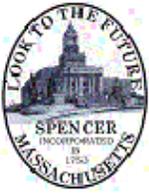


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, April 27, 2016 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7:00 p.m.

Commissioners Present: Mary McLaughlin, Dana Reed, Margaret Emerson, James Bouley, Warren Snow (arrived at 8:45)

Commissioners Absent: John Haverty, Brian Graeff

Staff present: Margaret Washburn

Minutes Approved: April 13, 2016 – Tabled to May 11, 2016

Signed: 21 Ethier Drive, Order of Conditions
Holmes Street, Order of Conditions

7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Steven Turner

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

At the request of the applicant, the hearing has been continued to May 11, 2016.

7:25 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Bond Construction Corp.

Property: North Spencer Road, Spencer, MA

At the request of the applicant, the hearing has been continued to May 11, 2016.

7:27 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Caruso Construction

**Property: Lot 1, Lot 2, Lot 3 & Lot 4, North Spencer Road Spencer, MA
DEP#293-0873, 293-0865, 293-0866, 293-0867**

Julian Votruba, from New England Environmental Design, presented the project. Mr. Votruba said he and Chuck Carron walked the site on March 7th. There were a couple spots where they revised the wetland flags. Mr. Caron reviewed his latest report with the Commission and Mr. Votruba.

Mr. Votruba said there will only be one pipe under the existing driveway and the invert elevations will be shown on the revised plan. The pipe will be replaced without altering

the wetland. The orientation of the pipe on the latest version of plans is shown incorrectly, according to Mr. Carron.

Ms. Washburn said that Steve Tyler has repeatedly said that he will not sign off on the building permits unless the driveways for Lots 1 and 2 are shared, for public safety reasons. Ms. McLaughlin told Mr. Votruba to revise the plan showing the shared driveway. Mr. Votruba said he wants an Order of Conditions for the current plan showing the two driveways and if they have to come back for an amendment they will. Ms. Washburn said it would be straightforward if the plan was revised showing the shared driveway and not having to do an amendment. Ms. McLaughlin said revise the plan once and for all and then get the approval from the Commission. Mr. Reed said they have a right to come back for an amendment.

Mr. Carron and Carl Hultgren reviewed their reports. Interceptor swales are needed behind driveways at the base of the slope. Mr. Hultgren requires further calculation for the size of the pipe to be replaced. Mr. Hultgren said test pits are needed for recharge. Ms. Washburn asked Mr. Votruba if he will be paving the existing crossing. Mr. Votruba said he feels the recycled asphalt should be sufficient. Ms. Washburn said she has been asking for a long time to have the existing crossing paved because of the dirt being pushed into the wetland when plowing snow. She also asked for 15-foot paved aprons and 50-foot crushed stone construction entrances. Mr. Hultgren said it is not practical to install any storm water best management practices at the existing driveway crossing. Mr. Votruba asked if it's alright to directly talk to Quinn Engineering. Ms. McLaughlin said no, all communications must come through Ms. Washburn and the office. *At the request of the applicant, the hearing has been continued to June 8, 2016.*

8:18 p.m. Opened the Continuation of Public Hearing for Notice of Intent for PLH, LLC

Property: 144 Mechanic Street, Spencer, MA DEP#293-0876

At the request of the applicant, the hearing has been continued to May 11, 2016.

8:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Boy Scouts of America

Property: Browning Pond, Spencer, MA DEP#293-0875

Ms. McLaughlin said they have spoken to the Oakham Conservation Commission and they are planning to discuss this at their meeting next Tuesday and will let the Commission know the outcome. Ms. Washburn said she spoke to Judy Schmitz today. Ms. Washburn read Ms. Schmitz's comments from today. They are below:

Judy Schmitz said that the Commission can require monitoring for effects in Spencer in the Order of Conditions. The Commission can either require SLM to do the monitoring, or they can require the applicant to pay for third-party monitoring, which is what I recommend.

Judy suggested that if no treatments are proposed in Spencer the Commission could put something into the findings in the Order of Conditions to the following effects, particularly if this is consistent with the conclusions of a third party reviewer (if hired):

“The Spencer Conservation Commission acknowledges that there are no direct herbiciding or hydroraking treatments proposed in the portion of Browning Pond in Spencer. The Spencer Conservation Commission presumes that there may be a certain amount of impact due to drift, from treatments made in Oakham, in the portion of Browning Pond in Spencer.”

Judy Schmitz recommended quoting from statements in the revised NOI in regards to how far treatments are staying from the Spencer Town line. These quoted statements can be incorporated into the Order of Conditions. If treatments will be occurring in Spencer, the locations and frequency can be incorporated into the Order of Conditions.

Judy said that we can put wording in the Order of Conditions to the effect that no monitoring shall be required unless herbicides are applied in Oakham.

We should discuss with Dominic how far in advance herbiciding is posted, to determine how many days in advance we need to be notified that herbicides are about to be applied.

We should coordinate with BSOA and SLM 3 companies we both find acceptable to do the monitoring. Third party monitor should determine how long after herbicides are applied monitoring should commence.

We should refer to fisheries comment in the Order of Conditions regarding the vegetation types to be monitored.

Mr. Reed said he is concerned because it does not look like any herbiciding is being proposed in Spencer. Ms. McLaughlin said if they choose to herbicide in Oakham, then the Boy Scouts would have to pay for Spencer herbicide effects to be monitored. Mr. Reed said he is still having difficulty understanding why a third party review is necessary. Ms. Washburn said that Adam Gaudette told her third party review is the town policy.

Ms. Mary Bennett said she is impressed that the Conservation Commission is trying to help compromise between neighbors/abutters/Boy Scouts of America. She doesn't understand why herbiciding has to be done now. It's not that bad of a weed problem. It's a pond and there have always been weeds there.

Mr. Griffin is withdrawing the Notice of Intent. He will also send a letter to the Oakham Conservation Commission informing them of the withdrawal. Ms. Washburn said the Commission doesn't want to deny the Order of Conditions. They had every intention of issuing the Order. The Notice of Intent has been withdrawn.

A motion to close the public hearing (Emerson/Reed) passed 5/0.

Other Business:

369 Main Street: Cheryl Lavallee said they cleaned up the fill and put up some signs. Ms. Washburn told Ms. Lavallee that the new owners need to be made aware of the resource areas behind the building. Ms. Lavallee will give Ms. Washburn the new owners' contact information. Ms. McLaughlin suggested a sign be put up that says "No Dumping". Ms. Washburn said a sign can be put on a metal T-post, four to six feet high and placed on the edge of the snow shelf.

32 Paxton Road: Mr. Chuck Caron presented and explained the remediation plan to the Commission. Ms. Washburn said the remediation plan does not have a date on it. Jeffrey Berthiaume said the plantings will be done by the Enforcement Order deadline. He will call Ms. Washburn when they are planted. *A motion to approve the remediation plan (Emerson/Bouley) passed 4/0.*

25 Thompson Pond Road: Ms. Washburn said Glenn Krevosky sent an email to the Commission. Ms. McLaughlin read the email. If brush does not re-grow sufficiently, planting plans will be submitted. *A motion to approve the plan (Emerson/Snow) passed 5/0.*

78 Donnelly Road: *A motion to approve the remediation plan (Reed/Bouley) passed 5/0.*

15 Pine Acres: Ms. Washburn said on April 26th she witnessed John Thomasian flag the wetlands near the septic repair to her satisfaction. A Notice of Intent plan is to be submitted.

22 Treadwell Drive: Ms. Washburn said she inspected on April 25th. The vast majority of the work required in the Enforcement Order has been completed. Ms. Washburn said she is satisfied with the progress that has been made so far. The contractor will let her know as soon as it has been finished so she can re-inspect.

Ms. Washburn said that the East Brookfield Building Inspector will not sign off on the project if the gap under the fence remains six inches because children can crawl under the fence. The Spencer Building Inspector has said he won't sign off either.

Site Visits: The Commission will do a site visit on Monday, May 2nd at 3:15 p.m.

New Applications: 167 North Spencer Road, NOI

A motion to adjourn the meeting at 9:27 p.m. (Bouley/Reed) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 4/27/16 Spencer Conservation Commission meeting:

Agenda for the 4/27/16 meeting
Margaret's report dated 4/27/16
Photographs taken by Cheryl Lavalley at 369 Main Street
Continuance form for 98 North Spencer Road (signed)
Continuance form for 5 Meadow Road (signed)
Continuance form for 144 Mechanic Street (signed)
Remediation plan for 78 Donnelly Road Enforcement Order (approved)
Remediation plan for 32 Paxton Road Enforcement Order (approved)
Remediation plan for 25 Thompson Pond Road Enforcement Order (approved)
Letter from Ray Griffin of BSOA, dated 4/27/16
Order of Conditions for 21 Ethier Drive (signed)
Order of Conditions for the Holmes Street solar farm (signed)
Plan for Lots 1, 2, 3, and 4 North Spencer Road