

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, March 27, 2013 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 7 p.m.

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

Commissioners Absent: Warren Snow

Staff present: Margaret Washburn

**Minutes Approved:** February 27, 2013 – *A motion to approve as amended (Moennsad/McLaughlin) passed 5/0.*  
March 13, 2013 – Tabled until April 10, 2013

**Envirothon Team:** Tyler and Eric from David Prouty High School asked the following questions to the Commission:

Q: Where in Spencer are trees providing wood products?

A: Mr. Grimes said St. Josephs Abbey generally has a forest cutting plan. Ms. Washburn said there is a company in Connecticut called Hull Forest Products that exports their wood to China and other places.

Q: Are there areas that shade from trees is used to conserve areas, used for storm water and used for water purification?

A: Mr. Reed said private homes use trees for those purposes. In the summertime, the trees will shade the house and keep it cooler. Mr. Grimes said around the lakes and ponds in town. If people want to cut trees on a lake or pond, they must obtain permission from the Commission to do so. The trees shade the water and keep the water cooler to provide habitat for the fish.

Q: Are there areas in town where trees are used for recreation and aesthetics?

A: The Commission answered Sibley Farms, the parks, public beach, and the Depot Trail.

- Q: Are there any intensively managed tree resource area and unplanned, unmanaged area?
- A: Ms. McLaughlin said an intensively managed area would be St. Joseph's Abbey. Mr. Grimes said there are a lot of other permits in town that the Commission is not aware of. Ms. Washburn said they can review the forest cutting plans.
- Q: Where in Spencer is the biggest tree that you are aware of? Was it planted by humans? What is the species and what is the age of the tree?
- A: Mr. Grimes said he has no clue where the biggest tree is. Ms. Washburn said they can Google the state champion tree program.
- Q: What community service project with trees, forest and sustainability could the team do?
- A: The team has been referred to Tyler Maikath of Greater Worcester Land Trust. Mr. Grimes said they could label trees on a trail on the Sibley property.
- Q: Is the Commission aware of any tree that is a hazard, why is it a hazard and where is it?
- A: Ms. Washburn said the tree warden and the highway department recently removed a number of trees from Luther Hill Park because they were dead and they could've fallen on children and cars.
- Q: Are there official plans for managing forest resources and is it possible for the Envirothon Team to view one?
- A: Mr. Grimes said yes.
- Q: What are the main species of trees in Spencer and what soils do they typically grow in?
- A: Ms. Washburn said there is a soil survey for Southern Worcester County. It lists different types of soils and it says which type of soil is best suited for which trees. This book is in the office and Ms. Washburn would be happy to show the team. Some common trees in Spencer are Northern Red Oak, White Ash, Eastern White Pine and Red Maple.
- Q: Are invasive species changing the character of Spencer forests?
- A: Mr. Grimes said yes. There is a vine called bittersweet that gets into a tree and will kill it eventually. Ms. Washburn said the vine has been around since the 1920's. Mr. Grimes said multi-flora rose doesn't kill trees but will cover the ground and undergrowth can't get started.
- Q: Is fragmentation a problem for wildlife? Are there significant connections of forested areas in town?
- A: Mr. Grimes said no to the first question. He said yes to the second question. There aren't any places where there is total isolation.

**7:36 p.m. Opened the Public Hearing for Notice of Intent for Sara Petrozzi**  
**Property: Woodbine Terrace, Spencer, MA DEP#293-0790**

Julian Votruba, from New England Environmental Design, said he is representing the Petrozzis. They would like to create a gravel driveway and install a rolling dock. The grade is relatively flat. The trees will be removed for the footprint of the driveway. The top soil and subsoil will be removed and gravel will be brought in. The dock is aluminum. The dock will be removed in the winter.

James and Leeann Fitzgerald are abutters. He said he has no problems with any work that is taking place there. He said they were never notified of the project. All the other neighbors received letters. Mr. Grimes said the applicant went to the Assessor's Office and got a list of abutters. If the Fitzgeralds were not on that abutter list, that is not the applicant's fault. Ms. McLaughlin said they should go to the Assessor's Office and let them know they are missing from the list.

Mr. Fitzgerald said the driveway is directly abutting his property and is there a setback for driveways on property lines. Mr. Reed said there is a sideline setback of 10 feet in Lake Residential Districts. Mr. Votruba said the driveway is only six feet from the abutter. He was not aware of the setback. Mr. Grimes said the setback is for building. He is not sure if it is for a driveway. Mr. Votruba will have to move the driveway and revise the plan. Mr. Fitzgerald said another concern he has is all his utility lines go through that pole on the Petrozzi's property to their house. The pole is in the middle of the Petrozzi's property. Mr. Votruba said the driveway will be right against the pole once the plan is re-designed. Mr. Votruba said the driveway will be moved four feet. The length of the driveway will be 95 feet. The closest point to the water is 20 feet. Hay bales and silt fence will be installed. Ms. Washburn said all excavated material will be hauled off site. *The hearing for Woodbine Terrace has been continued to April 10, 2013.*

**Other Business:**

**Sibley Farm, Bog Ridges:** Tyler Maikath from Greater Worcester Land Trust said there are 120 feet of trail that needs bridges. Sills are set into the ground. Split timbers are then set on the sills and spiked in. The materials are all native. They may put on decking, which will be raw wood decking. They try to avoid pressure-treated wood because of the chemicals used in pressure-treated wood. Also, pressure-treated wood costs more and doesn't last that much longer. Mr. Maikath said no decking is proposed at this time. The stream crossing is 12' wide. Mr. Grimes said a Notice of Intent needs to be filed. Ms. Washburn said this work will be done within a resource area. That is why a NOI is needed. Mr. Maikath said that in Worcester a NOI would not be needed. Mr. Grimes said that is their opinion. The Commission gave Mr. Maikath permission to flag the stream instead of hiring a Wetland Specialist.

**Utilities & Facilities Projects:** Mr. Steven Tyler described the following town projects:

Maintenance projects covered under the current town Order of Conditions:

- A culvert under South Spencer Road will be replaced. This is the low spot where Eben Butler removed the beaver dam. Sediment needs to be removed from the stream and a fore bay will be installed. They will be working 30' from the road. Mr. Tyler wants the work to be done in the summer. They will call Ms. Washburn before they start so she can inspect.
- A culvert under I Capen Road will be replaced on the high side end near East Charlton Road. Sediment has built up and the pipe is deteriorated. The new pipe will be high density.
- A culvert under Clark Road will be replaced near Marble Road between houses numbered 13 and 16. A double-throated catch basin will be installed. Sediment has built up in the drainage ditch.
- Town-wide maintenance brush cutting.
- Routine dam maintenance on Lake Whittemore dam and Sugden Lake dam.

Projects that require a Notice of Intent:

- Muzzy Brook, Lloyd Dyer Drive. Mr. Tyler said over time, the ditch has filled up with a considerable amount of sediment. The banks have built up. The sediment would be excavated to the bottom of the pipe. They will chase the sediment down the stream until the sediment is the same elevation as the bottom of the pipe. Ms. Washburn asked if the water is coming out of the pipe. Mr. Tyler said yes. Mr. Grimes said there needs to be some kind of de-watering. Mr. Tyler said the work could take maybe one week under ideal conditions. Mr. Tyler said the vegetation will be cut, not dug out. He will clarify what the intent will be. The preferred alternative is to remove all vegetation and add grass seed. Mr. Grimes said then it will have to be mowed. Mr. Grimes said by removing the vegetation the water flow will increase and will probably cause problems downstream. Mr. Tyler agreed that we do not want to increase the flow downstream.
- A new culvert and catch basin will be installed on Greenville Street near #218 and #219 because there is a flooding problem. Mr. Tyler said the inlet side is directly located in an isolated wetland. There is no room to replicate there. Mr. Grimes said the regulations state the wetlands must be replicated, even if they are replicated off site. Mr. Tyler said there will be 20 sf of temporary impact. Permanent impact would be 12 – 16 sf; therefore, 1.5 times as much wetland must be replicated elsewhere.

- Drainage improvement on North Spencer Road (Route 31) near #126. It is a ¼ mile south from the Abbey entrance. Mr. Tyler said there is often flooding there and they have to close down the road. Also when the road floods, the house at 124 North Spencer Road gets surrounded by water like a moat. Mr. Tyler said a new catch basin and drop inlet will be constructed. There are wetlands near the outlet. The catch basin will be in a different location on a drainage swale. It will pick up the overflow that now flows across the road. Mr. Tyler said the swale will be excavated and shaped.
- Thompson Pond Road near #62. Mr. Tyler said water builds up at the catch basin and causes icing problems on the road. The roadside water will be captured and re-directed to the other side of the driveway.
- Back lot of the Spencer Fairgrounds, Spencer Fire Department training site. Mr. Tyler said the fire trucks are getting stuck in the mud. The top portion of the soil will be excavated and a more stable rock-based structure be put down. Mr. Grimes said this is in the endangered species habitat because it is along the river. Mr. Tyler will have to file with NHESP. There will be no work on the bank. Ms. McLaughlin said maybe the fire trucks could stay further away from the bank. Mr. Tyler said he will check with the Fire Chief about that. They also want to put a standpipe into the stream which would involve digging the bank. Mr. Grimes said spraying water onto the ground or into the river poses problems.
- A beaver earthen dam at the Cranberry Meadow well on South Spencer Road needs to be removed. Mr. Tyler said the Board of Health and Malcolm Speicher said the earthen structure needs to be removed. Mr. Tyler asked the Commission what level of plan development they would want submitted. The dam is 200 feet from the pump station and approximately 200 feet from the well.
- Landfill Cap Repairs. Mr. Tyler said they would like to do the work themselves. There are approximately 2 acres of work area on the cap. Mr. Tyler said this project is right against the wetlands. ESC will be installed. There is also a perennial stream there which will require filing with NHESP. Mr. Tyler said there will be an engineered stamped plan. Ms. Washburn said that Joe Bellino from DEP may be able to offer some guidance about working near the river. The project will have to be done in phases.

**Signed:** 131 Main Street, Certificate of Compliance, DEP#293-54: *A motion to approve the Certificate of Compliance (McLaughlin/Emerson) passed 5/0.*  
 131 Main Street, Certificate of Compliance, DEP#293-259: *A motion to approve the Certificate of Compliance (McLaughlin/Moennsad) passed 5/0.*

**Spencer Conservation Commission Policy Statement re: Submission of Plan**

**Revisions:** Mr. Grimes read the policy. Ms. Washburn will change the revision date to April 10, 2013 and the Commission will sign at the next meeting.

**Site visits:** The Commission will do site visits on April 2<sup>nd</sup> at 5:30 and on April 7<sup>th</sup> at 9:15 a.m.

**115 Wilson Street:** Ms. Washburn said on 3/26/12, the ODIS office received a complaint that the chain-link fence being installed did not have the required 6-inch gap underneath. She inspected the same day and she measured the gaps under the fence in four random areas near the Paxton Road access road. She measured 2", 4", 9" and 12" gaps. Ms. Washburn sent the developers and owner an e-mail to the effect that the Conservation Commission will not object to gaps > 6", but the minimum gap must not be < 6".

The complaint also stated that the fence is not all chain-link as described during the hearings. There is an arm that juts out at an angle outside the solar arrays that will carry three stands of barbed wire. The abutter is concerned that deer will get hung up on the barbed wire and he will hear them screaming at night. The plan did not show a fence detail. Barbed wire was not mentioned during the hearings. Mr. Grimes told Ms. Washburn to ask the Town Planner about these concerns. He believes the fence issue is a Planning Board issue.

**195 Charlton Road:** Ms. Washburn has received calls from Quinn Engineering and EcoTec, Inc. She sent them PDF's of the Positive Determination and the Conditions. Scott Morrison of EcoTec said he has been hired to complete the wetland delineations.

**22 Treadwell Drive:** Ms. Washburn said that Graves Engineering is expected to complete the stormwater review by April 11, 2013. She is waiting for Jason Dubois to submit three copies of the site plans, the wetlands report and the NOI to disseminate to wetland specialists for third party review.

Ms. Washburn discussed the problems with the submitted Notice of Intent and plan for this property. She said the same NOI was prepared for submittal to both Spencer and East Brookfield. The NOI contains large quantities of information that apply to East Brookfield (land owners' information, assessor's information, abutters' lists, etc.) not Spencer. Ms. Washburn also said that Hurst Castle Associates is listed in the NOI as an owner, but is not, according to Spencer assessor's records. Hurst Castle Associates own the abutting land in East Brookfield. Ms. Washburn said the only owner listed in Spencer is Michael Ballou.

Ms. Washburn said the only ESC's shown are straw wattles. Wattles are not acceptable. Double-staked hay bales and reinforced silt fence must be used. Erosion control blankets must also be used. They are not mentioned. Winter rye seeding must be done outside of the growing season. Ms. Washburn said no wetlands delineation report was submitted with the plans. She had to ask for this to be submitted after the NOI was filed. The

wetlands report states that “there are no vernal pools”, although the wetlands were delineated in late November. It is impossible to determine whether vernal pool species are present at that time of year. This determination should be made by the third party reviewer.

No check dams are shown in the “grass swale”. Unless the swale is constructed first, and seeded and mowed three times, the swale will not be stabilized. It will be an open ditch like the ones at the on-going solar site.

Ms. Washburn said the detention basins and outlets are located much too close to wetlands. There is no fence detail or information about the gap between the fence and the ground. She said the operation and maintenance plan does not list who will be doing inspections and filling out reports. Steve Tyler told Ms. Washburn that he agrees that this information is required. Ms. Washburn said no lay-down yard for material storage is shown. There is no temporary parking shown. There will be dozens of vehicles and pieces of heavy equipment that will be parked overnight. Unless a gravel parking area is prepared, the machinery will increase the potential for erosion and sedimentation. Ms. Washburn said there are no areas for stockpiling soil or associated ESCs shown. The locations of the ends of the chain-link fence near the wetlands are suspect. There are no access roads for detention basins shown.

New Applications: 22 Treadwell Drive, NOI  
5 Shady Drive, RDA

*A motion to adjourn the meeting at 9:58 p.m. (Moennsad/Emerson) passed 5/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 3/27/13 Spencer Conservation Commission meeting:

Agenda for the 3/27/13 meeting  
Margaret’s report dated 3/27/13  
Minutes from the 2/27/13 meeting of the Spencer Conservation Commission  
Two Certificates of Compliance for 131 Main Street (Price Chopper), DEP file numbers 293-054 and 293-259 (both signed)  
Photographs taken by Margaret Washburn on 3/25/13 at 131 Main Street (Price Chopper)  
NOI file for Woodbine Terrace, Sara Petrozzi  
Continuance form for Woodbine Terrace NOI (signed)  
Spencer Conservation policy statement re: Submission of Plan Revisions  
Notice re: DEP Workshop on Evaluating Stormwater BMPs

Summary report dated 3/13/13 from Lycott Environmental for herbiciding Thompson Pond

Packet submitted by Steven Tyler, U&F Superintendent, re: U&F 2013 Projects subject to review by the Conservation Commission, including photographs

A map of Sibley Farm & Burncoat Pond Trails, and photographs, submitted by Tyler Maikath of Greater Worcester Land Trust