

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, September 26, 2012 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

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

Staff present: Margaret Washburn

Signed: 43 Oakland Drive, Re-sign Order of Conditions
96 Wilson Avenue, Order of Conditions
22 Longview Drive, Order of Conditions

7:15 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Mass Audubon Society

Property: 131 Greenville Street, Spencer, MA

Steve Tyler wanted a country drainage installed to keep the water off of Greenville Street. Kevin Quinn said the site will be re-graded to intercept the water so it doesn't drain into Greenville Street. New drainage structures have been added and Mr. Tyler is satisfied. Mr. Quinn said he supplied a hydrologic report showing that they removed a lot of impervious areas by getting rid of the buildings. There are three fore bays that capture sediment. Then the water goes into a swale and then flows under the road where the water always used to go. Mr. Quinn said there will be less runoff due to less impervious surfaces. The runoff will be cleaner.

Mr. Wyman said Steve Tyler requested several changes to the site plan. The revised site plan will be submitted tomorrow. Mr. Wyman said the Planning Board approved the project last week.

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

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

Mr. Wyman asked the Conservation Commission to vote under the Conservation Restriction to approve the parking lot. *A motion to allow the construction of the parking lot as permitted under the Conservation Restriction (McLaughlin/Reed) passed 6/0.*

7:30 p.m. Opened the Public Meeting for Request for Determination of Applicability for Route 56 Realty, LLC

Property: 21 Shore Drive, Spencer, MA

Marc Curtis said Ms. Washburn went to him with a complaint about silt running into Thompson Pond from his driveway. Mr. Curtis wants to put laterals across the driveway that will be approximately 3' wide by 12' in length. There will be an 8" pipe schedule 40 or 820 loading. On top of the rip rap, a finer pea stone will be put down that will trap and control the runoff. These are water traps. Mr. Curtis will run 20' to 30' of 10" diameter perforated pipe with 3" to 6" tailings on each end of it.

Mr. Curtis will re-direct the roof runoff away from the driveway. All this work is outside the buffer zone. Mr. Grimes said there is an old existing driveway that contributes to the sheet flow down the hill. Mr. Curtis said he could put a water bar across there.

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

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

7:42 p.m. Opened the Public Meeting for Request for Determination of Applicability for Darlene Granger

Property: 84 Chickering Road, Spencer, MA

Ms. Granger wants to replace existing drainage. William Farmer will do the work. A four inch PVC drain will be installed. All excavated materials will be hauled off the site daily. There will not be any stock piles on site. The shrubs in the front will be replaced. A 20-mm poly barrier against the foundation will be replaced. The foundation will be cleaned and sealed with asphalt. A small swale will be created to keep the water away from the house. Five hundred square feet of sod will be installed instead of seed. A building permit has been issued. If hydraulic equipment will be used, a boom must be installed 40' on either side of where the outlet is and 40' straight out in a semi-circle. Hay bales and silt fence will be installed.

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

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

7:53 p.m. Opened the Public Hearing for Notice of Intent for Stephen Coleman

Property: 31 Lake Avenue, Spencer, MA

Jason Dubois, Bertin Engineering, said the septic system is in failure. The system will be replaced. The grades are fairly steep. There is approximately a 10% to 15% percent slope. Hay bales and silt fence will be installed around the entire work area. A boom will be installed. There is a large tree they want to save but Mr. Dubois showed it on the plan in case it has to be removed.

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

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

Other Business:

73 West Main Street, Certificate of Compliance: Ms. Washburn inspected on 9/24/12. Some construction debris was thrown behind the building over the silt fence. A big plastic planter had been rolled down into the wetlands. There was an unregistered pickup truck in the buffer zone with a tree growing out of the back of it.

3 Howe Road: Ms. Washburn said it looks as though a lot of wetlands work had been done in the past. Grading and mulching has been done within the buffer zone. The owner wants to fill a lot of the wetlands and Ms. Washburn told him that he cannot fill in the wetlands unless he creates more wetlands elsewhere. The neighbor was draining his swimming pool with a hose that ran into the stream. Ms. Washburn mailed a Notice of Intent form along with a list of Wetland Scientists to the owner of 3 Howe Road.

131 Greenville Street: Ms. Scarlet will do the Determination tomorrow morning and the Commission will come to the ODIS Office to sign the form.

89 Smithville Road: Ms. Washburn said that on 9/24, Mr. Zukas dug 3 trenches along the edge of the gravel pit work area while she directed. Ms. Washburn took photos. No wetlands soil or floodplain soils appear to have been filled. Ms. Washburn and Mr. Zukas discussed building a one-foot-high berm along the rest of the work area, to be loamed and seeded. This would serve as a visual barrier to remind the Zukas family not to do work beyond the berm. There is already a berm at the southern end of the work area. The berm would also prevent silt from washing into wetlands during major storm events. Mr. Zukas will smooth and seed the edge of the work area closest to wetlands.

There is a pile of boulders and stones about 20 feet from obvious wetlands. Mr. Zukas is willing to get them back up into the work area. Mr. Zukas dug a hole at Ms. Washburn's request in the low point of the excavated gravel pit. On 9/24, standing water was observed at 24-30 inches. When seasonal groundwater is high it is probably very close to the surface in the low point of the pit.

There is a stump dump on the edge of the driveway that may be encroaching on the wetlands/floodplain. Ms. Washburn would like to ask the Commission to do a site walk to view this area. The Commission will do a site walk on Sunday, October 7th at 9:15 a.m.

Site Visits: Sunday, October 7th. Meet at 9 a.m. at Town Hall. The Commission will be going to 89 Smithville Road, 67 Jolicoeur Avenue, 24 Chickering Road, and 4 Wilson Street.

70 Browning Pond Road: Mr. Toupin is supposed to submit a plan by October 10th.

175 Paxton Road: Mr. Grimes was told that a wetland specialist flagged the property and that flags would be shown on a plan. Mr. Cutler was issued a NOV on 6/27/12, ordering him to file a NOI to restore disturbed wetlands by 7/18/12. He failed to do so.

On 7/17/12, an EO was issued telling Mr. Cutler to submit a restoration plan and NOI by 8/1/12. He failed to do so. On 8/22/12, the Commission told Mr. Cutler he needs to file the NOI to restore the disturbed wetlands by 9/19/12 in order to be on the 10/10/12 agenda. If the restoration plan is not received by 9/19/12, the matter may be turned over to MA DEP.

183 Paxton Road: Mr. Grimes was told that a wetland specialist flagged the property and that flags would be shown on a plan. Mr. Masterson was issued a NOV on 6/27/12. He was told to file a NOI by 7/18/12. He failed to do so. He was issued a letter on 7/17/12 telling him he had to attend the 8/22/12 meeting of the Spencer Conservation. On 8/22/12, the Commission told Mr. Masterson to file the NOI to restore the disturbed wetlands by 9/19/12 in order to be on the 10/10/12 agenda. If the restoration plan is not received by 9/19/12, the matter may be turned over to MA DEP.

Wilson Street, Warren Monette: Ms. Washburn thinks a letter should be issued to Mr. Monette that the delineation must be done by a certified professional wetland scientist. The Commission told Ms. Washburn to send a letter.

30 Bond Street: Ms. Washburn said on 9/25/12, Brian Waterman oversaw the removal of fill. The wooden decking in the buffer zone was trucked off site. Ms. Washburn took photos on 9/26/12. The fill was not trucked off site because the contractor hired had a broken truck that day. Hay bales are staked and fill is mulched. The Commission wants the fill removed from the site and the owner to file a Request for Determination.

Site Visits: The Commission will do site visits on Tuesday, October 9th at 3:15. Meet at Town Hall. They will be going to: 22 Shore Road, 24 Laurel Lane and 22 Philip A. Quinn Memorial Highway. They will also do site visits on Sunday, October 7th to 89 Smithville Road, 67 Jolicoeur Avenue, 24 Chickering Road and 4 Wilson Street. They will meet at Town Hall at 9 a.m.

Minutes Approved: August 22, 2012 – *A motion to approve the minutes as amended (Snow/Moennsad) passed 6/0.*

129 Wilson Avenue: Mr. Grimes said the stone dust is cleaned up and the lumber is gone. The stream is bordered by large stones with a strip of vegetation. Normally there is a wood pile there. They have no property that is not jurisdictional. Mr. Grimes said the adjacent property to the north is where the boat and trailer is parked. Mr. Grimes told the owners to get some vegetation growing on the exposed soils and to file a NOI for the work between the house and the pond. Mr. Grimes also said if the owners want to deem the stream an intermittent stream, they must take pictures next year for the number of consecutive days the stream is dry.

New Applications: 22 Shore Drive, RDA
 35 Northwest Road, RDA
 4 Wilson Street, RDA
 24 Chickering Road, NOI
 24 Laurel Lane, RDA

A motion to adjourn the meeting at 9:30 p.m. (Snow/Moennsad) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 9/26/12 Spencer Conservation Commission meeting:

Agenda for the 9/26/12 meeting.
Margaret's report dated 9/26/12.
Minutes from the 8/22/12 meeting.
Order of Conditions for 96 Wilson Ave. (signed)
Order of Conditions for 11 Longview Drive. (signed)
Order of Conditions for 43 Oakland Drive.
RDA file for 84 Chickering Road, including Determination (signed).
RDA file for 21 Shore Drive, including Determination (signed).
RDA file for 131 Greenville Street, including Determination.
NOI file for 31 Lake Avenue.
File for 175 Paxton Road.
File for 183 Paxton Road.
File for 89 Smithville Road.
File for 30 Bond Street.
Letter dated 7/30/12 to Warren Monette from Lisa Daoust.