

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, June 26, 2013, at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

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

Commissioners Absent: Warren Snow

Minutes Approved: June 12, 2013 – Tabled until July 10, 2013

Signed: 126 North Spencer Road, Order of Conditions
87 Lakeshore Drive, Certificate of Compliance – Mr. Grimes read the site inspection report from Margaret Washburn. Ms. Washburn had no issues. *A motion to issue a Certificate of Compliance (Reed/McLaughlin) passed 4/0.*

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for John Kennedy

Property: 1 Tom Casey Road, Spencer, MA DEP#293-

John Kennedy said the plan is to build a single family house. The Commission reviewed the plan. Mr. Kennedy said the town's engineer and Ms. Washburn inspected the site. They told Mr. Kennedy that the water runoff from the roof and the driveway area needed to be collected. Mr. Kennedy said a 6' x 20' trench will be installed near the driveway and two stone infiltrators will be installed to collect the water from the roof.

Mr. Grimes asked what the closest distance of work will be to the wetland line. Mr. Kennedy said the septic will be 60' away and the house is 30' from the wetland line. The silt fence is less than 20' away from the line. Mr. Grimes told Mr. Kennedy he must follow the plan and there will be standard conditions.

A motion to close the public hearing (McLaughlin/Emerson) passed 4/0.

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

7:26 p.m. Opened the Public Meeting for Request for Determination of Applicability for Paul Dansereau

Property: 40 Point Eastalee Drive, Spencer, MA

Mr. Dansereau said he bought the property approximately a year ago. A complete Title 5 septic inspection was done but when they did the Title 5, the driveway and patio were destroyed. The hay bales and silt fence are still installed from when the Title 5 was done. Mr. Dansereau would like to fix the patio and driveway back to the way they were. The patio will be extended from 8' from the back of the house to the water to 15' from the back of the house to the water. The patio will be a poured concrete foundation instead of blocks. Mr. Grimes asked how much shorter is the driveway going to be. Mr. Dansereau said the driveway will be the same length as it was before. Mr. Dansereau will look into installing pavers for the driveway so the driveway will be a pervious surface. He will revise the plan. *At the request of the applicant, the hearing has been continued to July 10, 2013.*

7:41 p.m. Opened the Public Hearing for Notice of Intent for George Bell

Property: 22 Podunk Highway (Route 49), Spencer, MA DEP#293-0795

The project is a proposed expansion to the New England Automotive Gateway. Thomas Michalak, from Beals and Thomas, said 80 acres of this site is in Spencer. The project consists of two parts; Phase One and Phase Two. Phase One is all that is currently being permitted. Phase One of the project is a 9.8 acre impervious expanded parking area to the north with a rail processing facility as well as eight tracks extending to the south which resulted in a net increase of 9.2 acres of impervious area. The site borders the Sevenmile River with bordering vegetative wetlands associated with the river. There are a couple isolated vegetative wetlands on site as well as a certifiable vernal pool. This project will result in a net increase of 797 spaces for the facility. They are losing spaces to the south due to the track extension. The stormwater management system is designed to conform with the Mass DEP Stormwater Management Policy. The deep sump catch basins are routed to subsurface infiltration systems as well as infiltration basins sited throughout the project and a wet basin in the southwest corner. Mr. Michalak said there is less than one acre of the priority habitat that is being impacted.

Mr. Michalak said an ORAD that delineated the resource areas accordingly was approved in December. Mr. Michalak said one of the existing detention basins will be increased in size. It will be excavated out and resized accordingly. Ms. Emerson said there is a lot of area being covered up. She asked if they will make sure enough water goes back into the vernal pool. Mr. Michalak said they did a water budget for the vernal pool to verify that flow was still being contributed and not cutting anything off to the vernal pool.

Ms. Emerson asked about the salt used in the winter. Mr. Michalak said it's noted in the NOI. They use a sand mix that has less than 10% of salt. Mr. Mike Toomey expressed his concern with hydraulic fluids from the cars bio-cummulating into the ponds and into the drinking water. Mr. Toomey asked if there is any way to show compliance for the water quality. Mr. Michalak said for clarification, they are not building in the resource area. Mr. Michalak said he understands the concerns expressed but the project has met the obligations of the Mass DEP requirements.

Mr. Grimes said he does not know if the Peer Review from Graves Engineering has been submitted at this time. *At the request of the applicant, the hearing has been continued to July 10, 2013.*

Mr. Michael Toomey spoke at length about his concerns with what can happen over time with the New England Automotive Gateway expansion.

Other Business:

Conservation Wetland Fund: Mr. Adam Gaudette requested that the Commission transfer \$10,000.00 out of the Conservation Commission's Wetland Fund. The money will be used towards the administration of the Town's Wetlands Bylaw and the Wetlands Protection Act. It will indirectly fund a portion of the Conservation Commission's staff in ODIS as well. *A motion to transfer the sum of \$10,000.00 out of the Conservation Commission's Wetland Fund (McLaughlin/Emerson) passed 4/0.*

Memo from Michelle Buck: Mr. Grimes read a memo from Michelle Buck regarding the timing of Conservation Commission approvals. The memo stated that the Conservation Commission's approval of permits does not need to wait until after a Planning Board decision. Mr. Grimes said without the Planning Board's approval, he does not know what items are outstanding. The Conservation Commission does not get that information. Ms. McLaughlin said if the Conservation Commission is going to approve prior to Planning Board approvals, they need to have the communication between the two boards. Ms. Ginny Scarlet suggested that the Commission request copies of the Planning Board minutes that pertain to the projects.

Conservation Restrictions: Ms. Ginny Scarlet said the Small Farm Conservation Restriction is not finalized yet. Ms. Scarlet said if the APR is approved and the town wants to be a co-holder of the APR, the \$3,000.00 will go towards buying the land. If the town does not want to be involved, the State will have to enforce the APR and the \$3,000.00 can go towards paying some of the survey costs.

Ms. Scarlet said a Chapter 61A release request is coming in for a one-acre lot from Kurt Nordquist. She said Mr. Nordquist is planning to give Common Ground Land Trust a Conservation Restriction on the rest of his 40-acre farm. He wants to split off the lot and take it out of Chapter 61A to sell it to a relative as a residential lot. Mr. Nordquist is applying for Conservation Land tax credit. Ms. Scarlet said he does qualify for the program if he makes the donation.

Site Visits: The Commission will do site visits on Monday, July 8, 2013 at 9 a.m. Meet at the Town Hall.

Tonight is Mr. Grimes last night on the Conservation Commission. Ms. Scarlet suggested that a script be written for the next Chairman and it should be read at the beginning of

each meeting. Ms. Scarlet also suggested that Mr. Grimes make a formal report to the Town Administrator about the shortcomings of the clerical staff for the Commission.

New Applications: 116 Charlton Road, RDA
69 West Main Street, RDA
123 Wilson Avenue, RDA

A motion to adjourn the meeting at 9:15 p.m. (McLaughlin/Reed) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 6/26/13 Spencer Conservation Commission meeting:

Agenda for the 6/26/13 meeting
Minutes from the 6/12/13 Spencer Conservation Commission meeting
Certificate of Compliance for 87 Lakeshore Drive
Order of Conditions for 126 North Spencer Road
Notice of Intent for 1 Tom Casey Road, John Kennedy
Request for Determination for 40 Point Eastalee Drive, Paul Dansereau
Notice of Intent for 22 Podunk Highway, George Bell
Plans for 22 Podunk Highway
Continuance form for 22 Podunk Highway
Continuance form for 40 Point Eastalee Drive