

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, January 13, 2016 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7:04 p.m.

Commissioners Present: Mary McLaughlin, Dana Reed, Warren Snow, Margaret Emerson, John Haverty, James Bouley, Brian Graeff

Staff present: Margaret Washburn

Minutes Approved: November 18, 2015 – *A motion to accept the minutes as amended (Reed/Emerson) passed 7/0.*
December 9, 2015 – tabled to January 27, 2016

Signed: 15 Debbie Drive, Re-signed Certificate of Compliance
Policy Statement regarding winter inspections

7:15 p.m. Opened the Public Meeting for Request for Determination of Applicability for Massachusetts Electric Company

Property: North Spencer Road and Alta Crest Road, Spencer, MA

Ricardo Moldanado, from Lidos Engineering, and Melissa Kaplan, from BSC Group, presented the project. Ms. Kaplan said due to the solar array going in on Paxton Road, and the increased power from the solar array, the wires need to be replaced and all poles from the Paxton line to the Abbey will be replaced and four new stub poles will be installed. The poles being replaced are an exempt activity but the new poles are new disturbances. The four poles are located in the buffer zone. Ms. McLaughlin read the inspection report.

Mr. Jeff Berthiaume, who lives on Paxton Road, said he is glad the poles are pushed back. Mr. Moldanado said he tried to push back as many poles as he could.

A motion to close the public meeting (Bouley/Haverty) passed 7/0.
A motion for a negative determination (Snow/Emerson) passed 7/0.

7:28 p.m. Opened the Public Meeting for Request for Determination of Applicability for Hamadryad, LLC

Property: 68 & 70 Donnelly Road, Spencer, MA

Mr. Jim Hansen presented the project. He said they want to remove exotic invasive plant species in the BVWs and upland. No earth disturbance will occur and no heavy equipment will be used. Foliar spray will be used on the poison ivy near the road. Mr. Hansen said walkways for private use will be made. Mr. Hansen said signage will be erected for directing foot travelers. There are fruit trees and bushes they want to promote such as apple, blueberry, shadberry, strawberry, huckleberry, and grape. They want to encourage commercially valuable trees. Mr. Hansen said they are looking to thin out the trees in the wetlands but can't until they have a Forest Cutting Plan. They may decide to re-do the percolation test, which will require more trees to come down. They want to put water bars across the existing driveway. Ms. McLaughlin read the inspection report.

A motion to close the public meeting (Haverty/Graeff) passed 7/0.

A motion for a Negative Determination (Haverty/Emerson) passed 7/0.

7:45 p.m. Opened the Public Meeting for Request for Determination of Applicability for Elizabeth Lamoureaux

Property: 5 East Avenue, Spencer, MA

Ms. Lamoureaux said she is installing a new artesian well, water lines, and is relocating steps. The current well will be abandoned. Well tailings will go into the shallow well that will be abandoned.

A motion to close the public meeting (Snow/Bouley) passed 7/0.

A motion for a Negative Determination (Reed/Emerson) passed 7/0.

7:51 p.m. Opened the Public Hearing for Notice of Intent for Steven Turner

Property: 5 Meadow Road, Spencer, MA DEP#293-0870

Mark Blanchard presented the project. There currently is an Order of Conditions for the addition and additional parking. Mr. Blanchard said they have proposed changes to the current Order of Conditions but DEP said the changes go beyond what is acceptable for an amendment; therefore a new Notice of Intent was filed. Mr. Blanchard said the foundation, stairway, walkway and infiltration trench drains are all in place. A commercial building and additional parking on new land will be done under this Notice of Intent. There will be storage under the new building and retail above.

Mr. Blanchard said drainage will be handled by manholes and an infiltration system. There will be town water and sewer lines. Mr. Blanchard said there is a minor incursion (three cubic feet) into BLSF. Sediment controls will be placed outside the tree line. Mr. Graeff asked where the collected water goes. Mr. Chris Gagnon said it goes from the parking lot into an infiltration system and gets distributed out towards the wetlands over a flow pad.

Ms. Emerson asked if there are plans for snow storage. Mr. Gagnon said there is an area towards the rear that slopes down towards the tree line and there is some green area

between the parking lot and the lower area. Any excess snow will be removed. Mr. Gagnon will add that no salt is to be used because it is in the aquifer protection zone.

Ms. Washburn said they have not heard from National Heritage and a site visit has to be scheduled. The Commission will do a site visit on Monday, January 18th at 8:30 a.m. *At the request of the applicant, the hearing has been continued to January 27, 2016.*

8:20 p.m. Opened the Public Hearings for Notices of Intent for Blair Enterprises, Inc. and Daniel Lemenenger
Property: 48 Paxton Road & 19 Woodchuck Lane, Spencer, MA DEP#293-0871/293-0872

Brendan Gove, from Zero Point Development, said these are two separate solar array projects. Mr. Bill Hannigan, from Hannigan Engineering, presented the plan to the Commission. He said the wetlands have been delineated. EcoTec will do the wetlands review and Lenard Engineering will review the drainage. They are still waiting for both of those reviews.

Mr. Hannigan said the access road to the property will be via a driveway/access being built at 48 Paxton Road. The access road will only be disturbed during construction. After construction, the road will be loamed and seeded. Ms. Washburn explained that they are going to have to build the basins and swales and have them entirely stabilized before they can clear for the arrays. Mr. Hannigan said that is what they are doing. He explained they want to continue to work while the basins and swales are being built and stabilized. He said once the site is graded and the basins are stabilized, the site will be loamed and seeded and the panels will be up and running.

Ms. Washburn requested that Mr. Hannigan show on the plan how many inches of top soil will be put down under the arrays. Mr. Hannigan said there will be four to six inches of top soil placed under the arrays. Ms. Washburn asked how many acres will be disturbed on Paxton Road. Mr. Hannigan said approximately 7 acres on Paxton Road site and approximately 8 acres on Woodchuck Lane site. Ms. Washburn said she had a conversation with the Zoning Enforcement Officer, Bill Klansek, and he told her there is not enough frontage. Mr. Hannigan said they are working on that. Ms. Washburn said this frontage issue should have been taken care of before the project got this far. Mr. Hannigan said Attorney Mike Meloche is going through this issue with Bill Klansek. Ms. Washburn asked how big the panels are. Mr. Gove said they are 39 inches by 77 inches and weigh 39 pounds. He said the panels will be 30 inches off the ground and at a maximum height of 6 feet, 11 inches. Ms. Washburn asked how much space is in between the tables. Mr. Gove said there is 12.5 feet between them. The tables are made up of 25 panels and there is a space ranging from one-quarter of an inch to four inches between each panel. The tables are 32.5 feet by 16.5 feet in size.

Mr. Graeff said if it rains, there is going to be a lot of runoff from the panels. There will be high velocity and high volume per area where concentrated flow hits the ground. Mr. Hannigan said it depends which way the rain would be coming from. The drainage calculations are being reviewed now by Lenard Engineering.

Ms. Washburn said she has concerns about them changing the rate and the amount of water hitting the two isolated wetlands. Mr. Hannigan needs to speak with the botanist about whether the flows in the post development are going to have a negative impact on the wetlands.

Ms. Washburn read her comments from her report. They are as follows:

- The applicant cannot disturb the entire site at once. They need to present proposed project phasing to limit the number of acres disturbed at one time to a specific amount.
- There is no arrow showing the closest point of work to wetlands.
- The plans must indicate that all basins and swales must be constructed and stabilized before clearing land for arrays.
- The bylaw fees are based on total project cost. These fees must be calculated, worksheets showing calculations submitted, and reviewed by Lenard Engineering, and fees paid.
- The plan needs to show details for provisions for non-growing season stabilization, including mulch, landscape fabrics, stone riprap, hydroseeding, winter rye, etc. The plan mentions jute netting but does not show where it will be used.
- Revised plans must show all sediment controls OUTSIDE the 25-foot buffer zone to wetlands.
- No construction sequence was submitted.
- Sediment controls are needed across the slopes inside the arrays. All perimeter sediment controls within 100 feet of wetlands must consist of double-staked hay bales and hog wire-backed silt fence.
- No stockpile areas for fill or stumps are shown.
- What is the ultimate fate of the stumps?
- The plan will change the rate and amount of water entering isolated wetlands for both 48 Paxton Road and 19 Woodchuck Lane.

Jeff Berthiaume, from 32 Paxton Road, said he, 34, 36, and 38 Paxton Road abutters all have the same concerns about the wetlands behind them and the runoff. Mr. Berthiaume said the wetlands can't sustain the water that's currently there. He said between 34 and 36 Paxton Road, there are five-year storms where water takes off, flows over their land

and into Paxton Road. The wetlands overflow and cause basements to flood. The Commission will do a site visit on January 18, 2016 at 9:15 a.m. *At the request of the applicant, the hearing has been continued to January 27, 2016.*

Other Business:

73 Wilson Avenue: *A motion to issue a Certificate of Compliance (Reed/Haverty) passed 7/0.*

178 Northwest Road: Ms. Washburn said she inspected and took photos on December 21, 2015. She reported that none of the grass has grown enough to be mowed. No areas are stabilized with vegetation. Mr. Michael Quinn wants the Commission to issue a Certificate of Compliance for everything that was done on the lot except for stabilizing all areas as required in the Order of Conditions. Mr. Lee Jarvis told Mr. Quinn that he can make obtaining the Certificate of Compliance part of the purchase and sales agreement. Mr. Quinn had said he does not want to do that. Ms. Washburn said it is the longstanding policy of the Commission not to issue a Certificate of Compliance until all areas have been stabilized with vegetation or landscaping. Ms. Washburn did not recommend issuing a Certificate of Compliance until all areas are stable. *A motion to NOT issue a Certificate of Compliance (Snow/Haverty) passed 7/0.*

Site Visits: The Commission will do site visits on January 22, 2016 at 10 a.m.

Brooks Pond Dam: Ms. Washburn said that she and Mr. Reed inspected and took photos on 1/11/16. Grass has not become established in the work area due to drought and cold temperatures. Erosion problems are beginning to appear on the left and right sides of the dam, facing downstream. The Order of Conditions states that an as-built plan must be submitted before a Certificate of Compliance can be issued. No as-built plan has been submitted. Ms. Washburn said she contacted Mitra Morgan of BPCA and Fuss & O'Neill, the project engineers. They will be working on an as-built. Ms. Washburn e-mailed Ms. Morgan about developing erosion problems on 1/13/16.

New Trail Proposal for Snowbirds: Ms. Washburn said she received a packet showing a new proposed trail. Steven Tyler wants to close the old Snowbirds' trail over the landfill because all-terrain vehicles (ATVs, a.k.a "four-wheelers") use the trail and damage the landfill cap. Mr. Tyler approves of the new trail and the selectmen have approved of it.

Ms. Washburn said she offered to inspect the proposed trail today but did not hear from the Snowbirds in time to do the site inspection. Mr. Tyler pointed out the proposed location to her on 1/12/16. It may run through some wetlands and certainly runs through buffer zones and riverfront area. There is already an existing bridge over a perennial stream (river) that is visible from the landfill cap. The Snowbirds are not likely to damage any wetlands that may be present, but ATVs probably will.

Ms. Washburn sent an e-mail to Bradford Rand of the Snowbirds recommending that they file an RDA.

New Applications: Lot 1 through 4, North Spencer Road, NOI's

A motion to adjourn the meeting at 10:17 p.m. (Graeff/Emerson) passed 7/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 1/13/16 Spencer Conservation Commission meeting:

Agenda for the 1/13/16 meeting

Margaret's report dated 1/13/16

Minutes from the 11/18/15 meeting (approved as amended)

Conservation Commission policy statement re: winter inspections (signed)

Order of Conditions for 15 Debbie Drive (re-signed)

RDA file for 5 East Avenue, including Negative Determination (signed)

RDA file for 68 & 70 Donnelly Road, including Negative Determination (signed)

Continuance form for 45 Chickering Road (signed)

Certificate of Compliance for 73 Wilson Avenue (signed)

NOI file for 5 Meadow Road

Continuance form for 5 Meadow Road (signed)

NOI files for 48 Paxton Road and 19 Woodchuck Lane

Continuance form for 48 Paxton Road and 19 Woodchuck Lane (signed)

December 13, 2015 letter from Arthur Allen re: 78 Donnelly Road

Photographs of 178 Northwest Road taken by Margaret Washburn on 12/21/15