

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, October 12, 2016 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

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

Margaret Washburn was absent

Minutes Approved: *A motion to approve the minutes as amended (Reed/Bouley) passed 7/0.*

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Steve Turner

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

Revised plans were submitted last Wednesday. Lenard Engineering is satisfied with the plans.

The proposed conditions are as follows:

- Prior to start of work, the applicant shall record the 8/22/16 letter from the NHESP at the Worcester Registry of Deeds, along with the Order of Conditions and the Site Plan, and provide the Spencer Conservation Commission with proof of said recording.
- All construction activities shall occur between November 15th and April 15th, unless a Wood Turtle Protection Plan has been approved by the NHESP.
- Permanent turtle exclusion barriers shall be installed on the east side of the Turtle Nesting Area, as shown on the site plan, after construction is complete.
- The NHESP-approved Turtle Nesting Habitat Construction Protocol (dated 7/11/16, revised 8/16/16) shall be implemented as proposed. Any changes to this protocol must be approved by the NHESP, in writing, before implementation.
- Any future mechanized management of Turtle Nesting Habitat Area shall be only conducted between November 15 and April 15 of any

year and shall not exceed one mowing every other calendar year, unless otherwise approved by the NHESP.

- Within thirty (30) days of completing construction, the Applicant shall file a brief written report to the NHESP and Spencer Conservation Commission confirming that all work, including Habitat Improvement, is complete. Said report shall include representative pre- and post-work photos demonstrating compliance with NHESP conditions in the 8/22/16 NHESP review letter.
- No overnight storage of hydraulic equipment shall take place in the 100-foot Buffer Zone.
- No snow shall ever be placed between the lower parking area and the BVW. Snow storage shall be allowed only within the curbed parking lot limits and snow shall be removed from this parking lot if parking spaces are needed.
- No refueling of mechanical equipment on site is allowed. No fuel storage is allowed on site.
- The SWPPP for the project shall be submitted for review and approval by the Conservation Commission and its Agent at least fourteen (14) days prior to commencement of construction.
- The SWPPP shall include copies of the Town of Spencer's Stormwater Bylaw, Storm water Regulations and the Conservation Commission's Order of Conditions and Stormwater Permit and all amendments thereto.
- All referenced appendices in the draft SWPPP including Federally Listed Endangered Species and Critical Habitat, must be included in the final SWPPP.
- The SWPPP shall require that inspections occur every 7 calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater.
- The SWPPP shall include certifications for a SWPPP coordinator and for the Owner/Operator. These certifications shall include the party's responsibilities and state that they have read and understand all conditions in the SWPPP. The final SWPPP must be signed and submitted to the Spencer Conservation Commission or its Agent for review when all parties have been assigned to the project.
- A stormwater surety bond is required to ensure the work is completed according to the permit, in the amount of \$30,000.00 per acre, including a ten percent administration fee and a ten percent contingency fee. Fifty percent of the stormwater surety bond shall be released when the project is rough graded in compliance with the approved plan, but the stormwater surety bond shall not be fully released until the Stormwater Authority has issued a Certificate of Compliance. The Conservation Commission shall have forty-five (45) days to review bond amounts and requests for partial or full release.

- The applicant is required to submit a hard copy of as-built drawings, inspection reports and certifications that work is completed according to permit requirements prior to issuance of the Certificate of Compliance. A hard copy and an electronic copy of the as-built drawings shall be submitted to the Spencer Utilities and Facilities Office when it is submitted to the Spencer Conservation Commission.

A motion to close the public hearing (Bouley/Emerson) passed 7/0.

A motion to approve the plan with conditions (Haverty/Snow) passed 7/0.

7:26 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Mark Andrews

Property: Meadow Road, Spencer, MA DEP#293-0888

Ms. McLaughlin said as of October 5th, the plans were incomplete. Nobody was present at tonight's meeting to present the plan. Ms. McLaughlin read an email from Steve Tyler. After much discussion, the Commission will close the hearing with no decision and the option to re-open the hearing on October 26, 2016.

A motion to close the hearing (Haverty/Reed) passed 7/0. The Commission will deliberate on October 26, 2016.

7:30 p.m. Opened the Public Meeting for Request for Determination of Applicability for Pierre Brouillard

Property: 29 Jolicoeur Avenue, Spencer, MA

Mr. Brouillard said the project is to expand the top of the driveway and create a flat parking spot. The work is over 100 feet from the water line. The width will be kept the same. The Commission did a site visit. They asked that the dimensions be put on the plan. Mr. Brouillard put the dimensions on the plan and initialed it. The Commission asked where the fill will go. Mr. Brouillard said new gravel will be brought in, no dirt will be excavated. The Commission requested that hay bales be extended across the driveway.

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

A motion for a Negative Determination with conditions as discussed (Reed/Snow) passed 7/0.

7:37 p.m. Opened the Public Hearing for Notice of Intent for Michael Tavilla

Property: 91 Clark Road, Spencer, MA DEP#293-

Brian Larochelle, from Graves Engineering, presented the plan. Ms. McLaughlin said that she and Ms. Emerson inspected. She said there are loose rocks that are falling down and the wall is crumbling. They were told the rocks would be re-used if possible. Mr. Larochelle said the reservoir is drained low and they are hoping to get the work done soon. The owners are looking to just repair the wall because it is crumbling. The stairs next to the dock will be repaired. Silt fence will be installed around the entire perimeter and a boom will be installed in the water. If dewatering needs to take place, a dewatering basin has been shown on the plan. Mr. Graeff asked if the water level is at the base of the

wall when the reservoir refills. Mr. Larochelle said the level of the water is set at an elevation of 841.5 so the water is at the base of the wall.

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

A motion to approve with the condition to follow the plan (Haverty/Reed) passed 7/0.

7:50 p.m. Opened the Public Hearing for Notice of Intent for Gerald Ferguson

Property: 103 Clark Road, Spencer, MA DEP#293-0889

The Commission did a site visit. Ms. McLaughlin read the site inspection sheet. Mr. Jason Dubois said the jersey barrier wall will be lifted, a compacted crushed stone base will be put down, and reset the barriers back in the same spot. Any fill will be removed from the site. Silt fence and a boom will be installed. Mr. Dubois changed the plan from wattles to silt fence and initialed it.

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

A motion to approve the plan with written changes and standard conditions (Haverty/Bouley) passed 7/0.

7:56 p.m. Opened the Public Hearing for Notice of Intent for John Joyce

Property: 9 & 10 Wilson Avenue, Spencer, MA DEP#293-0892

The Commission inspected and took photos. Mr. Dubois said the 10 feet of wall that was removed will be replaced. The dilapidated house will be demolished and a new house will be constructed. The septic system and well have been approved by the Board of Health. Ms. McLaughlin said a condition for the Order of Conditions is that updated plans must be submitted when the new footprint of the house is designed.

A motion to close the public hearing (Haverty/Bouley) passed 7/0.

A motion to approve with the condition stated above (Haverty/Reed) passed 7/0.

8:30 p.m. Opened the Public Hearing for Notice of Intent for Charbel Najem,

Capstone Realty

Property: 9 Debbie Drive, Spencer, MA DEP#293-0890

At the request of the applicant, the hearing has been continued to October 26, 2016.

8:31 p.m. Opened the Public Hearing for Notice of Intent for Charbel Najem,

Capstone Realty

Property: 13 Debbie Drive, Spencer, MA DEP#293-0891

At the request of the applicant, the hearing has been continued to October 26, 2016.

Other Business:

9 & 9.5 R Jones Road: Cliff Leinonen called to inform the Commission that he hayed and seeded the slope at 9 & 9.5 R Jones Road.

43 GH Wilson Road: The Commission became aware of violations at this site on August 17, 2016. Mr. Harden was required via an Enforcement Order to file a Notice of Intent with a site plan stamped by a professional engineer by September 14, 2016. He was also required to call for an inspection after installing sediment controls between all disturbed areas and resource areas. Mr. Harden failed to comply with the requirements. Ms. Washburn sent him a fine on September 26, 2016 of \$100.00 each for failing to obtain a permit for 1) depositing fill in the buffer zone 2) removing vegetation in the buffer zone, and 3) constructing a building in the buffer zone. On October 3, 2016, Andy D'Alessandro, Registered Land Surveyor, told Ms. Washburn that he would file a Notice of Intent for Mr. Harden by October 26, 2016.

45 Lake Avenue: Ms. Washburn observed an addition under construction with no permit in the buffer zone. A Notice of Violation was certified mailed on September 27, 2016 requiring a Request for Determination of Applicability be filed by October 12, 2016.

Site Visits: The Commission will do site inspections on Monday, October 17th at 3 p.m.

New Applications: 7 Debbie Drive, RDA
 23 Thompson Pond Road, RDA
 39 Point Eastalee Drive, RDA
 93 & 97 Hastings Road, ANRAD
 Lot 4, Sherry Lane, NOI

A motion to adjourn the meeting at 8:38 p.m. (Snow/Haverty) passed 7/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services