

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, September 14, 2016 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

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

Minutes Approved:

August 10, 2016 – *A motion to approve the minutes as amended (Haverty/Bouley) passed 7/0.*

August 24, 2016 – *A motion to approve the minutes as amended (Reed/Emerson) passed 7/0.*

7:23 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Steven Turner

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

Chris Gagne said the work started under a previous Order of Conditions. This new filing is basically an amendment to that Order. Mr. Gagne explained the plan. The new addition has been moved forward and lost 10 spaces of parking on the back side. He said 3,200 square feet of impervious area was lost. The infiltration has the same volume but the configuration has been changed and pulled more towards the east. Ms. Washburn had suggested the following conditions be put in the Order of Conditions:

- 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 Natural Heritage Endangered Species Program (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 Storm Water Prevention Pollution Program (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.

Ms. McLaughlin said as of 9/7/16, Lenard Engineering wanted a new contract to review the revised plans. No review report has been generated; therefore the public hearing cannot close without this report.

At the request of the applicant, the hearing has been continued to September 28, 2016.

7:50 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Caruso Construction

Property: Lots 1-4, North Spencer Road, Spencer, MA DEP#293-0873, 293-0865, 293-0866, 293-0867

Ms. McLaughlin read Ms. Washburn's report. Carl Hultgren, from Quinn Engineering, said that some of Ms. Washburn's comments have been resolved and some are unresolved. Ms. McLaughlin said since the requested revisions have not been completed, she will take a vote of who will deny the application if sufficient information is not provided by the next hearing. Mr. Votruba said he is still having driveway issues with Steve Tyler. He is trying to get a meeting with Steve Tyler to get the exact spot where the common driveway will be allowed. Ms. McLaughlin said the Commission is requiring the calculations for an impervious driveway be submitted. Mr. Votruba said all the drainage will be re-done. A new set of drainage calculations will be submitted.

Mr. Graeff asked if Mr. Votruba will have revised plans done by the next meeting. Mr. Votruba said he will have everything done and submitted before the October 26, 2016 meeting. Ms. McLaughlin said if the information is insufficient at that time, the application may be denied. *At the request of the applicant, the hearing has been continued to October 26, 2016.*

8:14 p.m. Opened the Public Hearing for Notice of Intent for Paul Braney
Property: 15 Pine Acres, Spencer, MA DEP#293-0885

John Thomasian presented. The project is to repair the septic system. The wetlands have been identified. Two of the wetlands have no impact to the project. The closest wetland to the project is on the other side of the house. It is a little isolated area that borders the property. Hay bales have been installed to protect the wetland and the lake. Mr. Thomasian said that Ms. Washburn had no conservation issues.

A motion to close the public hearing (Graeff/Bouley) passed 7/0.
A motion to accept plan as submitted (Reed/Bouley) passed 7/0.

8:25 p.m. Opened the Public Hearing for Notice of Intent for Chris Heffernan
Property: 74 Donnelly Road, Spencer, MA DEP#293-0887

Glenn Krevosky presented the project to the Commission. Mr. Heffernan is looking to construct catwalks, construct a wharf, and do vista pruning. Mr. Krevosky said they are not clear cutting the trees. They will be removing nine trees that are marked. Ms. McLaughlin asked where the tree cutting will take place. Mr. Heffernan marked it on the plan, and initialed and dated it. Mr. Graeff said he walked through the mountain laurel and said it wasn't thick or luxurious. He said this project seems reasonable.

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

A motion to accept plan with written revisions as discussed (Reed/Haverty) passed 7/0.

9:07 p.m. Opened the Public Meeting for Request for Determination of Applicability for James Sadusky

Property: 104 North Spencer Road, Spencer, MA

James Sadusky said he wants to construct an attached garage with an upstairs room. The Commission had no conservation issues.

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

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

9:14 p.m. Opened the Public Hearing for Notice of Intent for James Donohue

Property: 71 Wilson Avenue, Spencer, MA DEP#293-0886

Liz Ennis, from Graves Engineering, presented. The project is to replace a septic system and to replace an existing retaining wall. EcoTec did a wetlands delineation and delineated the wetland border as Bank. The existing wall will be taken down and a new wall will be a little further back on the property. The new wall will be constructed with concrete, with footings set below the frost line. Hay bales and silt fence will be installed. If hydraulic equipment is used a boom will be installed. Ms. McLaughlin asked if the questions from Ms. Washburn had been answered. Ms. Ennis said yes her questions were answered. Ms. Washburn's report stated she had not received any revised plans as of September 7th. Ms. Ennis said the plans were revised and submitted August 30th and received in the ODIS office on September 6th. Ms. Washburn has not reviewed the revised plans. The Commission reviewed and discussed Ms. Washburn's questions with Ms. Ennis.

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

A motion to approve the plan as revised (Snow/Haverty) passed 7/0.

9:55 p.m. Opened the Public Meeting for Request for Determination of Applicability for Charles Bellemer

Property: 56 Browning Pond Road, Spencer, MA

Mr. Bellemer submitted the letter from National Heritage. Mr. Bellemer explained the project to the Commission. He will be doing a small addition to his house on existing footings. Ms. Washburn inspected and had no issues.

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

A motion for a Negative Determination (Graeff/Snow) passed 7/0.

Other Business:

69 Wilson Avenue: Ms. McLaughlin read the Enforcement Order. The owner said he is going to return the slope to its pre-existing condition. The Commission told him a plan needs to be submitted showing how he plans to get the slope back to its pre-existing condition. *A motion to ratify the Enforcement Order (Graeff/Reed) passed 7/0.*

Site Inspections: The Commission will do site inspections on Tuesday, September 20th at 3 p.m.

New Applications: Meadow Road, NOI

A motion to adjourn the meeting at 10:15 p.m. (Snow/Bouley) passed 7/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 9/14/16 Spencer Conservation Commission meeting:

Agenda for the 9/14/16 meeting
Margaret's report dated 8/24/16
Minutes from the 8/10/16 and 8/24/16 CC meetings
Revised Enforcement Order for 69 Wilson Avenue (ratified)
NOI File for 5 Meadow Road
NOI files for Lots 1, 2, 3 and 4 North Spencer Road
NOI File for 15 Pine Acres
NOI File for 74 Donnelly Road
RDA File for 104 North Spencer Road including Negative Determination (signed)
NOI File for 71 Wilson Avenue
RDA File for 56 Browning Pond Road including Negative Determination (signed)