

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, November 14, 2012 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Ernie Grimes, Mary McLaughlin, Margaret Emerson, Dana Reed, Warren Snow, Ram Moennsad

Staff present: Margaret Washburn

Minutes Approved: October 24, 2012 – Tabled until November 28, 2012

7:16 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Diversified Automotive, Inc.

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

Dan Feeney, Engineer from Beals & Thomas, said the plans have been advanced with the Planning Board. A review letter was received from Graves Engineering that addressed site plan issues as well as storm water issues. Graves Engineering requested additional work. The ground water was higher than anticipated therefore the basin was revised. Graves has reviewed the revisions. They are going before the Zoning Board of Appeals on December 11th. They will go before the Planning Board on December 18th.

At the request of the applicant, the hearing has been continued to January 9, 2013.

7:20 p.m. Opened the Continuation of Public Hearing for Abbreviated Notice of Resource Area Delineation for TransDevelopment Group

Property: 22 Podunk Pike, Spencer, MA DEP#293-0782

John Thomas, Wetland Specialist at Beals & Thomas, said he investigated the wetlands around the site. There was a vernal pool found and other isolated wetlands. Mr. Christopher Lucas and Mr. Tom Liddy, of Lucas Environmental, reviewed the wetland delineations in the field. Mr. Liddy reported the flags are adequate. Ms. Washburn said she did receive a report from Tom Liddy requesting some flag changes. Mr. Thomas said the changes have been made. Lucas Environmental submitted a report stating that the plans had been satisfactorily revised. Ms. Scarlet asked if the vernal pool was evaluated. Mr. Thomas said it was evaluated in the spring of 2011.

A motion to close the public hearing (McLaughlin/Emerson) passed 6/0.

A motion to accept the delineation (Moennsad/Snow) passed 6/0.

7:24 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Richard Barrell

Property: 26 Laurel Lane, Spencer, MA DEP#293-0783

At the request of the applicant, the hearing has been continued to November 28, 2012.

7:25 p.m. Opened the Public Meeting for Request for Determination of Applicability for Joseph Beauvais

Property: 30 Bond Street, Spencer, MA

Ms. Washburn said the fill was supposed to be removed from the buffer zone but it was never done. Mr. Beauvais said approximately eight to ten yards of fill has been spread out. Ms. Washburn said there is still a pile of fill on the border of the wetlands. Ms. Washburn said the grass has grown and the hay bales are installed well. Mr. Beauvais said that Mr. Waterman wrote a letter stating the lot is stabilized and seeded.

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

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

7:40 p.m. Opened the Public Meeting for Request for Determination of Applicability for Albert Sandy

Property: 20 William Casey Road, Spencer, MA

Mr. Sandy would like to construct a garage on his property. The size of the garage will be approximately 30' x 40'. He said depending on his budget, he may not build the garage. He is here tonight to see if he were to build it, will there be any issues with the wetlands. The distance is 31 feet from the back of the proposed garage to the property line. Mr. Reed and Ms. Emerson did a site inspection. Ms. Emerson said the lot slopes towards the back. Mr. Grimes said Mr. Sandy will not disturb the wetlands if he builds the garage. Ms. Washburn said any fill should be spread. If the fill is stockpiled, erosion controls must be installed around the stockpile. Mr. Sandy said he will spread the fill within the area of the hay bales and silt fence. Mr. Grimes said hay bales and silt fence must be installed and to call for an inspection of the erosion controls before the work begins.

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

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

8:04 p.m. Opened the Public Meeting for Request for Determination of Applicability for James Morgan

Property: 7 Woodland Lane, Spencer, MA

Ms. Washburn inspected on 11/5/12. The septic system repair is well planned. Ms. Washburn said there is a problem with sand on the beach eroding into Stiles Reservoir. This problem should be addressed concurrently with addressing the septic repair. Mr. Moennsad said that the sand erosion must be addressed separately from the septic repair. Mr. Grimes told Ms. Washburn to issue a Notice of Violation letter for sand going into the pond. Richard Gobi said the leach field is in the same area where the new septic tank

is being installed. The tank will have a pump chamber attached to it. The closest point of work is 60 feet from the lake. The Board of Health has approved the system.

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

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

8:13 p.m. Opened the Public Hearing for Notice of Intent for William Goodhue Property: 1 Jameson Lane, Spencer, MA DEP#293-0785

Scott Jordan, from EcoTec, represented Mr. Goodhue. Mr. Goodhue constructed a new house in 2009. Mr. Jordan delineated the land in 2009. Opposite from Jameson Lane where the house was built, Mr. Goodhue purchased a 25 foot wide strip of land that goes down to Sugden Reservoir. The only wetlands found in 2009 were on the narrow strip to the reservoir. There is an existing footpath on the strip of land. Mr. Goodhue proposes to stabilize the footpath with crushed gravel to a width of four feet. Approximately 153 linear feet of the path is in the buffer zone. All work will be done by hand. Mr. Goodhue will use his small Kubota to dump small loads of the stone and then will use a wheelbarrow to bring the stone down to the footpath. Mr. Goodhue also proposes to span the BVW with a catwalk and install a dock. He will use the dock material to construct the catwalk. The dock will sit on 8 inch x 12 inch adjustable leveling feet. The dock will be 20 feet long and 4 feet wide. The BVW impact will be 13.4 square feet. There will be no digging in the BVW. The last set of feet will rest on the bank with an impact of 1.3 square feet. Mr. Jordan said this project is allowed under the regulations. Catwalks and docks are considered limited projects under the regulations. The vegetation under the catwalk will be trimmed. The dock is seasonal. It will be taken out in the winter. Mr. Grimes would like to see wattles installed. Mr. Jordan drew the wattles on the plan.

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

A motion to approve the plan as presented (Moennsad/Snow) passed 6/0. Order of Conditions to be issued.

8:37 p.m. Opened the Public Meeting for Request for Determination of Applicability for William Toupin

Property: 70 Browning Pond Road, Spencer, MA

Ms. Washburn said Mr. Toupin had met with her. He had addressed the questions from the previous meeting. Ms. Washburn asked the Commission if they wanted a maintenance plan for the vegetation area as far as annual or bi-annual mowing. Ms. Scarlet said they should just let the re-vegetated area grow and not to mow it. Mr. Toupin said what they are going to order is not going to be bushy. It is just ground cover. Mr. Grimes said Mr. Toupin can pull out any trees if they begin to grow. John Carlson, Mr. Toupin's son-in-law, said the wall may have to be slightly higher than two feet. There will be no equipment used. All work will be done by hand.

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

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

**8:48 p.m. Opened the Public Hearing for Notice of Intent for Timothy Shipman
Property: 70 Chickering Road, Spencer, MA DEP#293-0784**

Mark Farrell, from Greenhill Engineering, presented the plan. The property is being sold. The septic system failed Title 5. The leach field is approximately 66 feet from the lake. Hay bales and silt fence will be installed 52 feet away from the lake. The soil will be dug out. Stone will be brought in. Excess materials will be removed from the site. A pump chamber will pump the effluent fluid up to the leach field. The plan has been approved by the Board of Health.

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

A motion to approve the plan as presented (McLaughlin/Moennsad) passed 6/0. Order of Conditions to be issued.

**9:02 p.m. Opened the Public Meeting for Request for Determination of
Applicability for Thomas Runyon**

Property: 76 Chickering Road, Spencer, MA

Ms. Washburn said this is an after-the-fact filing. The contractor, Jamie Thibeault, said he has removed a brick shelf for sill repairs on the house. The house was set too low when built in the 1960's. No more hydraulic equipment will be used. A one foot trench was dug around the house. They will backfill the trench with 3/4" stone around the house. Mr. Thibeault said the distance is approximately 55 feet from the house to the water. There is lawn between the house and the water.

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

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

**9:10 p.m. Opened the Public Hearing for Notice of Intent for Timothy Masterson
Property: 183 Paxton Road, Spencer, MA DEP#293-0786**

Ms. Washburn read the scope of work. Ms. Washburn said in the report from the scientist, it says no more disturbances will take place in the previously disturbed area because it is already re-vegetated. Yet Mr. Masterson is proposing to remove stumps and debris from past farm use of the land. There is a conflict between the proposed work and the experts report. Mr. Masterson said he does want to clean up the rest of the rocks, stumps and debris. Mr. Masterson said maybe the expert and he mis-communicated. Ms. Washburn totally agrees with the expert's report. If the stumps are left there, they will re-sprout. Ms. Washburn said in the expert's report, it states the expert will oversee any work done. Ms. Washburn said a report must be submitted from the expert on all work done. The Commission said that hand cutting and pulling of vegetation will be acceptable. Mr. Masterson said there are stumps that are just lying on the ground that he wants to remove. They are not in the ground. He said his biggest concerns are the rocks and debris that he wants to remove. The Commission said if the rocks are removed, the ground will be disturbed. The expert's report states "no more disturbances". Mr. Reed asked if this project is approved, when the work would be done. Mr. Masterson said most likely during the winter or the spring. Mr. Grimes asked Mr. Masterson to describe the area he wants to do the work in. Mr. Masterson said the area that is in the corner of the woodland. The Commission would like to do another site visit to the property on

November 25th. *At the applicant's request, the hearing has been continued to November 28, 2012.*

Other Business:

31 Thompson Pond Road, Certificate of Compliance: The Commission did a site inspection. Ms. McLaughlin read the inspection report. They had no issues. *A motion to issue a Certificate of Compliance (Moennsad/Reed) passed 6/0.*

112 Charlton Road, Certificate of Compliance: Ms. Washburn inspected the site. She reported the grass is green. A report from Jason Dubois was submitted stating the footprint of the house is approximately 2/3 smaller than the original footprint. Ms. Washburn had no issues. *A motion to issue a Certificate of Compliance (McLaughlin/Moennsad) passed 6/0.*

Site Visits: The Commission will do site visits to 26 Laurel Lane and Jolicoeur Avenue on Sunday, November 25th at 9:15 a.m. Meet at the town hall.

175 Paxton Road: Mr. Cutler submitted a restoration plan. Mr. Cutler wants to remove the pile of dirt and stumps. Mr. Cutler asked if he could have cows. Mr. Grimes said technically he could fence off the area and have cows. The Commission will do a site visit to this property on November 28, 2012.

195 Charlton Road: Ms. Washburn inspected at Mr. Laliberte's request on 11/6. Together, they pulled a 100-foot tape so he could show that the manure stockpile will be >100 feet from wetlands. He said he would make a berm of wood chips using hand tools to surround and filter the manure on the down slope side. He showed Ms. Washburn where he wants to relocate 3 run-in sheds for the horses, outside the buffer, in the previously stumped +/- 80' x 250' area. He is currently building an electric fence and intends to bring the horses in around 11/10. He will either get a tractor to move the sheds or drag the sheds up with his truck. Ms. Washburn told him the truck dragging the sheds would disturb the soil. She gave him Jim Talvy's contact info at New England Organics, a possible source of free soil stabilization materials.

Ms. Emerson, Steve Tyler and Mr. Reed inspected on 11/4. The inspection report states that we need to know where the wetlands are. The wetlands need to be delineated in order to be able to make informed decisions about future impacts. Steve Tyler, the DEM forester, Doug Hutcheson, Isabel McCauley, USEPA, NPDES coordinator and Ms. Washburn feels that this project should be handled through an Order of Conditions, not a determination.

115 Wilson Street: Ms. Washburn said the erosion controls at the existing crossing were not keeping silt out of the stream, so she gave J. Bates & Son permission to install a temporary pipe under the crossing along with angular stone for soil stabilization. All material will have to be removed and the area restored after construction is complete.

Silt was entering the stream at the new crossing where the 10-foot pipe was installed because the tree-clearing company dug a ditch so mud could flow into the stream. This was corrected at Ms. Washburn's request. She continues to inspect weekly. Steve Tyler contacted the construction company at Ms. Washburn's request regarding dirt in the road and ruts made across Wilson Street. Corrective action has been taken.

131 Greenville Street: Ms. Washburn inspected on 11/5 with Steve Tyler. Mr. Tyler is satisfied with the roadside grading. On 11/14, Ms. Washburn saw dirt in the road, called Warren Monette, and emailed Charlie Wyman. Mr. Monette said he would clean the dirt in the road.

William Casey Estates: Ms. Washburn inspected today. The anti-tracking pad has been installed. It is more than 50 feet long but there was still dirt in the road. Ms. Washburn called Jennings and told them at the end of every day to go out there with a shovel and a broom and get the dirt off the road.

17 Shady Drive: The owner called Ms. Washburn asking if she could put the boom out a section at a time instead of the boom across the whole property. Mr. Grimes said that is allowable as long as it is 40 feet from the machinery.

129 Wilson Avenue: Mr. Reed said he went to court on behalf of the Commission. The hearing was continued to December 12th. The Magistrate ordered Ms. Paquette to file paperwork by December 12th and then she could expect a substantially reduced fine if she files by that date.

Mr. Moennsad will not be at the November 28, 2012 meeting.

New Applications: Jolicoeur Avenue, Gardner, RDA

A motion to adjourn the meeting at 10:15 p.m. (Snow/Moennsad) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

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

Agenda for the 11/14/12 meeting.

Margaret's report dated 11/14/12.

Continuance form for Diversified Automotive, Inc. NOI, Podunk Highway (signed).

File for TransDevelopment Group ANRAD, 22 Podunk Pike.

Continuance form for 26 Laurel Lane (signed).

RDA file and negative determination for 30 Bond Street (signed). Document submitted by Joseph Beauvais on 11/14/12.

RDA file and negative determination for 20 William Casey Road (signed).

RDA file and negative determination for 7 Woodland Lane (signed).

NOI file for 1 Jameson Lane.

RDA file and negative determination for 70 Browning Pond Road (signed).

NOI file for 70 Chickering Road.

RDA file and negative determination for 76 Chickering Road (signed).

NOI file for 183 Paxton Road. Continuation form for 183 Paxton Road (signed).

Photograph of 183 Paxton Road dated 5/17/07.

Wetlands Protection Act regulations re: applying herbicides in Buffer Zones.

NOI file, Request for CofC, and CofC for 31 Thompson Pond Road (signed).

NOI File, Request for CofC, and CofC for 112 Charlton Road (signed).

File and Restoration Plan for 175 Paxton Road.

MA DEP Guidance Document re: Hurricane Sandy.

Letter from FEMA dated 10/23/12 re: 1 Shady Drive.

Photograph of dirt in road at Wm. Casey Estates, taken 11/14/12.

Erosion Control Magazine, dated 11/12 2012.