

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, August 12, 2015 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, John Haverty

Staff present: Margaret Washburn

24 & 26 Holmes Street: Jim Laney said he would like to start construction on these two lots. Ms. Washburn had informed Mr. Laney that his Order of Conditions had expired in 2013. He asked the Commission if there was any way to re-instate the Order. Ms. Washburn said she has inspected the site many times and in her opinion, the new site plan can show the old wetland flags. Ms. McLaughlin said Mr. Laney does have to re-file a Notice of Intent and does not have to have the wetlands re-flagged. The old flags must be shown on the new plan. The Commission was in agreement. The flags need to remain in the field throughout the life of the project.

Greater Worcester Land Trust – Sibley Farm: Roger Plourde said the land trust has acquired a grant. There is an area of five to six acres that they would like to have mowed. There are no wetlands on the land. The mowing and herbiciding will enable them to get the invasive species under control so native species can grow in this area. *A motion to give permission for this work (Emerson/Reed) passed 6/0.*

Minutes Approved:

June 10, 2015 – *A motion to approve the minutes as amended (Emerson/Snow) passed 6/0.*

July 8, 2015 – *A motion to approve the minutes as amended (Haverty/Emerson) passed 6/0.*

July 22, 2015 – *A motion to approve the minutes as amended (Bouley/Emerson) passed 6/0.*

Signed:

Re-Sign 51 Thompson Pond Road, Certificate of Compliance

7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Robert Moschini

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

This filing has been withdrawn.

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

7:22 p.m. Opened the Public Meeting for Request for Determination of Applicability for Donald O'Clair

Property: 91 Meadow Road, Spencer, MA

Mr. O'Clair said approximately five years ago, he removed two sheds near the river so he could put up a steel building. He said this past winter the snow destroyed the building and the building inspector told him he needs to put in a foundation before the steel building can be replaced. Mr. O'Clair currently has an open Order of Conditions due to expire on April 14, 2017. Ms. Emerson read the site inspection report.

The building inspector has suggested a special condition be put in the determination to the effect that a permit issued by Conservation does not replace the permit from the building department and a separate building permit fee will be required.

Ms. Washburn explained that the Commission has the following options:

- issue a negative determination, or
- issue a positive determination requiring Mr. O'Clair to file to amend the existing Order of Conditions (which expires on April 14, 2017), or
- issue a positive determination requiring Mr. O'Clair to file a new Notice of Intent

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

A motion for a Negative Determination with the condition to replace existing erosion controls (Snow/Haverty) passed 6/0.

7:37 p.m. Opened the Public Meeting for Request for Determination of Applicability for Janet Meryweather

Property: 6 Stiles Avenue, Spencer, MA

The project is to replace a septic system. Mr. Richard Gobi said the area is very flat and will have a small leach field. Ms. Washburn said that the Assessor's GIS map shows the whole lot as being in Bordering Land Subject to Flooding (BLSF), the 100-year flood zone. The General Performance Standards require compensatory flood storage if grades are to be raised in this protected resource area. The Commission had asked Mr. Gobi to bring a FEMA Flood Map to the public meeting. The FEMA flood map is the official document that is to be used to determine whether the property is in the 100-year flood zone. The extent of the 100-year Flood Zone should be shown on the site plan. Ms. Washburn said if Mr. Gobi wants to overcome the presumptions of the Wetlands Protection Act, a surveyor can be employed to dispute the Flood Map's accuracy. The closest point of work to Stiles Reservoir is shown as 30 feet on the RDA plan. Mr. Gobi said that the top of the dam is 842 feet above sea level and the septic area is 843.12 feet

above sea level. Ms. Washburn said if Mr. Gobi could dig an area of 13'x23'x1' and 15 cubic yards of soil is brought in, then that would work.

At the request of the applicant, the hearing has been continued to August 26, 2015.

7:57 p.m. Opened the Public Hearing for Notice of Intent for Spencer Housing Authority

Property: 13 McDonald Street, Spencer, MA DEP#293-

Mike Carter, from GCG Associates, presented the project. He said there have been drainage issues since Howe Village was built in 1975. He said the site was lowered into the water table. The water weeps off the hill. They have done drainage work a number of times and all attempts have been unsuccessful.

Mr. Carter said they will be replacing drain lines which are a foot too high. Some drain lines go up hill and there is water on the floors in the basements causing mold and rot. Sump pumps are needed. They will add floor drains in the basement and tie the drains into the drainage system. Ventilation will be put into the basements.

Mr. Carter said there will not be any increase in impervious area. They are only replacing the sidewalks where they have to run the pipes under them. Silt fence will be installed to protect the wetland. Mr. Carter said they will lower the drainage outlet pipe less than a foot into the same catch basin. All the catch basins will be deep-sump hooded catch basins. Mr. Carter will submit a storm water pollution prevention plan and revised plans.
At the request of the applicant, the hearing has been continued to August 26, 2015.

Other Business:

Browning Pond: Mr. Francis Benoit, of 21 Lambs Grove, asked if Browning Pond is owned by the State or by the Boy Scouts. Ms. McLaughlin said the Boy Scouts do not own the pond but they do own a lot of land around the pond. Mr. Benoit said there is a sign on the gate that says "Emergency Watercraft Only". Ms. McLaughlin said if the sign says that they are using the wrong terminology. Mr. Reed said he drove by there today and the sign is on the gate.

Ms. McLaughlin said the Commission does not control what is on the water and told Mr. Benoit to contact Police Chief Darren in regards to the sign.

Site Visits: The Commission will do site visits on Tuesday, August 25, 2015 at 1:30 p.m.

46 Smithville Road: Ms. Washburn inspected and had no issues. *A motion to issue a Certificate of Compliance (Snow/Reed) passed 6/0.*

0 Woodbine Terrace: Ms. Washburn said the remediation plan was submitted from New England Environmental. The court order requires remediation monitoring reports in October of 2015 and 2016. Ms. Washburn said that Mr. Votruba changed the language in the remediation report. He apparently does not understand that he cannot re-write the court order. Ms. Washburn said the Commission should not accept the plan.

Ms. Washburn will send a letter to Mr. Votruba stating that Items #2 and #6 in the remediation plan are deficient and must be revised.

78 Donnelly Road: Ms. Washburn said that she and Ms. McLaughlin inspected on 8/3/15. Art Allen and Sue Sabacinski were there. Site work involving heavy equipment was done in the buffer zone beyond the scope of the Order of Conditions. Stumps and large stones were pulled and piled up in the buffer zone and a stone wall was built in the buffer zone. Also, about ten linear feet of the Bank of Sugden Reservoir was altered by cutting vegetation, beyond the 17 linear feet of Bank where vegetation removal was permitted. Ms. Sabacinski showed Ms. Washburn and Ms. McLaughlin a photograph of a deck that she would like to install to attach to the dock that was previously permitted under the Order of Conditions. The deck would be built in the area near the Bank where alteration was permitted. Art Allen expects to submit the request to amend the Order of Conditions by October.

43 Lakeshore Drive: Ms. Washburn said she inspected at Sharon Yanke's request on 8/10/15. Photos were taken. Ms. Washburn met her and Warren Monette. Water from a downspout and from surrounding uplands has been carrying sediment through the foundation. At least two yards of sediment are about to engulf the furnace in the basement. Ms. Washburn issued an emergency certificate for correcting the drainage. Warren Monette will file an RDA or NOI by 8/19/15 for the drainage work as well as other landscaping work.

44 Buteau Road: *A motion to ratify the Enforcement Order (Snow/Haverty) passed 6/0.*

195 Charlton Road: Ms. Washburn said she received an email from Mr. Laliberte asking the best way to get permission to run a water line from the house to the barn. Ms. Washburn asked the Commission if he should amend the current Order of Conditions or have him file an RDA. The Commission said he should amend his Order to include the water line.

38 Northwest Road: Mr. Reed said Mary Ann Parker had told him that the stream has a bad odor to it. She believes the fertilizer pellets that Jordan Farm uses are human waste (milorganite). Ms. McLaughlin said truck loads of animal fertilizer are brought in and the farm generates that as fertilizer.

New Applications:

A motion to adjourn the meeting at 9:15 p.m. (Snow/Bouley) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 8/12/15 Spencer Conservation Commission meeting:

Agenda for the 8/12/15 meeting
Margaret's report dated 8/12/15
Minutes from the 6/10/15 meeting (approved as previously amended)
Minutes from the 7/8/15 meeting (approved as amended)
Minutes from the 7/22/15 meeting (approved as amended)
Map of mowing areas on Sibley Farm presented by Roger Plourde of the Greater Worcester Land Trust
RDA file for 91 Meadow Road, including Negative Determination (signed)
RDA file for 6 Stiles Avenue
Continuance form for 6 Stiles Avenue (signed)
NOI file for 13 McDonald Street
Continuance form for 13 McDonald Street (signed)
Enforcement Order for 44 Buteau Road (ratified)
Remediation Plan for 0 Woodbine Terrace submitted by New England Environmental Design on 7/28/15
E-mail from Mary Feeney of Bowditch & Dewey re: Conservation Restriction Application Form for 19 Bixby Road
Conservation Restriction Application Form for 19 Bixby Road
Letter from MACC dated 7/20/15, re: membership cards attached
Letter from Delia Delongchamp of the MA Department of Agricultural Resources re: Monitoring Inspection Report for property owned by Jordan Dairy Farms on Northwest Road
Monitoring Inspection Report for property owned by Jordan Dairy Farms on Northwest Road
Citation from MA Trial Court re: tax lien complaint for 19 Pine Acres
Letter dated 8/6/15 from the Office of Dam Safety re: Muzzy Meadow Dam
Email and sketch showing a water line in the buffer zone at 195 Charlton Road sent by James Laliberte on 8/12/15
Certificate of Compliance for 51 Thompson Pond Road (re-signed)
Complaint form re: 40 Briarcliff Lane