

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, June 8, 2016 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, Warren Snow, James Bouley, John Haverty, Brian Graeff

Staff present: Margaret Washburn

Minutes Approved: April 27, 2016 – *A motion to approve the minutes as amended (Emerson/Reed) passed 7/0.*
May 11, 2016 – table to June 22, 2016
May 25, 2016 – table to June 22, 2016

Signed: 25 Point Eastalee Drive, Certificate of Compliance

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

The hearing has been continued to June 22, 2016.

7:18 p.m. Opened the Continuation of Public Hearing for Notice of Intent for William Gribbons

Property: 81 Wilson Avenue, Spencer, MA DEP#293-0879

Mr. Mark Farrell presented. They are proposing to install the well on the property across the street and install a septic system. There currently is a cesspool on the property. The Board of Health has approved the septic system. Mr. Farrell said the system is approximately 37 feet from the edge of the lake. Mr. Farrell said the lot is very small. All excavated materials will be removed from the site because there is no room for stockpiles.

The proposed conditions are as follows:

- The boom needs to be staked to the base of the wall on both ends.
- Junipers must be in one-gallon pots.
- There must be a minimum of three inches of wood chips.

- Submit revised plans with an arrow showing the distance of the closest point of work to the bank.
- Three sets of revised plans must be submitted by June 15, 2016.

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

A motion to accept plan as submitted with special conditions as discussed (Snow/Bouley) passed 7/0.

7:37 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Caruso Construction

Property: Lot 1, North Spencer Road, Spencer, MA DEP#293-0873

At the request of the applicant, the hearing has been continued to July 13, 2016.

7:37 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Caruso Construction

Property: Lot 2, North Spencer Road, Spencer, MA DEP#293-0865

At the request of the applicant, the hearing has been continued to July 13, 2016.

7:38 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Caruso Construction

Property: Lot 3, North Spencer Road, Spencer, MA DEP#293-0866

At the request of the applicant, the hearing has been continued to July 13, 2016.

7:38 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Caruso Construction

Property: Lot 4, North Spencer Road, Spencer, MA DEP#293-0867

At the request of the applicant, the hearing has been continued to July 13, 2016.

7:40 p.m. Opened the Continuation of Public Hearing for Notice of Intent for St. Joseph's Abbey

Property: 167 North Spencer Road, Spencer, MA DEP#293-0878

At the request of the applicant, the hearing has been continued to June 22, 2016.

7:41 p.m. Opened the Public Meeting for Request for Determination of Applicability for Richard Cormier

Property: 20 Lake Whittemore Drive, Spencer, MA

At the request of the applicant, the hearing has been continued to June 22, 2016.

7:42 p.m. Opened the Public Meeting for Request for Determination of Applicability for Carla Gallagher

Property: 75 Borkum Road, Drive, Spencer, MA

At the request of the applicant, the hearing has been continued to June 22, 2016.

Other Business:

40 Thompson Pond Road: Ms. Washburn inspected. Lee Jarvis has approved the septic plan. A Notice of Intent was supposed to be filed by today but has not been submitted. *A motion to ratify the Emergency Certificate (Reed/Emerson) passed 7/0.*

5 GH Wilson Road: Ms. McLaughlin read the Enforcement Order. *A motion to ratify the Enforcement Order (Bouley/Snow) passed 7/0.*

7 Debbie Drive: Ms. Washburn said she met with Carl Hultgren and Steve Tyler on June 6th. Mr. Tyler said that the cistern is no longer required. Brian Kennen, owner, told Ms. Washburn he would attend tonight's meeting to discuss the sand dumped in the buffer zone. Mr. Kennen said the sand was in the buffer zone because that was one of the spots he could put it. Ms. Washburn said the Order of Conditions has expired so if Mr. Kennen wants to do any other work involving fill or cutting vegetation he needs to pull another permit. Ms. Washburn said all the erosion controls are collapsed and rotted. Mr. Kennen will come into the office on Monday at 9 a.m. to file a Request for Determination for the remaining work. Ms. Washburn said she will revise the Enforcement Order with a new deadline of December 31, 2016 for the sand removal and removal of sediment controls.

10 Olde Main Street: Ms. Washburn said that Steve Tyler informed her that someone had done site work near a perennial river. Ms. Washburn inspected and took photos. Mr. Graeff tracked down the owner and told him to install sediment controls. Ms. Washburn read the site inspection report from Mr. Graeff. They did install the controls but not in an acceptable manner. Ms. Washburn and Mr. Graeff inspected again with Mr. Rankfalla.

Mr. Rankfalla said he removed two full trucks of scrap metal and car parts from the riverfront area. He said there used to be a driveway years ago. There was brush growing where the junk was removed. Ms. Washburn asked what his intentions are for long term for the area that is now disturbed soil. Mr. Rankfalla said he will do whatever the Commission wants. He would be willing to make the area lawn. He is also planning on renovating the building to be used for storage of cars. Mr. Rankfalla said he will have the area seeded by next week.

Ms. Washburn will issue an Enforcement Order to have seed planted and have the area stabilized and vegetated by September 30, 2016 and submit the \$50 fee by June 15, 2016.

Thompson Pond Moratorium Request: Marty Nathan said back in the two thousands, hydro-seeding company trucks were backing up to the pond and siphoning water out of the pond. There could have been back-flush of the fertilizer and grass seed into the pond. The Conservation Commission was contacted back then and a moratorium was issued but has since expired. Mr. Nathan is requesting a new moratorium on surface water withdrawals. Ms. Washburn said Judy Schmitz, from DEP, said that DEP does not regulate surface water withdrawals for landscaping or hydro-seeding companies. DEP does not regulate the water in the pond; they regulate the land under waterbodies. Ms. Schmitz suggested contacting town council. Ms. Washburn said she went to Adam

Gaudette and Mr. Gaudette told her town council would just go to DEP. Mr. Gaudette also told her that the previous moratorium was illegal to begin with. Mr. Snow said if the trucks are parking at the causeway that could be a public safety issue.

Mr. Reed commented that it is his understanding that Thompson Pond is not a great pond. Mr. Nathan said it is owned by the Commonwealth of Massachusetts. Mr. Reed recommended contacting the state regarding whether or not the state can regulate water withdrawals. Mr. Nathan will contact DCR. Mr. Nathan asked if he sees someone stirring up the bottom of the pond, can he send photos. Ms. Washburn said he can send the photos to her at any time.

Crown Street: The Commission walked Crown Street with Jan Parke, from Common Ground Land Trust on June 1st. Ms. McLaughlin said the brush had grown up a lot. They went in off of School Street. There is a gully and erosion. Ms. Parke had said the gully is six-feet deep. Ms. McLaughlin said there are a lot of invasive species. Ms. Parke said she wants to make a walking track or a pocket park.

The Commission changed the November meeting date to November 16, 2016.

New Applications: 97 Lakeshore Drive, RDA

A motion to adjourn the meeting at 9:06 p.m. (Snow/Emerson) passed 7/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 6/8/16 Spencer Conservation Commission meeting:

Agenda for the 6/8/16 meeting
Margaret's report dated 6/8/16
Minutes from the 4/27/16 CC meeting (approved as amended)
Certificate of Compliance for 25 Point Eastalee Drive (signed)
Emergency Certificate for 40 Thompson Pond Road (ratified and signed)
Continuance form for 20 Lake Whittemore Drive (signed)
Continuance form for Lots 1-4 North Spencer Road (signed)
Continuance form for 167 North Spencer Road (signed)
Continuance form for 75 Borkum Road (signed)
Photographs of 10 Olde Main Street
Photographs of 7 Debbie Drive
Approved site plan for 7 Debbie Drive NOI dated 12/27/13
NOI file for 81 Wilson Avenue, including plans submitted by Mark Farrell on 6/8/16
Enforcement Order for 5 GH Wilson Road (ratified and signed)