

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, February 22, 2012 at 7:00 PM
Town Hall, Conference Room A

The Meeting was opened at 7:01 p.m.

Commissioners Present: Ernie Grimes (Chairman), Judy Lochner, Dana Reed, Ram Moennsad

Commissioners Absent: Warren Snow, Mary McLaughlin

Staff present: Margaret Washburn

Sevenmile River: Bob LaFlamme, Volunteer for the local Boy Scouts, was present to talk about the fallen trees in the Sevenmile River. He said this year the Boy Scouts have permission to camp in the lower field parking lot of the Spencer Fairgrounds. There will be approximately 30 to 50 canoes paddling down the Sevenmile River in where the Five Mile River enters in East Brookfield and down into Quaboag Pond. Due to the storm, there are trees down across the river. They will go right over the beaver dams without bothering the beavers. Mr. LaFlamme is looking for permission to open up a way to get around the tree. The trees will be removed in advance before the Boy Scouts camping weekend; most likely sometime in April. There is a possibility some of the trees will move if we get a good amount of rain but most likely there will be no natural help to move the trees. Mr. LaFlamme said he prefers to use a hand saw but if a chain saw needs to be used, he will use one. Mr. Grimes told Mr. LaFlamme if he does use a chain saw, he would like him to use vegetable oil instead of bar and chain oil. The Commission has no issues with the removal of the trees. Ms. Washburn will write a letter giving permission to Mr. LaFlamme to cut and remove trees for canoe access along the Sevenmile River.

Signed: 115 Wilson Street, ANRAD

7:16 p.m. Opened the Public Hearing for Notice of Intent for Ethan O'Brien

Property: 109 Wilson Avenue, Spencer, MA DEP#293-0767

Mr. Glenn Krevosky said that at the site visit on February 19th the Commission viewed the old pier and looked at the toe of the slope. Mark LaPrad had surveyed the length, width and top remaining portion of the cap of the pier. Hay bales and silt fence will be installed. The existing concrete and stone will be removed and a new pier will be constructed in exactly the same place. With the lake level the way it is now, they don't anticipate needing a sump pump. The work will only be 18 inches below the furthest tip. An 8 foot long, 4 foot wide floating dock will also be installed. It will have a 10x10 wharf at the end of it. Mr. Krevosky said wharfs on a lake have their own regulations which are four times the frontage that you own on the lake which comes to 272 square feet. Mr. Krevosky said this project would come to 132 square feet so that is half of what is allowed. Ms. Lochner asked what the exact dimensions of the new pier are. Mr. Schold said 6 ½ feet wide by 10 feet long. The rubble and material will be removed far away from the wetlands. Ms. Washburn asked if they had the length and width of the existing pile of rubble. Mr. Krevosky said it is 6 feet, 6 inches wide and 10 feet out into the lake. The elevation is 98.81.

Mr. Grimes said he wishes the old pier hadn't been removed before the Commission could see it. Technically permission was needed to remove the old pier. Mr. Krevosky said he wasn't brought into the project until a little over a month ago. Mr. Grimes asked if Mr. Schold will be using hydraulic equipment. Mr. Schold said yes. Mr. Grimes said a boom must be placed in the water 40 feet from the closest point from the machine. Ms. Washburn asked how many feet of the pier will stick up above the level of the water when the reservoir is full. Mr. Schold said his guess would be two to three feet.

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

The proposed conditions are as follows:

- Follow the plan
- Standard conditions
- Hydraulic Boom must be placed in the water 40 feet from closest point from the machines

A motion to accept the plan as submitted with conditions as discussed (Moennsad/Lochner) passed 4/0, Order of Conditions to be issued.

7:38 p.m. Opened the Public Hearing for Notice of Intent for Mike Grendal

Property: 73 West Main Street, Sunoco, Spencer, MA DEP#293-0768

Scott Morrison from EcoTec explained the project. Also present was Erick Reading from Bertin & Associates. Mr. Morrison presented the plan to the Commission. The proposal is to upgrade the facility to be a convenient store. The two-bay garage will be converted into the convenient store. Silt fence will be installed. An underground storage tank will be removed. A portion of the existing asphalt will be removed and restored as lawn. A dumpster enclosure will be installed. A concrete pad will be installed around the diesel pumps with grooving to capture any spillage. A new sewer connection will be done. It

will come out of the back of the building and tie into the existing leach field. The area will be loamed and seeded upon completion of the electric line. They will mill off the existing asphalt and put down new asphalt. Ms. Lochner asked how far they will go down when milling off the pavement. Mr. Morrison said they go down approximately 1 ½ to 2 inches. No soil will be disturbed. Mr. Morrison said the site is very close to rare species habitat. A copy of the project was sent to NHESP and they did confirm the project is outside the habitat. Ms. Lochner asked if gutters will be installed on the building. Mr. Morrison suspects there will be some type of gutter system but does not know for sure.

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

A motion to accept the plan as submitted (Moennsad/Reed) passed 4/0, Order of Conditions to be issued.

Other Business:

16 Northwest Road: Ms. Washburn issued a Notice of Violation on 2/14/12. Mr. Mark Bouvier was ordered to file with the Commission before doing any further work in the stream channel. Mr. Bouvier said he didn't think anything of it at the time of the work in the stream channel. He had gone into the stream to remove a tree. Mr. Grimes said it is written somewhere that you are required to maintain stream flow through your property. Mr. Bouvier said the stream is intermittent and will dry out. Ms. Washburn recommended that the Commission do a site visit.

Mr. Bouvier also owns 12 Northwest Road. He was thinking of putting in a driveway on this property. No plans have been done yet. The Commission will do a site visit on March 4th at 9:15 a.m.

Site Visits: The Commission will do site visits on Sunday, March 4th.

North Brookfield Road: An RDA was submitted on 2/22/12. Ms. Washburn said it doesn't show any wetland flags on the +/- 35 acre parcel. The Commission looked at the plan for the proposed solar project. Ms. Washburn read from her report the issues she has with the filing. Mr. Moennsad said he thinks the points Ms. Washburn makes are valid points. The Commission agreed the plans are incomplete. Lisa had already put a received date on the plans so Ms. Lochner said to put an X through the received date. The plan is unacceptable. Ms. Washburn will send a letter stating the issues with the plan and tell them the plan is incomplete and to submit a revised plan. She will also state they need to provide the information seven days prior to their hearing on March 14th.

54 McCormick Road: Ms. Washburn previously inspected the property. An RDA was received on 2/21/12 for a septic repair. EcoTec delineated the BWV bordering on an intermittent stream. Ms. Washburn doesn't believe the Commission needs to do a site visit because she did one already.

49 Lake Shore Drive, Tim Ahearn: The Town Planner had advised Ms. Washburn that the applicant filed with the ZBA to replace an existing garage. The ZBA hearing is on April 10, 2012. Ms. Washburn visited the site and took photos. She reported although the work is more than 100 feet (approximately 140 feet) from Thompson Pond, there is a potential for disturbed (highly erodible) soils to enter a catch basin and thus enter Thompson Pond. Ms. Washburn asked the Commission if they want to do a site walk or just require a filing. Ms. Lochner suggested Ms. Washburn send a memo to the Zoning Board stating the plan was reviewed by the Conservation Commission. Although it is outside of the Conservation Commissions jurisdiction, there is a possibility of impact to the lake if the sediment isn't controlled during construction. She will also write in the memo to suggest the applicant control the sediment. Mr. Grimes recused himself from this discussion.

Brooks Pond Road logging – Antell Investment Trust/T. Jepson & Son, loggers: Ms. Washburn received a complaint that it looked like they were clearing house lots. She inspected on 2/14/12 and it looks like a logging job.

134 West Main Street: On 2/14/12, Ms. Washburn inspected. The DEP file number sign is on a stake but not pounded into the ground. The silt fence was not properly entrenched near the perennial stream crossing. It was barely touching the ground. She said it was ragged old fencing that has been torn out previously. On 2/14/12, Ms. Washburn issued an Enforcement Order ordering Dr. Goguen to immediately install 50-foot lengths of properly entrenched silt fence on both sides of the driveway at the perennial stream crossing. She included a detail of properly entrenched silt fence. He was ordered to contact Ms. Washburn by 2/21/12, which he failed to do. Ms. Washburn had mailed the Enforcement Order by regular mail. The Commission instructed Ms. Washburn to send another Enforcement Order by the Constable stating that the silt fence is not acceptable to the Commission and to install 50 feet of hay bales on either side of the driveway at mid-point of the stream within seven days of receipt of the Enforcement Order. The Commission will inspect.

Depot Trail: Ms. Washburn sent a thank you letter to volunteers who worked on the trail on 2/4/12. Mr. Grimes and Bill Shemeth appeared before the Capital Needs Committee on 2/14/12. At Mr. Grime's request, Ms. Washburn looked up the RDA for the Depot Trail. It was issued on 2/25/09 and expires on 2/25/14. Mr. Grimes said as far as the town not wanting the volunteers to take any of the wood from the trail, there are people going out there helping themselves to the wood after the wood was cut up.

Route 49 – New England Gateway: Dan Feeney of Beals and Thomas, Inc. has requested to meet with the Town Planner and Ms. Washburn on 2/29/12 regarding the construction of a maintenance building at this property. Mr. Grimes said when Ms. Washburn meets with them, he wants her to ask them where the fishing access through their property is to Stump Pond. It was in the original Order of Conditions that they were to provide access and signs from Route 49 to the pond. Mr. Grimes said there was one parking lot that was approved to be a gravel base but they went and paved the lot. It's the

lot off Route 49 to the right. Mr. Grimes asked Ms. Washburn to see if there have been any Certificates of Compliances requested or issued for this property.

158 Greenville Street – LaBelle: A request for a Certificate of Compliance was handed to Ms. Washburn tonight from Mr. Krevosky. Mr. Krevosky added a letter stating he is satisfied with the replication area. Ms. Washburn said another inspection has to be done there. Mr. LaBelle has another collection of unregistered, antique automobiles on the property next to the wetland. Ms. Washburn will ask the Building Inspector to go with her on the site visit. She will report back to the Commission.

Sibley Draft letter from Charlie Wyman: Mr. Reed read the draft letter to the Commission.

Minutes: February 8, 2012 – The Minutes have been tabled until March 14, 2012.

New Applications: 62 East Charlton Rd., RDA
54 McCormick Rd., RDA
No. Brookfield Rd., RDA

A motion to adjourn the meeting at 9:30 p.m. (Reed/Moennsad) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

Documents reviewed at the 2/22/12 Spencer Conservation Commission regular meeting:

Agenda for 2/22/12 meeting
Margaret's report dated 2/22/12
Determination for 115 Wilson Street
Notice of Intent File for 109 Wilson Ave
Notice of Intent File for 73 West Main Street
RDA for North Brookfield Road solar farm (R39-14)
File for 49 Lakeshore Drive
File presented by Glenn Krevosky on 2/22/12 regarding sediment loading in Stiles Reservoir.