

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, December 10, 2014 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Dana Reed, Warren Snow, Margaret Emerson, James Bouley, Eric Peterson

Commissioners Absent: John Haverty

Staff present: Margaret Washburn

Minutes Approved: October 22, 2014 – *A motion to accept the minutes as amended (Peterson/Emerson) passed 6/0.*
November 12, 2014 – Tabled to January 14, 2015

Signed: Conflict of Interest signature pages
62 Thompson Pond Road, Certificate of Compliance – Ms. Washburn said she inspected and took photos. She has no issues at this time. *A motion to issue the Certificate of Compliance (Reed/Emerson) passed 6/0.*
22 Bellevue Drive, Re-sign Order of Conditions

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Doug Cutler

Property: 10 Sherman Grove, Spencer, MA DEP#293-0819

At the request of the applicant, the hearing has been continued to January 14, 2015.

7:16 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Doug Cutler

Property: 12 Sherman Grove, Spencer, MA DEP#293-0820

At the request of the applicant, the hearing has been continued to January 14, 2015.

7:17 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Robert Moschini

Property: 144 Mechanic Street, Spencer, MA DEP#293-0843

At the request of the applicant, the hearing has been continued to January 14, 2015.

7:19 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Susan Sabacinski

Property: 78 Donnelly Road, Spencer, MA DEP#293-0839

Art Allen presented. The revised plan and the narrative were submitted on December 8th. Mr. Allen said JMM Wetland Consultants did the peer review. Monitoring reports will be submitted once a year in 2015 and 2016. The boom has been added to the plan and the six trees to be cut have been flagged with pink. The erosion on the trail on the steep hill will be controlled with three water bars. Mr. Allen said the water bars will be approximately six inches high and a foot wide. Ms. Washburn asked what type of equipment will be used to cut the trees. Mr. Allen said a chainsaw and a chipper will be used. He said all the wood that falls into the Land Under Water Body will be carried out by hand onto the land.

The proposed conditions are as follows:

- Monitoring reports prepared by a wetland specialist shall be submitted by 10/1/15 and 10/1/16, documenting 1) re-vegetation success, 2) invasive species control in the clear-cut wetlands and buffer zone, and 3) stability of the 17-foot-long section of the Bank of Sugden Reservoir where vegetation removal has been permitted.
- A representative from EcoTec, Inc. must be on site to supervise the tree removal in the 16-foot by 17-foot area to be clear-cut beside Sugden Reservoir. The Conservation Commission must be notified at least five business days in advance by telephone or email prior to commencing the clearing of the 16-foot by 17-foot area beside Sugden Reservoir.

A motion to close the public hearing (Reed/Emerson) passed 6/0.

A motion to accept plan as submitted with conditions as discussed (Snow/Bouley) passed 6/0.

7:40 p.m. Opened the Continuation of Public Hearing for Abbreviated Notice of Resource Area Delineation for Christopher Heffernan

Property: 74 Donnelly Road, Spencer, MA DEP#293-0842

At the request of the applicant, the hearing has been continued to January 14, 2015.

7:44 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Robert Ceppi

Property: 15 Marble Road, Spencer, MA

Mr. Ceppi said he added the dimensions to the plan as requested. Ms. Washburn said she inspected on 11/3. She took photos of the area where the stakes were installed for the proposed shed. Nearby, she photographed several overflowing, uncovered buckets, the contents of which Mr. Ceppi identified as “tar”. The shed, if installed on cement blocks, appears to have no issues at this time. There is one clump of 4 red maples on the south side of the proposed shed that Mr. Ceppi may need to cut down. There is also one 25-foot +/- red maple on the east side of the proposed shed that Mr. Ceppi may wish to remove as

it might fall on the shed. Ms. Washburn said she has no issues with the shed or the tree cutting, but it would be better if the open buckets were either sealed or removed.

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

7:50 p.m. Opened the Public Hearing for Notice of Intent for Mohegan Council, Inc. Property: Browning Pond Road, Spencer, MA DEP#293-0841

Scott Morrison, from EcoTec, presented the project. He said two cabins are collapsing and need to be demolished and removed. Silt fence or straw wattles will be installed. A machine will load debris into a dumpster which will be sealed and hauled off site.

Mr. Morrison said a pump may be put in the water so water can be pumped out to control the dust from removing the cabins.

Mr. Morrison said the gate on the edge of Browning Pond will be made of pipes. No wildlife barrier will be made. The gates will also be locked when the pond is frozen to prevent damage to the gate.

A motion to close the public hearing (Bouley/Emerson) passed 6/0.

A motion to accept plan as submitted (Reed/Emerson) passed 6/0.

8:02 p.m. Opened the Public Meeting for Request for Determination of Applicability for Ahearn Equipment Property: 460 Main Street, Spencer, MA

Scott Morrison, from EcoTec, presented the plan. He said mowing up to the edge of the BVW is requested. It will be periodic, once a year mowing, to maintain the open field. He said the yellow oval on the plan represents a disturbed area that will be loamed and seeded. Mr. Reed read the inspection report.

Mr. Glenn Krevosky asked if any wetlands were mowed. Mr. Morrison said that yes, minor amounts of wetlands were mowed. He said all wetlands were flagged and there won't be any more mowing in the wetlands. Ms. Washburn said that Mr. Ahearn stated that there will be no more fill placed in the buffer zone unless a permit is issued.

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

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

8:14 p.m. Opened the Public Hearing for Notice of Intent for Carl Nelson Property: 9 West Avenue, Spencer, MA DEP#293-0845

Liz Dupre, from Clearwater Environmental, presented the project. The existing house and garage will be demolished and rebuilt. The new house will be set 50 feet back from the pond. The proposed septic system is outside the 100 foot buffer zone. There will be two new wells drilled to replace the existing shared well. Ms. Dupre said booms will be placed in the water. She said a number of trees are proposed to be taken down. Ms. Washburn said one large eastern white pine is slated to be cut down not far from the edge of Thompson Pond. It overhangs the water, providing important wildlife habitat

functions by shading the water, making it cooler for fish, by allowing insects to drop into the water to feed fish, and by providing perching, feeding, resting, nesting, and diving opportunities for birds. Ms. Washburn said cutting this tree appears to be unnecessary for the proposed work. Ms. Dupre said the homeowners want to take the tree down because they are concerned about it being a danger to their children because they play in the area of the tree. The Commission decided that the tree is not to be removed. Mr. Reed was opposed to that decision. The Commission also said sumps for the well tailings must be added to each well. Ms. Dupre drew the sumps around the wells on the plan.

The proposed conditions are as follows:

- The large white pine tree is not to be removed
- Sumps for well tailings must be added to each well

A motion to close the public hearing (Peterson/Emerson) passed 6/0.

*A motion to approve the plan as discussed with conditions (Snow/Peterson) passed 5/1.
Mr. Reed opposed.*

8:33 p.m. Opened the Public Hearing for Notice of Intent for Francis Harvey

Property: 68 Chickering Road, Spencer, MA DEP#293-0844

Ms. Liz Dupre said the project is a septic repair. She submitted new plans (revision date of 12/5/14) showing a boom in the water and trees that are proposed to be removed.

Candace Ross requested a copy of this plan. Ms. Washburn will ask Lee if Ms. Ross can take the plan to Staples to copy it.

A motion to close the public hearing (Reed/Emerson) passed 6/0.

A motion to approve the plan as discussed (Snow/Bouley) passed 6/0.

8:40 p.m. Opened the Public Hearing for Notice of Intent for Robert Beaudin

Property: Wilson Avenue, Spencer, MA DEP#293-0846

Mr. Beaudin said he lives across the street (96 Wilson Avenue) from this property. He is proposing to build a garage. Bertin Engineering flagged the BVW when 96 Wilson Avenue was built.

A motion to close the public hearing (Reed/Peterson) passed 6/0.

A motion to approve the plan as discussed (Emerson/Bouley) passed 6/0.

8:45 p.m. Opened the Public Hearing for Notice of Intent for Beverly Martin

Property: 73 Wilson Avenue, Spencer, MA DEP#293-0847

Mr. Richard Gobi presented the plan. The new septic system is a high-tech sand filter system. The retaining wall will be replaced and changed from wood to concrete. The wall has been engineered to prevent tipping. Mr. Gobi said DEP said the plan needs to show a silt curtain and a boom. The project will be done during drawdown. The septic system has been approved by the Board of Health.

The proposed conditions are as follows:

- After the wall is replaced, wattles can be placed between the new wall and the leach field before the leach field is constructed.
- Wall replacement and septic system repair must be done during drawdown.

A motion to close the public hearing (Bouley/Peterson) passed 6/0.

A motion to approve the plan with conditions as discussed (Snow/Emerson) passed 6/0.

9:00 p.m. Opened the Public Meeting for Request for Determination of Applicability for Michael Cutler

Property: 171 Paxton Road, Spencer, MA

The applicant was not present. The meeting has been continued to January 14, 2015.

9:02 p.m. Opened the Public Meeting for Request for Determination of Applicability for Richard Mercier

Property: 98 Chickering Road, Spencer, MA

Mr. Glen Krevosky presented the project. Mr. Krevosky said Mr. Mercier has been placing fill in the wetlands. Mr. Mercier moved the compost up gradient from the wetlands on November 24, 2014, as stated on the plan. Mr. Krevosky wants to close off the wall after the old compost pile has been cleaned, planted, and seeded. The stone wall will be opened up for a new entrance to the relocated compost pile. Mr. Krevosky will oversee the removal of Tartarian Honeysuckle, Multiflora Rose, and the trash barrels. Mr. Krevosky asked if two compost piles would be acceptable. The Commission allowed the two piles.

The proposed conditions are as follows:

- A wetland specialist must be on site to oversee the removal of invasive plant species and trash barrels in the buffer zone where proposed compost relocation area 1 is shown on the plan.
- A wetland specialist must be on site to oversee the removal of all compost from the delineated wetland.
- A wetland specialist must be on site to oversee the planting of native shrubs and seeding with a native seed mix.

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

A motion for a Negative Determination with Conditions (Reed/Emerson) passed 6/0.

Other Business:

62 Chickering Road: Ms. Washburn said she received a complaint that Mr. Kamendulis had York raked with a tractor in Land Under Water Bodies without an oil-absorbent boom. Ms. Washburn said that Mr. Kamendulis knows better, as he recently used a boom for some work done under a Determination and is a member of the Stiles Lake Association that controls the dam. Ms. Washburn sent Mr. Kamendulis a Notice of Violation on November 18th requiring him to attend tonight's meeting. Ms. McLaughlin

told Mr. Kamendulis not to do that anymore. He said next time he will call Ms. Washburn first, get a permit, and use a boom.

92 McCormick Road, Camp Marshall: Ms. Washburn said that reportedly, double-staked hay bales were installed along the crossing. DCR foresters brought Marty Jalonski of MA DEP for a site walk and maintain that the work for the fill at the crossing was exempt from the MA WPA because it was done under an approved Forest Cutting Plan.

MACC: Mr. Snow said that the MACC internet access to the handbook expires December 22nd. Mr. Snow said he will take care of this.

0 Woodbine Terrace: Ms. Washburn said that Lee Jarvis went to court on November 5th to a Probable Cause Hearing, with a packet that Ms. Washburn prepared for him for this case. Ms. Petrozzi failed to appear at that Probable Cause Hearing.

On November 12th, Ms. Washburn sent a Notice of Violation to Ms. Petrozzi requiring her to immediately install double-staked hay bales at the toe of the slope of the boat launch, and to contact Ms. Washburn as soon as she had done so. The NOV also required her to have a remediation plan prepared by a competent individual and to submit it by December 10th, and to attend the December 10th meeting. Ms. Petrozzi failed to appear at the meeting as required.

Ms. Washburn said she received a Notice of Arraignment for 12/3/14 at Worcester Housing Court. Mr. Reed, Ms. Emerson and Ms. Washburn went to the Arraignment. The court failed to summons Ms. Petrozzi. The next court date we requested was 12/17. Ms. Washburn has not received anything from the court regarding that date yet.

South Spencer Road, Cranberry River: Ms. Washburn said the town is looking for an extension for the beaver dam removal. *A motion to issue an Extension (Snow/Reed) passed 6/0.*

89.5 Clark Road: The retaining wall is finished except for backfilling above the wall. Ms. Washburn gave Mr. Prunier permission to remove two large trees on the east side of his house on 12/2/14. He expects to remove the trees in the spring, and will call Ms. Washburn before doing so to inspect the boom.

97 Meadow Road: Margaret Emerson and Ms. Washburn inspected and took photos on 12/8. Several large trees have been cut down in the Riverfront Area and probably in the Bordering Land Subject to Flooding (Floodplain) on this site. A NOV will be forthcoming.

175 Paxton Road: Ms. Washburn called Mr. Cutler on 12/8 because he appeared to be doing work with an excavator in what she believes to be a buffer zone to a BVW. Ms. Washburn had asked him to return her call. He has not done so. She said her last contact with Mr. Cutler was in regard to work he did under an Enforcement Order issued in 2012.

Site Visits: The Commission will do a Depot Trail site walk on January 3, 2015 at 9 a.m.

Mr. Snow will be absent from the January 14th meeting.

New Applications: Depot Trail, RDA, Town of Spencer
Browning Pond Road, NOI, Mohegan Council

A motion to adjourn the meeting at 9:45 p.m. (Reed/Snow) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 12/10/14 Spencer Conservation Commission meeting:

Agenda for the 12/10/14 meeting
Margaret's report dated 12/10/14
Minutes from the October 22, 2014 CC meeting
Continuance form for 74 Donnelly Road (signed)
Continuance form for 144 Mechanic Street (signed)
Continuance form for 10 & 12 Sherman Grove (signed)
Summary of the Conflict of Interest Law from the Town Clerk
Extension Permit for Orders of Conditions for Cranberry River at South Spencer Road
(Town of Spencer)
Notice of Violation sent to Fran Kamendulis, 62 Chickering Road
RDA file for 98 Chickering Road, including Negative Determination (signed)
NOI file for 73 Wilson Avenue
RDA file and continuance form for 171 Paxton Road
NOI file for Wilson Avenue (Beaudin)
NOI file for 68 Chickering Road
NOI file for 9 West Avenue
RDA file for 460 Main Street
NOI file for Browning Pond Road (Mohegan Council)
RDA file for 15 Marble Road, including Negative Determination (signed)
NOI file for 78 Donnelly Road
Order of Conditions for 22 Bellevue Drive (signed)
Certificate of Compliance for 62 Thompson Pond Road (signed)