

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, May 11, 2016 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

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

Commissioners Absent: Mary McLaughlin

Staff present: Margaret Washburn

Minutes Approved: April 13, 2016 – table to May 25, 2016
April 27, 2016 – table to May 25, 2016

7:19 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Bond Construction Corp.

Property: 98 North Spencer Road, Spencer, MA

Karen Hubacz-Kiley said that she has received notification that The Natural Heritage and Endangered Species Program (NHESP) has no issue with the project. Ms. Hubacz-Kiley said the pipe to the basin has been sealed off at the other end. The berm can stay in place. The large excavator can bucket over the berm. They will leave the berm in tact. They will use clean gravel tailings with loam on top. No soil will be higher than the berm existing between the basin and wetlands. There are no invasive plants. Ms. Washburn asked when the work will be done. Ms. Hubacz-Kiley said the work will be done sooner rather than later.

A motion to close the public meeting (Snow/Bouley) passed 6/0.

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

7:29 p.m. Opened the Continuation of Public Hearing for Notice of Intent for PLH, LLC

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

Steve Broyer, Ecos Energy, presented. He said the test pits were done in the new basin locations. He submitted the new plans dated May 9, 2016. Ms. Washburn stamped them received with today's date. Mr. Broyer said the modules were removed out of the basins. He said the fence line on the north side is being pushed out. Per Lenard Engineering's

report, Ms. Washburn read the following new Special Orders to be put into the Order of Conditions:

New special order #1:

“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.”

As per 5/11/16 Lenard report item #27:

New special order #2:

“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.”

I propose to insert new special orders #1 and 2 at the end of the Stormwater Related Conditions (after existing special condition #34).

As per 5/11/16 Lenard report item #33:

New special order #3

“Four full sets of revised plans must be submitted by 5/18/16, showing an oil-absorbent boom deployed in the perennial stream on the Spencer Fish & Game property whenever hydraulic equipment operates within 40 feet of the perennial stream. A note must be added to the revised plans stating that “The oil-absorbent boom must be maintained and replaced as necessary until all hydraulic equipment work within 40 feet of the perennial stream has been completed.” The revised plans showing the oil-absorbent boom and the above-referenced note shall be the final approved plans. ”

Ms. Washburn asked that Mr. Broyer submit another four sets of revised plans showing the boom in the stream and to have the revision date be May 18, 2016. Mr. Broyer will have the plans submitted before May 31st when the Order of Conditions is issued.

A motion to close the public hearing (Haverty/Graeff) passed 6/0.

A motion to accept plan with conditions as discussed (Snow/Bouley) passed 6/0.

7:54 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Steve Turner

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

At the request of the applicant, the hearing has been continued to June 8, 2016.

7:57 p.m. Opened the Public Hearing for Notice of Intent for St. Joseph’s Abbey

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

Mr. Peter Lazorchak, from Wilcox and Barton, presented. He submitted revised plans. The project is to replace the leachfield at St. Joseph’s Abbey on Alta Crest Road. The system has failed and they are working to rectify the situation. Closed circuit cameras have identified broken lines and storm water entering the sewer line. The main campus

for the Abbey is approximately one mile away from this system. This system was put in roughly 10 years ago and has failed prematurely. The plan has not been approved by the Board of Health as of yet.

There is approximately 2,100 square feet of buffer impact. Silt fence will be installed below at the toe of the slope. A stockpile area will be uphill of the existing pump house building. They are proposing stabilization within 48 hours of grading. Mr. Lazorchak said that the used septic soil that is excavated will be buried under 6 inches of clean fill. They are hoping to incorporate some of the material into one of the larger berms for solar farm 10.

Ms. Washburn said the Commission does not approve plans that have not been approved by the Board of Health first. Ms. Washburn said there are no Conservation issues. Mr. Lazorchak agreed to send a memo stating any changes if they don't show up at the next meeting.

At the request of the applicant, the hearing has been continued to June 8, 2016.

Other Business:

22 Point Eastalee Drive: Ms. Washburn inspected on May 10th. There are no conservation issues at this time. *A motion to issue a Certificate of Compliance (Emerson/Bouley) passed 6/0.*

5 GH Wilson Road: Ms. Washburn read the following from her report:

I observed a new clearing behind this house on 5/11 and stopped to talk to the owner, Frank Padua. Mr. Padua was cooperative and showed me the work he had done. Photos were taken.

We walked behind his house, where there is a BVW and a stream that flows across the property. There is an existing bridge over the stream.

At my request, Mr. Padua and his son pulled at 25-foot tape to estimate the size of some of the alterations. On the back side of the stream an area approximately 100 feet by 200 feet (20,000 square feet) was cleared of all woody vegetation.

An additional smaller area was cut of all woody vegetation between the existing lawn and the stream, in what appeared to be a BVW.

Along the stream about 182 linear feet was cut along the bank, amounting to about 364 linear feet of bank where brush was cut, counting both sides of the stream.

A channel was dug out with hand tools, apparently in a BVW. Mr. Padua said he was maintaining an existing channel. This recently excavated channel is about 182 feet long.

The brush from the clearings has been piled around the edges of the clearings.

It appeared as though at least 2 dead trees were cut in the clearing on the back side of the stream.

Most of the area where cutting happened is nearly level with a high water table. Mr. Padua indicated he would like to plant apple trees towards the rear of the clearing, where the property begins to slope upwards.

Mr. Padua agreed to come to tonight's meeting at 7:00.

Mr. Padua said the town put in water catch basin in front of the house. He gets a ton of water and he has always cleared the brush and dug out the stream channel to get rid of the mosquitos. He didn't realize he wasn't supposed to clear the area. He has agreed to let the brush grow back. Ms. Washburn recommended issuing an Enforcement Order to cease and desist from cutting the brush and allow the brush to grow back. *A motion to issue an Enforcement Order (Emerson/Snow) passed 6/0.*

Meadow Road pumping station tree removal – NGRID: Ms. Washburn said that on May 3 she met Paul Johnson of Davey Tree, contractor for National Grid, at his request. They want to remove 14 or 15 trees in NHESP-mapped property owned by the town to protect power lines. Many of the trees are in wetlands. Some are less than 15 feet from a channel of the Sevenmile River. Hydraulic equipment would clearly be operating less than 40 feet from this perennial stream channel.

Lauren Glorioso of NHESP sent this email:

“NGRID has approval under MESA to conduct work on their Right of Way off of Meadow Road (it appears there is also a compressor station there). They included this area under their 2016 VMP and OMP. We do not need to be copied on an RDA if it is required of them.”

Ms. Washburn said before she received the NHESP email, she had recommended that they file an RDA for the tree removal. The Commission agreed an RDA must be filed.

369 Main Street: As per the 4/27 meeting discussion, Ms. Washburn said she sent a letter to the new owners, ERJC Holdings LLC, asking if they would be willing to erect a “No Dumping” sign on a 4 to 6-foot high metal T-post on the edge of wetlands behind the building. Joseph Coelho, one of the new owners, called saying he'd be happy to put up the sign. Ms. Washburn went there on 5/9 and hung a blue ribbon where the sign should go, at his request. While she was there, she photographed an overflowing dumpster and reported it to Lee Jarvis.

Browning Pond: Ms. Washburn said that the Oakham Conservation Commission secretary left a message for her to the effect that their Commission had received a communication from BSOA stating that they won't be conducting vegetation management in Browning Pond. They will not be attending any meetings in Spencer for the time being.

Depot Trail new gate: Ms. Washburn and Mr. Graeff inspected and photographed the new gates at both ends of Depot Trail on 5/10. It would be easy for an all-terrain vehicle (ATV or four-wheeler) to drive around the new gate at the South Spencer Road trailhead. Ms. Washburn will check with Steve Tyler about what Ed Thibault is going to do about this, if he is still working on the trail.

Site Inspections: The Commission will do site inspections on Tuesday, June 17th at 5 p.m.

Mr. Snow said he will miss meetings until July 27, 2016.

New Applications: 6 I Capen Road, RDA
 81 Wilson Avenue, NOI
 32 Bond Street, RDA

A motion to adjourn the meeting at 8:47 p.m. (Graeff/Emerson) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 5/11/16 Spencer Conservation Commission meeting:

Agenda for the 5/11/16 meeting
Margaret's report dated 5/11/16
Continuance form for 5 Meadow Road (signed)
Certificate of Compliance for 22 Point Eastalee (signed)
RDA file for 98 North Spencer Road, including Negative Determination (signed)
New site plans submitted for 144 Mechanic Street on 5/11/16
Photos of new gates at Depot Trail
Photos and inspection report for proposed tree removal near the meadow Road sewer pumping station
NOI file for 167 North Spencer Road septic repair, including continuance form (signed)
Photos and inspection report for 5 GH Wilson Road
Site sketch submitted by Frank Dipadua for 5 GH Wilson Road on 5/11/16