

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, August 24, 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, John Haverty, Warren Snow, Brian Graeff

Commissioners Absent: James Bouley

Staff present: Margaret Washburn

Minutes Approved: July 27, 2016 – *A motion to approve the minutes as amended (Haverty/Emerson) passed 6/0.*
August 10, 2016 – Tabled to September 14, 2016

Signed: 20 Laurel Lane, Certificate of Compliance – *A motion to issue a Certificate of Compliance (Reed/Haverty) passed 6/0.*
39 Point Eastalee, Certificate of Compliance, DEP#293-717 – *A motion to issue a Certificate of Compliance (Snow/Emerson) passed 6/0.*
39 Point Eastalee, Certificate of Compliance, DEP#293-698 – *A motion to issue a Certificate of Compliance (Snow/Emerson) passed 6/0.*
3 West Avenue, Certificate of Compliance – *A motion to issue a Certificate of Compliance (Snow/Haverty) passed 6/0.*

7:15 p.m. Opened the Public Meeting for Request for Determination of Applicability for John Farr

Property: 9 Sycamore Avenue, Spencer, MA

John Farr said he is looking to cut down a very tall pine tree, a dead chestnut tree, and three dead hemlock trees. The stumps will remain. The Commission did a site visit. They had no issues. The Commission said a boom is not needed.

A motion to close the public meeting (Haverty/Graeff) passed 6/0.
A motion for a Negative Determination (Emerson/Snow) passed 6/0.

7:42 p.m. Opened the Public Meeting for Request for Determination of Applicability for Massachusetts Electric Company

Property: North Spencer Road, Spencer, MA

Melissa Kaplan presented the project. A new utility pole will be installed. The pole is located within the buffer zone. There may also be some minor tree trimming. Sediment controls will be installed.

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

A motion for a Negative Determination (Snow/Emerson) passed 6/0.

7:48 p.m. Opened the Public Meeting for Request for Determination of Applicability for Stan Kuchinski

Property: 44 Buteau Road, Spencer, MA

The project is to install solar panels. Ms. Washburn said the Commission did an inspection on August 17th. The area is relatively flat. The loam that had been pushed in the buffer zone is smoothed out. She said it looked like there was a little bit of disturbance on the far side of the sediment controls. She suggested that Mr. Kuchinski throw some seed on it. Ms. McLaughlin read the inspection report.

A motion to close the public meeting (Haverty/Emerson) passed 6/0.

A motion for a Negative Determination (Graeff/Haverty) passed 6/0.

Other Business:

9 Sycamore Avenue: Mr. Farr wanted the Commission to consider what permit process would be appropriate in order for him to file for a separate project to replace fallen stones on the Bank of Stiles Reservoir and to secure them with cement. Ms. Washburn previously told him that he needs an Order of Conditions to work on a protected resource area (Bank of Stiles Reservoir). Mr. Farr does not want to spend the money.

Ms. Washburn said she is concerned that the result will be going from a natural Bank to a retaining wall. Without engineered plans and an NOI, she feels the Commission cannot sufficiently judge the outcome. He may need a wildlife habitat assessment. A retaining wall with mortared stones has a different wildlife habitat potential than the existing Bank.

Ms. Washburn contacted Judy Schmitz at DEP and here is what she wrote back:

“For 9 Sycamore, an NOI is more appropriate if work will be proposed within the Bank resource area (below the mean annual high water). With either an RDA or an NOI, the Commission could allow him to avoid the cost of engineered plans if he submitted a high-quality description of exactly how and where the work would occur. If he is using a contractor, photos of similar projects that the contractor has completed would be helpful. Will the work be completed by hand or using machinery? Is he planning to use localized pockets of concrete to stabilize loose areas, or is he planning on covering the entire slope with concrete. If he is creating a retaining wall, an engineered plan may be required by law if it is over a certain height. Requiring engineered plans may encourage a larger impact project than he originally contemplated and the Commission may want to give

him the option of permitting a small scale, low-impact project without engineered plans, provided that he provides sufficient quality documentation.”

Ms. Washburn suggested that Mr. Farr identify somehow which stones he wants to put back. Mr. Farr said he would like to get out there with a sledge hammer, break the rocks up, and put them back in the holes they fell out of. Ms. Washburn said working on a Bank requires filing for a permit and having the Bank flagged by a professional.

69 Wilson Avenue: The Commission received a remediation plan from Jason Dubois. Ms. Washburn said there was a storm on the night of Sunday, August 21st. She inspected on Monday, August 22nd. Hay bales had been installed only around a portion of the perimeter of the site, not the entire site. Mary Ann Packard called to complain about large amounts of silt washing into Stiles Reservoir as a result of the hay bales not being installed until around 6:30 a.m. and 9:00 a.m. on August 22nd. Mr. Annunziata had been directed to install the hay bales many weeks prior to August 22nd.

Jason Dubois explained the remediation plan to the Commission. He said a steep cut was made for a parking area. It is unstable and cannot be vegetated. They are proposing a 1:1 rip-rap slope with very large boulders with small stones in between. A gravel layer with a filter fabric will go underneath. There will be a gravel base for parking and 1.5 feet of gravel will be pitched out to the street. The top of the hill will have to be dug out 2 to 3 feet. Ms. Washburn said this plan does not show further proposed excavation or existing conditions. Ms. McLaughlin said a storm water permit is needed. Ms. Washburn read Steve Tyler’s email regarding a storm water permit.

Ms. Washburn will issue an Enforcement Order that states a storm water permit application must be submitted, a revised plan must be submitted showing where the existing cut is and where additional grading needs to be done. The deadline to submit the revised plan is September 6, 2016.

9 Wilson Avenue: Ms. Washburn said Mr. Joyce has hired Jason Dubois to submit a plan by September 14th. EcoTec flagged the stream and the house. There is more proposed work that will be on the plan. *A motion to ratify the Enforcement Order (Emerson/Graeff) passed 6/0.*

43 GH Wilson Road: *A motion to ratify the Enforcement Order (Snow/Emerson) passed 5/0. Mr. Reed abstained, not impartial.*

19 Bixby Road: Ms. Washburn inspected today. They are looking to put sediment controls further onto the conservation restriction land. The Commission wants another row of hay bales half way down as soon as the fill is put down and then tachifier or mulch.

Site Visits: The Commission will do site inspections on Wednesday, September 7, 2016 at 3 p.m.

New Applications: 15 Pine Acres, NOI
74 Donnelly Road, NOI
104 No. Spencer Road, RDA
71 Wilson Avenue, NOI

A motion to adjourn the meeting at 9:04 p.m. (Reed/Snow) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 8/24/16 Spencer Conservation Commission meeting:

Agenda for the 8/24/16 meeting
Margaret's report dated 8/24/16
Minutes from the 7/27/16 CC meeting (approved as amended)
Certificate of Compliance for 20 Laurel Lane (signed)
Two Certificates of Compliance for 39 Point Eastalee (signed)
Certificate of Compliance for 3 West Avenue (signed)
Enforcement Order for 9 Wilson Avenue (signed)
Enforcement Order for 43 GH Wilson Road (signed)
Remediation plan for 69 Wilson Avenue
RDA File for 9 Sycamore Avenue, including Negative Determination (signed)
RDA File for North Spencer Road (utility pole), including Negative Determination (signed)
RDA File for 44 Buteau Road, including Negative Determination (signed)
8/10/16 Memo from SOLitude Lake Management re: Brooks Pond
8/17/16 Memo from SOLitude Lake Management re: Thompson Pond