

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, April 11, 2012 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7:07 p.m.

Commissioners Present: Ernie Grimes, Mary McLaughlin, Judy Lochner, Dana Reed

Commissioners Absent: Warren Snow, Ram Moennsad

Staff present: Margaret Washburn

Minutes: March 28, 2012 – Tabled to April 25, 2012

No Public Hearings

Other Business:

Sugden Reservoir Management Plan: Tom Flannery is the representative for the Sugden Reservoir Association. Mr. Flannery said that in 2006 the Order of Conditions for the lake level drawdown expired. It was not extended. The town has assumed ownership of Sugden. In 2008, there was an explosion of the lily pad population in certain parts of the lake. A Notice of Intent was submitted and an Order of Conditions was issued for herbiciding and drawdown. One of the special conditions in that order was to present the Conservation Commission with any kind of plans for plant control for the season. On this lake, the only treatments that have been done in the last 15 years have been spot treatments for lily pads. Mr. Flannery is before the Commission tonight to just let them know they plan on treating the lake this year. They are not sure yet what kind of treatments will be done. In May they will go out on the lake and start to assess the plant life. Mr. Flannery said between the dam work and the lack of a good draw down this year, he has a feeling there will be some areas that warrant treatment.

Mr. Reed asked if copper sulphate is used to treat the lily pads. Mr. Flannery said no, copper sulphate does not treat the lily pads. Basically what is used is the aquatic version of the active ingredient in Round Up. It gets sprayed on a dry day on the dry leaf surface of the lily pad. It does not kill any other plants. Ms. Lochner asked who pays for the

treatment. Mr. Flannery said the Lake Association pays for it by using the dues that are paid.

Laureldale Woods II: Mr. Grimes, Mr. Reed and Ms. Washburn inspected on 4/10/12 with Attorney O'Neill. No work was ever done on this subdivision. Some work has yet to be completed on Laureldale Woods I. Ms. Lochner asked if they have intentions to do something soon. Mr. Grimes said that depends on the economy. There may be a new plan to do a cluster development instead of the roadway system. If that happens, they would have to amend the current Order of Conditions. They are just looking to keep the Order alive. *A motion to issue a three-year Extension for Laureldale Woods II (Reed/McLaughlin) passed 4/0.*

35 Pine Acres Road: Ms. Washburn inspected in response to a complaint about a machine working between Thompson Pond and the house. The anonymous complainer said he thought shingles were being buried on site. Ms. Washburn met with Jason Masiello, who said he did the site work. Ms. Washburn took pictures. The soils on the majority of the lot were disturbed. The lot slopes steeply toward the pond. The soils are highly erodible and no ESC's were in place. It looked like large stones had recently been moved onto the bank of the pond. Ms. Washburn asked Mr. Masiello why he did the digging. He said to replace a water line. The photos show a big hole dug under part of the house. They also show shingles on the ground outside the house and in the woods beside the driveway. There was no building permit issued. Ms. Washburn informed the Building Inspector, who eventually went there and issued him a building permit. Mr. Grimes had told Ms. Washburn to send an Enforcement Order, which was delivered by Constable.

Mr. Masiello said the hay bales, silt fence and a boom are in place. The stones were existing and no earth was brought in. The shingles are in a pile, not being buried. He is in the process of bringing the shingles to the Spencer Landfill. The soil has been raked. Mr. Masiello doesn't think that there would be any issue with any of the soil getting into the lake. Even with a four inch torrential down pour, nothing would reach the lake. Ms. Washburn said if Mr. Masiello had come in to pull the proper permits, the conditions would have said to have the boom in place when hydraulic equipment was being used. Ms. Lochner asked if the exposed area will be seeded. Mr. Masiello said he will either seed it or allow natural growth. Mr. Grimes told Mr. Masiello that he needs to file either an RDA or a NOI. Mr. Grimes said a Notice of Intent would be more advisable. A plan must be submitted with the Notice of Intent. Mr. Masiello is also thinking of constructing a retaining wall, which he may include on the plan for the Notice of Intent.

Mr. Grimes said the exposed area must be seeded or mulched. Mr. Masiello cannot wait for natural growth to come in. If heavy rains come soil will most likely be washed into the lake. Ms. Washburn will give Mr. Masiello a list of consultants and she will do a site visit.

22 Longview Drive: Mr. and Mrs. Lockhart were looking for an update on what Mr. Huard has done since the last hearing. Mr. Grimes informed them that Mr. Huard has contacted Art Allen of EcoTec. Mr. Allen has not decided if they will take on the project or not. Mr. Allen did tell Mr. Huard to install more hay bales and erosion controls on the site. Mr. Lockhart said he allowed Mr. Huard's surveyor to go on his property. Mr. Grimes suggested to Mr. Lockhart that he hire his own surveyor. Mrs. Lockhart asked if they could remove bushes and shrubbery from the back of their property. They would like to clean it out and put down lawn. The Commission told them they would have to apply for a Determination because a portion of the land is within 100 feet of the pond.

91 Meadow Road: Mr. O'Clair is requesting an extension of the date to complete his project. He informed the Commission that he removed 2 sheds and fixed the retaining wall. The deck has not been put up. Ms. Washburn told Mr. O'Clair that it is his responsibility to maintain the flags and the ESC's on the property. Mr. Grimes asked how much more work needs to be done on the property. Mr. O'Clair said he needs to clean up down below and that's it. Ms. Washburn asked Mr. O'Clair why he hasn't been able to finish the project. He said money. The Commission will do a site visit on Tuesday, April 24th at 6 p.m.

Site Visits: The Commission will do site visits to 55 Highland Street and 115 Wilson Street on Tuesday, April 17th. Meet at Town Hall at 5:45 p.m.

175 & 183 Paxton Road: The Commission will do site inspections on Sunday April 22nd at 8:30 a.m. Meet at Town Hall.

57 Wilson Street: Ms. Washburn received a complaint. She inspected the property yesterday and showed the Commission the pictures she took. Ms. Washburn said there is a huge amount of exposed soils. Mr. Donohue has dirt bikes jumping over mounds of exposed soil. He has pushed mounds of soil up against the property line with no erosion controls. If a storm comes, the soil will be washed down the hill. Mr. Donohue claims that because it hasn't rained, the grass won't grow. Ms. Washburn went to get the minutes from the September 14, 2011 meeting so the Commission can see what the owner was told to do. The minutes say that Mr. Donohue was to plant seed and rye in September so the grass would grow. Mr. Donohue said he would install 20 more hay bales and 30-40 feet of silt fence. The Commission wanted the work done by September 25, 2011. Ms. Washburn will send an Enforcement Order stating to install erosion control along the entire length of the pile of dirt along the property line and maintain what ESC is already there. Mr. Donohue must have the ESC done by April 25th and will be required to attend the May 9th meeting.

TN Gas Pipeline System Maintenance: On March 29th, Ms. Washburn emailed them regarding proposed work in Spencer. Clifford Abbott emailed her several photos showing the work that will be confined to the fenced-in substation visible from Depot Trail near the football field. DEP confirmed that the work is exempt.

Depot Trail: The ODIS office received a call from Dan Reeve, a Mass Environmental Police Officer, regarding dismantling of a beaver dam (by vandals) on South Spencer Road that is causing flooding in the area. Ms. Washburn called Officer Reeve. He said that erosion and flooding were no longer an issue and that a ticket had been issued to someone aged 20 years old. Mr. Grimes told Ms. Washburn to contact Officer Reeve and tell him to get in contact with Mr. Grimes or another Conservation Commission member when there is another similar problem. He is not to contact Eben Butler.

11 GH Wilson Road: Ms. Washburn issued an Enforcement Order after the Commission's site walk on April 3rd. She inspected on April 10th. Mr. Annunziata has hired Brian Waterman, who was on site on April 6th to supervise the removal of fill. Apparently, the fill was pulled back to Mr. Waterman's satisfaction. On April 10th, Ms. Washburn found hydric soil in one area that appeared to extend under the fill. Ms. Washburn put in a wire stake with blue ribbon at this point. Ms. Annunziata said that the area was mowed lawn when he bought the land and that he has pulled the fill back to the edge of the wetlands as shown on the original septic system design plan. Ms. Washburn called Mr. Annunziata on April 10th after speaking with Mr. Grimes, and told him he could loam and seed the fill that remains outside the formerly delineated wetlands. Hay bales and silt fence were properly installed at the edge of the fill.

33 Lakeshore Drive: Ms. Lochner asked Ms. Washburn to inspect after an excavator was seen there. Ms. Washburn inspected and took photos of the exposed soils from the road. She showed the Commission the photos. She issued a NOV. An RDA was submitted.

New Applications: 55 Highland Street, RDA
115 Wilson Street, NOI

A motion to adjourn the meeting at 9:08 p.m. (McLaughlin/Reed) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

Documents reviewed at the 4/11/12 Spencer Conservation Commission meeting:
Agenda for the 4/11/12 meeting.
Margaret's report dated 4/11/12.
Minutes from the 9/14/11 Spencer Conservation Commission meeting, re: 57 Wilson St.
E-mail from Les Holmes re: 57 Wilson St.
File for 57 Wilson St.
File including photographs and RDA for 33 Lakeshore Drive.
File for TN Gas Pipeline maintenance activities.
File for 173 Paxton Road RDA, 2008.
File for 183 Paxton Road NOI, 2007.
File including Enforcement Order and photographs of 35 Pine Acres Road.
Letter from Lycott Environmental re: excessive aquatic vegetation management in Sugden Reservoir dated March 23, 2012.
Extension request and Order of Conditions extension form for Laureldale Woods II.