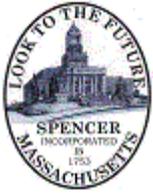


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, September 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, Margaret Emerson, James Bouley, John Haverty

Commissioners Absent: Eric Peterson, Warren Snow

Staff present: Margaret Washburn

Minutes: August 13, 2014 – Tabled to September 24, 2014
August 27, 2014 – Tabled to October 8, 2014

Signed: Brooks Pond, 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#293-819

At the request of the applicant, the hearing has been continued to October 8, 2014.

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

Property: 12 Sherman Grove, Spencer, MA DEP#293-820

At the request of the applicant, the hearing has been continued to October 8, 2014.

7:18 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Kristian Rondeau

Property: 40 South Spencer Road, Spencer, MA DEP#293-822

Ms. Washburn said the plan now states “There shall be no storage of manure in the buffer zone. Manure shall be spread on the pasture or removed from the site.” Nobody showed up to present the project. The hearing was continued to September 24, 2014.

7:20 p.m. Opened the Public Meeting for Request for Determination of Applicability for James Gardner

Property: Jolicoeur Avenue, Spencer, MA

Mr. Bouley recused himself as an abutter. Ms. Washburn said the Commission did a site visit on August 26th. The project is basically a repeat filing for work that Mr. Gardner was permitted to do under a previous Determination. Mr. Gardner had violated the conditions of the previous Determination by cutting tree trunks that the Determination stated were not to be cut, therefore, an Enforcement Order was issued nullifying the work allowed under the previous Determination.

Ms. McLaughlin read that the proposed work will include a grass area and a seasonal rolling dock. Ms. McLaughlin is not concerned about the rolling dock, however, she is concerned about the clearing for the grass area. She feels the abutters should be notified. Ms. McLaughlin asked if any other vegetation will be cut to create the grass area. Mr. Gardner said he will have to cut the weeds and crop up the soil to put down the new grass. Ms. McLaughlin wants a sketch of the work to be submitted. She also wants the sketch to include where the stakes will be placed, what the stakes are made of, and the dimensions of the ROW. Mr. Gardner said he will use hand tools, lawn mower and weed whacker with a blade to cut the vegetation.

Mr. Bob Tee, abutter, said he thought a right-of-way is used to pass and re-pass, not to go there and party. Mrs. Tee said that Mr. Gardner has set up chairs and a table. Mr. Reed said the Commission is not giving Mr. Gardner permission to put up structures.

Mr. Gardner said he's owned his lot for 28 years. He said Mr. Bouley demolished a small camp and built a house, ruining Mr. Gardner's view of the pond. Mr. Gardner questioned whether Mr. Bouley is interested in the Conservation issues or his own issues. Mrs. Tee said Mr. Gardner acts like he owns the ROW. Ms. McLaughlin said we don't address personal issues. Mr. Bouley asked how big the dock is. Mr. Gardner said the dock is 4' x 20'. Mr. Kurt Nordquist said he has ROWs on his land and those ROWs can't be changed. Mr. Reed said if a ROW is blocked, it is violating the law.

At the request of the applicant, the meeting has been continued to September 24, 2014.

7:59 p.m. Opened the Public Hearing for Notice of Intent for LFB USA, Inc.

Property: 300 Charlton Road, Spencer, MA DEP#293-835

Mr. Vito Colonna, from Connorstone Engineering, presented the project. He said some work there was permitted back in 1995. They were going to request a Certificate of Compliance for the project but noticed some more work needed to be done before submitting the request. Mr. Colonna said the work that needs to be done required filing another Notice of Intent. There has been scouring along the edges of the driveway and an unpaved portion of the driveway will be paved. The culvert under the driveway is plugged and needs to be cleaned out. Wattles and silt fence will be installed. Mr. Colonna said Steve Tyler needs to review the stormwater management plan. Mr. Tyler had told Mr. Colonna not to re-do the driveway culvert because Route 31 will be repaved

in 2019. *At the request of the applicant, the hearing has been continued to September 24, 2014.*

Other Business:

6 Hastings Road: Ms. Washburn said she received a complaint from Diane Mitchell, at 6 Hastings Road, regarding runoff from 57 Wilson Street. Ms. Washburn inspected and she did not observe any conservation issues at this time. Ms. Washburn told Ms. Mitchell that the situation is a civil matter between neighbors.

Mechanic Street solar development: Ms. Washburn said she received an inadequate NOI filing from Ecos Energy in Minneapolis. Ms. Washburn informed Ecos that the NOI has been rejected and that a hearing has not been scheduled. Ms. Washburn will prepare a letter of deficiency and send it next week. Lenard Engineering picked up a set of plans today to estimate the cost for the stormwater report review.

21 Sherman Grove: Ms. Washburn said she met Mr. Stewart today to inspect a large eastern white pine that has died. She said it is a safety concern, overhanging his house and deck. It is about 20 feet from Sugden Reservoir. Ms. Washburn gave permission to remove the tree, on the condition that the stump is to remain. The tree will be cut using ropes and chainsaws. No hydraulic equipment will be used. The wood will be removed.

22 Treadwell Drive: Ms. Washburn said she inspected the ESCs and took a photo today. Permission was given to start work. ESCs need to be modified from those shown on the plan between wetlands flagged with the B series and D series of wetland flags in order to continue using one of the existing driveways. Ms. Washburn said she gave permission to do this.

Ms. Washburn said the applicants are on the agenda for the next meeting to ask to do continuous construction without the phasing shown on the approved plans. They say that the solar development project must be 100% built by mid-February.

118 Hastings Road: Ms. Washburn said Mr. Reed inspected on September 2nd. He reported that all the exposed areas have been stabilized with seed and mulch. There were no issues at that time. The Certificate of Compliance was already issued.

15 Marble Road: Ms. Washburn said that the ZBA issued a Special Permit for a parking area and a shed for commercial vehicles. The building inspector wrote the following email:

“It is my understanding that Bob Ceppi was issued a Special Permit for parking vehicles contingent upon constructing a building and planting vegetation to block the street view. This work will be close to the brook and wetland on his property and may require permitting. I thought you should be aware of this issue. I received the ZBA file and suggest that the Commission should issue a letter to Mr. Ceppi requiring him to either file for a permit for the work or submit a letter from a wetland scientist stating that none of

the work is jurisdictional to the MA WPA or Wetlands Protection Bylaw. I drove by and wetlands appear to be close to the area where work is proposed.”

The Commission told Ms. Washburn to send a letter to Mr. Ceppi advising him he must submit a letter from a Wetland Scientist no later than October 1st. Ms. McLaughlin said no work can start until Mr. Ceppi submits a filing or the letter is submitted stating no filing is needed.

Clark Road: Ms. Washburn said Mr. Klansek was issued an NOV signed by Mary McLaughlin telling him to file an NOI for fill dumped on this site in and near the wetlands. Ms. Washburn spoke to Mr. Klansek on September 8th. He said that the fill was all dumped there by neighbors and the town before he bought the property and he has never set foot there. He said he is in the process of donating the property to the town. He also said he would consider putting up a chain and a sign saying “No Dumping”. Ms. Washburn advises writing another NOV requesting that Mr. Klansek puts up a chain and a sign saying “No Dumping” by October 30, 2014. The Commission agreed.

77 Northwest Road: On September 9th, Ms. Washburn met with the Brunelles to help them fill out the RDA form. Their site sketches needed more work. They agreed to bring in revised sketches and complete the RDA filing by September 23rd.

44 Buteau Road: Ms. Washburn said she inspected the ESCs on September 8th and gave permission to commence removing the stumps in the buffer zone and/or wetlands. This work is being done under an Enforcement Order.

Site Visits: The Commission will do the following site visits:

- 89.5 Clark Road on September 17th at 2:15 p.m.
- 22 Bellevue Drive and 51 Thompson Pond Road on September 23rd starting at 2:30 p.m.

New Applications: 89.5 Clark Road, NOI
 51 Thompson Pond Road, NOI
 22 Bellevue Drive, NOI

A motion to adjourn the meeting at 8:34 p.m. (Reed/Emerson) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 9/10/14 Spencer Conservation Commission meeting:

Agenda for the 9/10/14 meeting

Margaret's report dated 9/10/14

Documents from Lycott Environmental, dated 9/2/14, re: herbicide treatment of Thompson Pond.

Continuance form for 40 South Spencer Road NOI (signed)

RDA file and continuance form for Right-of-Way work off Jolicoeur Avenue (signed)

NOI file and continuance form for 300 Charlton Road NOI (signed)

ZBA Certificate of Decision on Special permit, GIS map and site sketch submitted to the ZBA for 15 Marble Road