plan and hay bales were seriously compromised with silt moving towards the reservoir. The boom was in disarray. Ms. Washburn asked her to fix these and call for a re-inspection before any more work is done. Ms. Washburn re-inspected on 10/10. The hay bales were satisfactory.

115 Wilson Street: On 10/9, Ms. Washburn inspected one wetland flag where wattles were 20 feet too close. This has been corrected. Arrays one and two are being cleared and grubbed. Array three is on hold because of National Grid. Lots of stump grindings were applied to the existing road near the existing wetland crossing. They will have to come out eventually but for now are preventing erosion. There are problems with 4-wheelers and dirt bikes driving in the wetlands. Carl Wilson has not been able to stop the problem. The Commission told Ms. Washburn to tell Mr. Wilson to tell the police about trespassing.

Site Inspection: Ms. Washburn will ask Artie Williamson to walk the Depot Trail with her and Mr. Grimes on Sunday, October 28 at 8 am.

Attendance: Mr. Snow will not be at the October 24th meeting.

New Applications: 63 R. Jones Road, RDA
 40 Point Eastalee, RDA
 26 Laurel Lane, NOI

A motion to adjourn the meeting at 9:50 p.m. (Snow/Moennsad) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 10/10/12 Spencer Conservation Commission meeting:

Agenda for the 10/10/12 meeting.

Margaret's report dated 10/10/12.

Minutes from the 9/12/12 meeting.

Order of Conditions for 31 Lake Avenue (signed)

File and Certificate of Compliance for 67 Jolicoeur Avenue (signed)

Certificate of Compliance for 73 West Main Street (signed)

Continuance form for Diversified Automotive, Route 49 (signed)

RDA file and Negative Determination for 22 Shore Drive (signed)

RDA file and Negative Determination for 4 Wilson Street (signed)

RDA file and Negative Determination for 35 Northwest Road (signed)

New sketch submitted by Christopher Garieri for 35 Northwest Road RDA.

NOI file for 24 Chickering Road

RDA file and Negative Determination for 24 Laurel Lane (signed)

New sketch submitted by Jody Bolafka for 24 Laurel Lane RDA

Letter from Phillip Stoddard dated 10/2/12 re: anti-tracking pad at William Casey Estates

Gravel pit, 86 Cranberry Meadow Road

Email from Steve Tyler dated 10/4/12 re: 131 Greenville Street grading inspection

Email from Beck Gallagher dated 10/4/12 re: CPA seminar on 11/14/12

Document from Commonwealth of MA Land Court re: Town of Spencer vs. Lake

Construction

Letter from Brenda Savoie re: license renewal hearings and list of license holders

Memo from Adam Gaudette re: right of first refusal for 61A property at 66 North

Brookfield Road

Proposal for sand stabilization prepared by William G. Toupin, 70 Browning Pond Road