

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, April 22, 2015, 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, Eric Peterson

Commissioners Absent: Warren Snow

Staff present: Margaret Washburn

Minutes Approved: March 25, 2015 – Table to May 13, 2015
April 8, 2015 – Table to May 13, 2015

Signed: 87 Lakeshore Drive, Order of Conditions
17 South Spencer Road, Order of Conditions

7:15 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 May 27, 2015.
Ms. McLaughlin will be absent for the May 27th meeting.

7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Burncoat Pond Watershed District

Property: Burncoat Pond, Spencer, MA DEP#293-0852

A boat tour of Burncoat Pond will be done by the Commission on Wednesday, April 29th at 4:45 p.m. Ms. Washburn said the following is needed:

- The bank needs to be flagged.
- The Commission needs assurance that the milfoil chemical won't harm the bur reed.
- They need to know which species of bur reed are there.
- They need someone to tell them if diquat harms bur reed.
- They need a total cost of the project.
- They need Mr. Meringolo to give a write-up on how his monitoring inspection will be done.

Ms. Karen Comeau, of the BPWD, said they need to understand what they have for a budget and what the total cost of the project will be. Ms. Washburn said Tom, from Mass Audubon, offered a day of labor to help apply pesticides.

Ms. McLaughlin said the Commission needs a third-party review of the Notice of Intent.

The hearing has been continued to May 13, 2015.

**8:00 p.m. Opened the Public Hearing for Notice of Intent for Dennis O’Leary
Property: 35 Point Eastalee Drive, Spencer, MA DEP#293-0854**

Jay Finlay, from Finlay Engineering, presented the plan. A 30’x45’ addition will be constructed to an existing single family home along with an expanded parking area for access to a two-car garage. Ms. Washburn said she and Ms. Emerson did a site inspection yesterday. They had concerns about the roof runoff recharge, tree replacement, and cutting brush in the bank which is not mentioned in the Notice of Intent. Ms. Washburn asked if Mr. Finlay would make a note on the plan regarding the tree replacement and brush cutting on the bank.

Mr. Finlay said double-staked hay bales will be installed. Two pine trees will be removed and the stumps will be removed and disposed of off-site. Mr. Finlay said the bank was delineated by Scott Morrison from EcoTec. Mr. Peterson asked why the two pines are being removed. Mr. Finlay said the trees took a beating during the winter and the trees are coming down on their own. The machinery will be available to have them taken down. Ms. McLaughlin asked why the stumps have to be taken out. Mr. Finlay said if the stumps are left, they are subject to rot and insects. They will loam and seed where the stumps were.

The proposed conditions are as follows:

- Recharge the roof runoff from the rear half of the addition into the same drainage feature that the existing house runoff goes into now.
- Two trees shall be planted in the area shown by Mr. Finlay on the final approved site plan he annotated on April 22, 2015. This is the final approved plan. No planting of invasive species is allowed.
- Brush cutting on the bank shall be allowed but no roots are to be pulled.
- Call Ms. Washburn five days prior to starting work for an erosion control inspection.

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

A motion to approve the plan with conditions as stated (Reed/Peterson) passed 5/0.

**8:25 p.m. Opened the Public Meeting for Request for Determination of Applicability
for Allison Chalifoux
Property: 19 Sherwood Drive, Spencer, MA**

John Rockwood, from EcoTec, presented the project. He said the driveway has started to deteriorate. The driveway will be repaired and repaved. There are two wetlands that connect under the driveway. Erosion controls are proposed on both sides. Mr. Reed read

the proposed work description. Mr. Rockwood wrote on the plan that six-inch wattles will be used in place of silt fence. Mr. Rockwood said no sediment should enter the wetlands. Ms. Washburn told Mr. Rockwood to call her five business days prior to commencing work for a sediment control inspection.

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

A motion for a Negative Determination with conditions as stated (Reed/Bouley) passed 5/0.

8:35 p.m. Opened the Public Meeting for Request for Determination of Applicability for Mike Elliott

Property: 12 Ledge Avenue, Spencer, MA

Ms. Washburn said there is a swamp white oak tree that hangs over Mr. Elliott's house. The limbs only will be removed from a dozen trees and only one damaged tree will be cut. The stump will remain. No hydraulic equipment will be used within 40 feet of the water.

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

A motion for a Negative Determination (Emerson/Peterson) passed 5/0.

Other Business:

Lot 1 & 3 GH Wilson Road: The Orders of Conditions for these two lots will expire on June 25, 2015. Patrick Garner, owner, is requesting three-year extensions. Ms. Washburn asked what year the wetland flags were done. Mr. Garner said the flags were done in 2007. He also said the flags have not been maintained. Ms. Washburn said the Order of Conditions states the flags must be maintained until a Certificate of Compliance is issued. The Commission told Mr. Garner to re-flag the wetlands and then they will do a site visit on May 6th at 4:45.

76 Cranberry Meadow Road: Ms. Washburn said she inspected and had no issues. *A motion to issue a Certificate of Compliance (Reed/Bouley) passed 5/0.*

0 Woodbine Terrace: Ms. Washburn said that Lee Curtis, of the BSC Group, said that a remediation plan could be ready by May 8, 2015. The Commission was ok with that date.

6 Kingsbury Road: Ms. Washburn said she inspected. Brian Graeff said he wants to cut down trees in and near a wetland belonging to Nelson LaBelle without having to pay to have the wetlands delineated. The purpose of the tree cutting is to keep shade off his proposed solar array. Ms. Washburn said she previously gave Mr. Graeff permission to cut some trees in the buffer zone on his own land. She told him to file an RDA to cut trees on Mr. LaBelle's land.

96 Greenville Street: Ms. Washburn said she did a pre-construction inspection for this house dating back to the Candlewood subdivision on April 22nd. The sediment controls near the wetlands close to Greenville Street were installed about five feet from the wetlands. The plan shows them being at least 20 feet away. Ms. Washburn said these must be re-installed and re-inspected. Gary Kady had told Ms. Washburn that he does not have a copy of the Order of Conditions so she made a copy for him to pick up along with a copy of her inspection report. There are no wetland flags visible around the wetland close to Greenville Street. She said these need to be re-hung and re-inspected and maintained throughout the life of the project as per the Order of Conditions.

Wilson Avenue: Ms. Washburn said across from 129 Wilson Avenue, trees have been cut down in the buffer zone. Ms. Washburn said there is no forest cutting plan so this is a problem.

New Applications: None

A motion to adjourn the meeting at 9:00 p.m. (Reed/Emerson) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 4/22/15 Spencer Conservation Commission meeting:

Agenda for the 4/22/15 meeting
Margaret's report dated 4/22/15
Continuance form for 144 Mechanic Street NOI
Continuance form for Burncoat Pond Watershed District vegetation management plan NOI
Order of Conditions for 87 Lakeshore Drive (signed)
Order of Conditions for 17 South Spencer Road (signed)
RDA file for 12 Ledge Avenue, including Negative Determination (signed)
Photographs taken by Margaret Washburn on 4/15/15, showing trees cut in NOI file for 76 Cranberry Meadow Road
Certificate of Compliance for 76 Cranberry Meadow Road (signed)
RDA file for 19 Sherwood Drive, including Negative Determination (signed)
NOI files for Lot 1 and lot 3 G. H. Wilson Road
NOI file for 35 Point Eastalee Drive