

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, May 23, 2012 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Ernie Grimes (Chairman), Mary McLaughlin, Dana Reed, Ram Moennsad, Warren Snow

Commissioners Absent: Judy Lochner

Staff present: Lisa Daoust

Minutes Approved: April 25, 2012 – *A motion to approve with amendments (McLaughlin/Snow) passed 5/0.*
May 9, 2012 – *A motion to approve with amendments (Moennsad/McLaughlin) passed 5/0.*

Signed: 55 Highland Street, Determination
35 Oakland Drive, Certificate of Compliance – *A motion to issue a Certificate of Compliance (Reed/Moennsad) passed 4/0.* Ms. McLaughlin recused herself because she is an abutter.

7:19 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Carl Wilson

Property: 115 Wilson Street, Spencer, MA DEP#293-0769

The Commission did a site visit two weeks ago. Mr. Roy Smith from R.J. O’Connell discussed the document submitted in response to the Commission’s questions and concerns from the last hearing.

- If the temporary drainage swales are there for more than 15 days, they will be seeded or mulched. The drainage swales have wattle check dams in them at certain intervals. That will be the primary function for the temporary drainage swales.
- There was a misplaced arrow on one of the hay bales and silt fence which has been corrected.
- The 3:1 slope associated with the detention basins was changed.
- The rip rap aprons were re-located further from the wetlands.

- Basin one was 25 feet from the wetlands and now it is overland flow to the wooded area. Basin two was 8 feet from the wetland and is now 40 feet from the wetland. Basin three was 27 feet from the wetland and is now 47 feet from the wetland.
- The view of detention basin one was extended.
- It was added to the Operation & Maintenance Schedule that no herbicides, insecticides, pesticides or fertilizers will be used as part of the project.
- Overnight Stock piles will be located 100 feet outside the buffer zone.
- Kentucky Blue Grass has been incorporated into the seed mix.

Mr. Smith said the project is currently going through the Planning Board review process. Graves Engineering was hired as an independent peer review consultant. Mr. Smith submitted three revised sets of plans based on the responses from Graves Engineering.

Mr. Smith said Graves Engineering reviewed the plans and requested revisions. The following revisions were made:

- Each detention basin now has a 10 foot wide maintenance access road.
- On basin one, the bottom of the basin was raised four feet to give additional separation from estimated seasonal high ground water. This also helped balance the earthwork associated with construction of the detention basin. The same thing was done to basin two but to a lesser degree, and basin three stayed the same.

Mr. Smith said they had their first meeting last night with the Planning Board. There was an abutter there that expressed concern about construction aspects. Since last night's meeting, Mr. Smith has worked with Borrego Solar to move the construction access. This will help the residents along Paxton Road. All the construction vehicles will use the Wilson Street access drive, however, the Wilson Street access drive is in buffer zones of wetland areas. There is an existing gravel road so they are going to use that existing road. Some clearing will have to be done so the construction vehicles will fit down the road. Mr. Carl Wilson said that the existing road has not been used for over 100 years. It used to be an old logging road.

Mr. Moennsad asked what the timeframe is from the start of the project to completion of the project. Mr. Smith said they are planning to start work the second week in July and final completion will be six months from the start, completed by February, 2013. Mr. Smith asked how much notice would the Commission need to do an inspection. Mr. Grimes said a five-day notice would be fine.

Ms. Ginny Scarlet said her concern is if the economic conditions change and the solar farm becomes not operable, all the devices will be removed; but what if the company that is supposed to remove all the devices goes under and won't be able to do the removing. Can something be put in the Order of Conditions that states when the devices are pulled out, the Commission must be notified to monitor the removal of the devices. Mr. Carl Wilson said in the contract it states that if the company goes under Mr. Wilson will own the project. Mr. Smith said the equipment is very valuable. No one would just abandon it.

Ms. Scarlet asked if the temporary detention basins will be in place for the life of the installation. Mr. Smith said the basins are permanent detention basins. During construction they will be used as temporary sedimentation basins. There will be a riser pipe that is protected based on the Mass Erosion Control Guidelines. The basins have been sized based on the MECG to handle the volume required by the construct runoff. Ms. Scarlet suggested for the Order of Conditions that when they are permanent detention basins, they should be cleaned out and there should be a staff gage installed to show when they need to be cleaned. She also said the mowing plan needs to include annual mowing of the detention basins. Ms. Scarlet said some kind of log needs to be done so the Commission knows when mowing and cleaning takes place. Ms. Scarlet suggested that a year after the completion of the project, the Commission go back to see if the drip line of the solar panels have gullyng.

Mr. Wilson said after a state assessment of the soil on the property, there is approximately 70 acres of prime soil. He also said the APR on the land has been initially approved and there is an appraisal of the land being done now. Mr. Wilson's intent is to preserve the entire footprint of the land.

Mr. Tom Liddy from Lucas Environmental said he did a Simplified Habitat Evaluation, which he submitted to the Commission. As design progressed, they paid close attention to the streams looking for the location that would have the least amount of environmental impact to wetlands. The crossing location chosen is the narrowest portion of the stream where there are no key important wildlife habitat creatures as specified by the DEP Form A.

Mr. Grimes said there was a lot of new information submitted tonight. Mr. Smith said the next meeting with the Zoning Board of Appeals is on June 12th. Mr. Grimes would like to continue this hearing until June 13th, after the ZBA meeting. *At the request of the applicant, the hearing has been continued to June 13, 2012.*

8:13 p.m. Opened the Public Hearing for Request for Determination of Applicability for Ralph Williamson

Property: 95 Clark Road, Spencer, MA

Mr. Williamson has removed three to four rocks from the water near his boat lift. Mr. Moennsad asked how big the rocks were. Mr. Williamson said they were pretty good sized rocks. All the rocks were dug out by hand and then he pulled the rocks out of the water with chains. Mr. Grimes told Mr. Williamson he should have just moved the rocks to the side and not have removed them from the water. By taking them out of the water, Mr. Williamson changed the capacity of the reservoir. Mr. Grimes said he knows there are more rocks in the reservoir that Mr. Williamson wants to remove. Mr. Grimes does not want Mr. Williamson to remove any more rocks. Ms. Scarlet suggested issuing a Positive Determination stating no more rocks are to be removed because more damage may be caused.

*A motion to close the public hearing (Moennsad/McLaughlin) passed 5/0.
A motion for a Positive Determination with the condition that no further work is to be done (Snow/Reed) passed 5/0.*

Other Business:

49 Paxton Road: The Commission scheduled a site visit with Warren Monette on May 30th at 6 p.m.

William Casey Estates: Attorney Phil Stoddard said that he spoke to Jennings Construction. They told him that on June 1st they will spread loam, seed and hay. Attorney Stoddard said if they don't do that, he has Hydrograss Technologies as a backup.

Sibley Farms APR and CR: Mr. Charlie Wyman said that Town Council is not finished reading the APR and the CR; therefore, the Commission cannot sign them tonight. Mr. Wyman asked if the Commission could meet before the Selectmen's meeting on Wednesday, May 30th to sign the documents. Mr. Wyman briefly explained the APR and the CR documents to the Commission. Mr. Grimes asked who holds the Conservation Restriction. Mr. Wyman said the Conservation Commission and Common Ground Land Trust hold it jointly. That means each party has all the rights and duties of enforcement, monitoring, inspection, etc. Mr. Wyman has said there are other documents that don't involve the town such as Greater Worcester Land Trust is granting an easement to the Snowmobile Association of Massachusetts for the snowmobile trail. The Commission will meet at 6:45 p.m. on Wednesday, May 30th to sign the documents. Lisa will post the meeting.

Chickering Road Culvert: Ms. Washburn inspected with Ms. McLaughlin and Mr. Grimes on 5/15/12. Two pressure-treated boards have been installed, apparently in preparation for the screen permitted by MA DEP. Mr. Grimes asked Mr. Reed to research if the pressure-treated boards have arsenic in them.

Bond Sand & Gravel, Cranberry Meadow Road: The Commission will do a site visit on Tuesday, June 5th at 6 p.m. Meet at the Town Hall.

45 Lake Street: Lisa will contact the Wissiup's and ask them to attend the June 13th meeting.

New Applications: 22 Pleasant Street, RDA
 22 Longview Drive, NOI

A motion to adjourn the meeting at 9:10 p.m. (McLaughlin/Reed) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

Documents reviewed at the 5/23/12 Spencer Conservation Commission meeting:

Agenda for the 5/23/12 meeting.

Margaret's report dated 5/15/12.

Minutes from the 4/25/12 and 5/9/12 Spencer Conservation Commission meetings.

Determination of Applicability for 55 Highland Street.

Letter from Philip Stoddard dated May 23, 2012 re: stabilizing slopes at William Casey Estates LLC gravel pit.

E-mail dated 5/14/2012 from Jeffrey Walsh, P. E., of Graves Engineering re: review of 115 Wilson Street.

Agreement to Continue Public Hearing for 115 Wilson St., dated 5/23/12.

Revised site plans and report from R.J. O'Connell & Associates dated 5/16/12 re: comments received at the 4/15/12 meeting of the Spencer Conservation Commission, including maintenance schedule for equipment fueling and maintenance (no vehicle washing allowed), total capacities for detention basins to be used as temporary sediment basins, a temporary sedimentation basin watershed plan, Wilson Ground Site Operations and Maintenance Plan, Construction Access and Staging Area, and Wildlife Habitat Evaluation.

Photograph submitted by Roy Smith showing location of proposed driveway at 115 Wilson Road.

RDA for 95 Clark Road.

Photographs of 95 Clark Road dated 5/2/12.

Letter dated 5/21/12 from Margaret and Mary Wissiup re: 45 Lake Street Extension site visit.