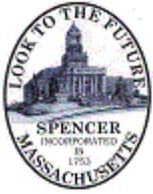


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, August 13, 2014 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Warren Snow, Margaret Emerson, Dana Reed, John Haverty, James Bouley, Eric Peterson

Commissioners Absent: Mary McLaughlin

Staff present: Margaret Washburn

Minutes Approved: July 23, 2014 – Tabled until August 27, 2014

Signed: 34 Point Eastalee Drive, Order of Conditions
190 Northwest Road, Certificate of Compliance – Ms. Washburn inspected. She has no issues. *A motion to issue a Certificate of Compliance (Emerson/Haverty) passed 6/0.*
81 Wilson Street – partial Certificate of Compliance – Mr. Snow read the inspection sheet. *A motion to issue the partial Certificate of Compliance (Bouley/Peterson) passed 6/0.*
Continuation Form, 10 & 12 Sherman Grove
Policy Statement regarding Plan Revisions

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 September 10, 2014.

7:17 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 September 10, 2014.

7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Brooks Pond Conservation Association

Property: Brooks Pond Road, Spencer, MA DEP#293-0829

Mr. Reed recused himself because he is an abutter to Brooks Pond. Chris Cullen, from Fuss & O'Neill, submitted one set of revised plans. The Commission also received documentation of how the performance standards regarding the Bank stability have been met. The following revisions were made to the plan:

- There will be no dredging when standing water is present.
- Silt fence has been added along the dredged channel.
- Two check dams were added in the same channel.
- A second floating boom was added where the channel meets the river.
- Note 6 calls for the contractor to have a spill kit.
- Note 3 states a pre-construction conference shall be held at least one week before starting work.
- Note 5 added language from the NOI regarding ESCs and requiring a one-week notice to the Conservation Commission prior to starting work, for an inspection.
- Note 13 contains hydroseeding language taken from the NOI.
- Straw mulch has been added to the language on the plan.
- Note 14 states weekly reports will be submitted to the Commission.
- Beaver dam removal language has been added.
- Seeding the Bank of the channel with native wetland mix was added.

Mr. Reed had a concern about the name of the applicant on the plan. It does not match the NOI application. A special condition was added to change the applicant name on the plan before issuing the Order of Conditions. A special condition was added that the plan must state that beaver dam removal will be ongoing.

A motion to close the public hearing (Peterson/Emerson) passed 5/0.

A motion to accept plan as submitted (Emerson/Peterson) passed 5/0.

7:37 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Phyllis Schoof

Property: 115 Charlton Road, Spencer, MA DEP#293-0832

Scott VanderSea, from CEA, presented. There was an oil spill under a vacant building at the rear of the property. The odor of oil was noticed and calls were made to MA DEP and the Fire Department. MA DEP hired CEA to perform the cleanup. Oil was found in the pond; the oil was absorbed and contained. Booms were deployed in the river. The two oil tanks behind the building were empty. CEA did testing beneath the building and found there is contaminated soil and water under the building. Mr. VanderSea said there is no safe way to remove the contamination with the building in place. The structure will be removed to safely remediate the spilled oil.

There are new temporary buildings proposed for storage. There will not be any sewer or water for these buildings. All debris will be put into dumpster containers and removed from the site. Mr. Snow read the inspection report. Mr. VanderSea said they have a

permit to discharge treated water into the river. De-watering will occur. Ms. Washburn requested that they call for inspection of the ESCs before starting work.

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

A motion to accept plan as submitted (Bouley/Peterson) passed 6/0.

7:50 p.m. Opened the Continuation of Public Hearing for Notice of Intent for John Stone

Property: 20 Laurel Lane, Spencer, MA DEP#293-0831

Richard Gobi said he did not make any changes to the plan except the flagging on the brook. He also only shows silt fence on the plan, no hay bales. Mr. Gobi said the site is relatively flat. Mr. Snow read the inspection report. The plan Mr. Gobi submitted has a date of 8/14/14 on it. It should be dated today. The Commission told Mr. Gobi the Order of Conditions will be issued contingent upon submittal of a new plan with today's date on it.

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

A motion to accept plan as discussed (Reed/Bouley) passed 6/0.

8:07 p.m. Opened the Public Hearing for Notice of Intent for Ralph Williamson

Property: 13 Lake Avenue, Spencer, MA DEP#293-0833

Robert Murphy, from Robert G. Murphy & Associates, presented. Mr. Murphy submitted two copies of the plan. The house on Stiles Reservoir burned. The house will be demolished and rebuilt. Some asbestos has to be removed. All the materials removed will be put into dumpsters. There will be no on-site stockpiling. Construction will take place within 15 feet of the reservoir. There is no stormwater control on the site. Mr. Murphy said they are proposing a dry well with all roof drainage directed into it. The septic near Lake Avenue will have to be covered with steel plates. The plan shows booms. Hay bales and wattles will be used for erosion control. Mr. Murphy said the well across the road could become a public well. All the controls for the well were burned in the fire. The pump has been taken out. For this well to be used, a new pump is needed. The controls for the new well may be in a well house, or in the new house.

A revised plan needs to be submitted showing the following:

- A correct scale.
- The location of the 100-foot buffer zone to the Bank of Stiles Reservoir.

Mr. Murphy said there is an existing deck located in the bordering land subject to flooding (BLSF) which will be replaced with a new deck with four posts. The Commission said there will be a special order stating no permanent grade changes are allowed in the BLSF unless compensatory flood storage is created.

Mr. Reed read the Conservation Commission Policy regarding the submittal of plans.

According to Robert Fournier, the elevation of the lake is 845 feet from a designated reference point on a plan.

*A motion to close the public hearing (Emerson/Bouley) passed 6/0.
A motion to accept plan contingent upon the submittal of a 4th set of plans to be approved by Ms. Washburn (Reed/Emerson) passed 6/0.*

8:41 p.m. Opened the Public Meeting for Request for Determination of Applicability for Raymond Chapin

Property: 82 Chickering Road, Spencer, MA

Mr. Barry Grenier presented the project. An in-ground trampoline and a sandbox will be installed. The swingset that was removed will be put back. Mr. Grenier made changes on the plan in red ink. He also dated and initialed the plan. The plan also shows the drain outlet slanting sideways down the bank, over six to eight inch angular stone. Ms. Washburn requested that Mr. Grenier call her for an inspection before removing the silt fence.

*A motion to close the public meeting (Reed/Peterson) passed 6/0.
A motion for a Negative Determination (Reed/Haverty) passed 6/0.*

8:57 p.m. Opened the Public Hearing for Notice of Intent for Francis Thompson

Property: 33 Wilson Avenue, Spencer, MA

Glenn Krevosky presented the project. The septic system is being repaired. The plan was changed to show double-staked hay bales and silt fence and a boom was added. Ms. Washburn said she doesn't have any issues with this plan. Mr. Snow read the site inspection report.

Mr. James Smith commented that this property abuts a public beach and the Smith's are concerned about trees being removed. Mr. Krevosky said there will be no tree removal.

*A motion to close the public hearing (Haverty/Peterson) passed 6/0.
A motion to accept plan as discussed (Bouley/Emerson) passed 6/0.*

9:04 p.m. Opened the Public Meeting for Request for Determination of Applicability for Michael McTigue

Property: 43 Oakland Drive, Spencer, MA

Mr. McTigue put in a retaining wall. He has done what he wanted with the wall and now would like to add steps. The Commission reviewed the photos taken from July 13th and July 14th. Ms. Washburn read the inspection report. If Mr. McTigue has to dig out any soil, the work should take one day, two at the most. He will seed the area immediately.

*A motion to close the public meeting (Haverty/Emerson) passed 6/0.
A motion for a Negative Determination (Bouley/Haverty) passed 6/0.*

9:18 p.m. Opened the Public Meeting for Request for Determination of Applicability for Andrew Slowaski

Property: 22 Laurel Lane, Spencer, MA

Mr. Gobi presented the plan to replace the septic system. Ms. Washburn said she has a question on what type of erosion controls will be used. Mr. Gobi said silt fence will be used. He added the words silt fence (in red ink) to the plan. Mr. Gobi said the work will take 10 days or two weeks. Ms. Washburn told Mr. Gobi to call her for an inspection of the ESCs before work begins.

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

A motion for a Negative Determination with the revision and condition of inspection of ESCs (Reed/Emerson) passed 6/0.

Other Business:

2 Wildwood Lane: Ms. Washburn inspected and took photos on 8/5/14 in response to a complaint. One tree was cut in the buffer zone to Sugden Reservoir at 2 Wildwood Lane. The owner was in Maine, according to a neighbor, who told Ms. Washburn why the tree was cut. An abutter, Karen Hubert at 25 Oakland Drive who has a permit, needs to drop a dying ash tree on top of the area where the tree was cut at 2 Wildwood Lane. Apparently Mr. Praskiewicz is going to allow Ms. Karen Hubert to drop the tree on his land. The Commission agreed that no action needs to be taken at this time.

Browning Pond, Treasure Valley Scout Reservation (TVSR): Ms. Washburn said she inspected in response to a complaint on August 5th. Two steel posts have been installed at the water's edge without a permit. The person who complained is afraid that TVSR is going to put up a gate on the posts. Ms. Washburn said she issued a NOV on August 6th. She also said because they are working in a resource area, a Notice of Intent needs to be filed. The Bank needs to be delineated and all resource areas involved need to be shown on the plan.

Jeff Hotchkiss and Ray Griffin presented. Mr. Hotchkiss apologized and said the man who installed the two steel posts at the boat launch is the chairman of a Conservation Commission in another town. Mr. Hotchkiss said the police chief is on board with closing off the access. With the gate, they have to close it when the kids are in camp and on weekends. The only weekends no kids are there is during hunting season. They have an agreement with Senator Brewer and Mass Association of Sportsmen's Clubs that states no fuel boats are allowed. Paddling and 10-horsepower electric boats are allowed. Mr. Griffin said they have posted their perimeter for CORI and SORI. When the gates are closed, fishing from the shore only is allowed. Gates will be closed when youths are in camp. No boats are allowed when gates are closed unless the person is CORI checked and a member of the Boy Scouts of America. Mr. Hotchkiss said they will contact a consultant and file a Notice of Intent.

77 Northwest Road: Mr. Brunelle said he put in the trench and gravel in hopes that water would flow away from the driveway towards the catch basin. Ms. Washburn read Steve Tyler's comments. Mr. Snow read the inspection report from the site visit conducted on July 30th. Mr. Brunelle said there is a pipe in the trench. He also said the town should have addressed the icing on the road. The Commission decided to allow Mr. Brunelle to remove the rocks he put in the stream channel by September 1st. Ms. Washburn will send a Notice of Violation stating to remove the rocks by September 1st, attend a site visit with Ms. Washburn, Steve Tyler, and Eben Butler, and then file an RDA.

0 Woodbine Terrace: Ms. Washburn inspected, took photos and issued a fine and a NOV on August 11th, directing Ms. Petrozzi to attend tonight's meeting. Attorney Joe Lussier attended tonight's meeting on behalf of Ms. Petrozzi.

Ms. Washburn said the driveway has been paved. The Order of Conditions plan showed a gravel driveway in a different location. There is a sonotube form waiting to be poured and seven bags of concrete on hand. Most of the illegal beach sand was supposed to be removed, and the remediation plantings were to be made under the terms of the Enforcement Order, by 12/31/13. This work was not done.

The "beach" that was allowed is functioning as a boat launch with ruts more than a foot deep where tires have driven into the pond. Sand is washing into the pond. A new retaining wall has been constructed on the Bank to the left of the beach facing the pond. There is a new roofed structure (shed) that appears to be at least partially built on someone else's land. The minutes from the 11/13/13 NOI hearing state "There will not be any sheds on the property." There is a new electrical service. A trench was dug to install it, without permission, in the buffer zone.

Ms. Washburn said Joe Bellino, from DEP, told her if they failed to attend the meeting tonight, he recommended revoking the Order and publishing it in the newspaper.

The Commission decided to issue an Enforcement Order stating that Ms. Petrozzi needs to request to amend the Order of Conditions. They must file the request by October 1, 2014 and install double-staked hay bales and silt fence.

Site Visit: The Commission will do a site visit at Jolicoeur Avenue on August 26, 2014 at 4:30 p.m.

New Applications: Jolicoeur Avenue, RDA

A motion to adjourn the meeting at 11:08 p.m. (Bouley/Reed) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 8/13/14 Spencer Conservation Commission meeting:

Agenda for the 8/13/14 meeting
Margaret's report dated 8/13/14
File for 0 Woodbine Terrace
File for 77 Northwest Road
File for Browning Pond Boat launch complaint
Table of Contents for 13 Lake Avenue NOI
Revised site plan for 13 Lake Avenue received on 8/13/14
NOI file for 13 Lake Avenue
RDA file for 22 Laurel Lane, including Negative Determination (signed)
RDA file for 43 Oakland Drive, including Negative Determination (signed)
RDA file for 82 Chickering Road, including Negative Determination (signed)
NOI file for 33 Wilson Avenue
NOI file for 20 Laurel Lane
NOI file for Brooks Pond Dam repair
Revised site plan for Brooks Pond Dam repair revised 8/13/14
Complaint file for 2 Wildwood Lane
File for Request for Partial Certificate of Compliance for 81 Wilson Street/115 Wilson Street, including Partial CofC (signed)
File for Request for Certificate of Compliance for 190 Northwest Road, including CofC (signed)
Continuance form for 10 & 12 Sherman Grove (signed)