

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, January 9, 2013 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Ernie Grimes, Mary McLaughlin, Warren Snow, Ram Moennsad, Dana Reed, Margaret Emerson

Commissioners Absent:

Staff present: Margaret Washburn

Minutes Approved: December 12, 2012 – Tabled to January 23, 2013

Signed: Brooks Pond Letter
Sugden Reservoir Letter
183 Paxton Road, Order of Conditions
109 Wilson Avenue, Certificate of Compliance – Ms. Washburn inspected.
She had no issues. *A motion to issue the Certificate of Compliance (Snow/McLaughlin) passed 6/0.*

7:16 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Diversified Automotive, Inc.

Property: Podunk Highway (Route 49), Spencer, MA DEP#293-0779

Ms. Washburn said on 12/10/12, she received a revised plan. The revisions had been made at the request of Graves Engineering regarding the existing drainage pipe from the sediment basin to the revised infiltration basin. The changes to the revised plan include adding a manhole to the existing drain line and revising the lower half of the drain pipe. The invert of the proposed drainage pipe has been raised above the bottom of the proposed basin to elevation 642.0. In addition, a riprap apron has been added at the outlet of the revised drain line to dissipate the stormwater discharge and protect against erosion. There is an Operations and Maintenance Plan for the drainage structures within the Site Owner's Manual. It is part of the Stormwater Report. The Planning Board and ZBA have given their final sign off. The Commission has revised plans showing the closest distance from work to the resource areas. There were no issues at this time.

Mr. Dan Feeney, Engineer from Beals and Thomas, said on December 11th, a letter was submitted from Graves Engineering stating all the requested changes had been made. All

Planning Board and Zoning Board permits have been issued. Ms. Washburn wants to see the NPDES reports during the construction. Mr. Feeney said the closest point of work is 36' from the small isolated wetland. The DEP sign will be installed on the fence around the parking lot. There is a construction sequence in the filing located in the SWPPP.

The proposed conditions are as follows:

- Follow the construction sequence.
- Install ESC according to the plan.
- Call for inspection before work begins.
- Submit NPDES reports to the Commission.

A motion to close the public hearing (Moennsad/Reed) passed 6/0.

A motion to accept plan as submitted with conditions as discussed (Moennsad/Reed) passed 6/0, Order of Conditions to be issued.

7:26 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Richard Barrell

Property: 26 Laurel Lane, Spencer, MA DEP#293-0783

At the request of the applicant, the hearing has been continued to February 27, 2013.

7:29 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Robert Trudeau

Property: 65 Oakland Drive, Spencer, MA

Ms. Washburn said that Ms. Emerson, Ms. McLaughlin and Ms. Washburn inspected with the Trudeaus on 12-18-12. Ms. Washburn took photos. The Trudeaus want to remove two 15-foot tall hemlocks and one 10-foot tall yew on the property line between them and Mr. Barrell. They also want to remove 4 branches from an eastern white pine. The branches hang over Mr. Barrell's land. Mr. Barrell has not requested to have the branches removed. They don't want to remove any branches that hang over the water. The trees around the garage across Oakland Drive appear to be non-jurisdictional.

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

A motion for a Negative Determination (McLaughlin/Moennsad) passed 6/0.

7:32 p.m. Opened the Public Hearing for Notice of Intent for Brian Kennen

Property: 7 Debbie Drive, Spencer, MA DEP#293-0787

Mr. Scott Morrison, from Ecotec, said in 2007, an Order of Conditions was issued for a house. The Order has expired. The driveway is different. The storm water bylaw now applies. Steve Tyler has requested that they install roof infiltration. At the rear of the house, the water will go into a cistern where the water can be re-used. The cistern will be underground. It will have a pump switch to irrigate. It has an overflow. The cistern is 1,200 gallons and is plastic. Mr. Morrison said ESC will be installed and maintained throughout the project.

Mr. Ali Khorasani from 211 Paxton Road said he has walked the entire lot. He said it was all wetlands. Mr. Grimes showed Mr. Khorasani the GIS Map and how it matches

the wetlands flagged by EcoTec. Mr. Khorasani said in the old days another lot tied storm water in the catch basin. Ms. Washburn told him that the Stormwater Bylaw has been adhered to and no increase in the rate or amount of water is allowed. The Board of Health has approved the plan. Ms. McLaughlin said as long as there is not a negative impact, the Commission has to allow the project. Mr. Khorasani said he sees potential problems with impact. He knows he can appeal the Commission's decision. Mr. Grimes asked what impact the project will have on the wetlands. Mr. Khorasani said the septic will wash into the wetlands. Mr. Grimes said he does not see the impact. ESC's protect the wetlands. Ms. McLaughlin said the standards have been met on this plan. Mr. Grimes thanked Mr. Khorasani for his opinion.

A motion to close the public hearing (McLaughlin/Snow) passed 6/0.

A motion to accept plan as submitted (Snow/Moennsad) passed 6/0, Order of Conditions to be issued.

8:01 p.m. Opened the Public Meeting for Request for Determination of Applicability for James Morgan

Property: 7 Woodland Lane, Spencer, MA

Mr. Morgan is trying to sell the house. He would like to put the sand back where it belongs. He hasn't seen this erosion in 18 years. Ms. Washburn said it looks as though when it storms, there is some sort of sheet flow. Mr. Morgan said a sheet of plastic or a board would fix it. Mr. Grimes said he noticed on the inspection that the roof gutter drain goes under the deck. Where does the water drain from there? Mr. Morgan said the area is flat and basically goes into the grass. Mr. Grimes said that one little board isn't going to work. A plastic barrier would work. Ms. Washburn said it looks as though sand has washed into the lake for quite a long time. All digging will be done by hand with a shovel. Mr. Morgan will rake the sand back up into the gully and install the 40 ml plastic barrier that will be length of the wall.

The proposed conditions are as follows:

- 40 ml plastic barrier to be the length of the wall.
- Rake the sand into the gully.

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

A motion for a Negative Determination with conditions as discussed (Snow/Moennsad) passed 6/0.

8:15 p.m. Opened the Public Meeting for Request for Determination of Applicability for Andrzej Gorczynski

Property: 5 Shady Lane, Spencer, MA

Ms. Beata Gorczynski said a tight tank will be installed. The property is very tiny. There is no place for a leach field. DEP has not yet approved the plan. There will be an alarm on the outside of the tank. Ms. Gorczynski said the tank is 2,096 gallons. The tank is 83 feet from the lake. They cannot get any farther because the lot is so small.

*A motion to close the public meeting (McLaughlin/Moennsad) passed 6/0.
A motion for a Negative Determination (Reed/Moennsad) passed 6/0.*

8:22 p.m. Opened the Public Meeting for Request for Determination of Applicability for Lee Jarvis

Property: 59 Oakland Drive, Spencer, MA

Mr. Jarvis said he is replacing his septic system with an Elgin Geotextile system. The tank is a 1,250 fiberglass tank. It will be installed in April or May. Hay bales and silt fence will be installed around the edges and at the top of the retaining wall to hold back dirt. Mr. Jarvis said there will also be an addition consisting of a handicapped bathroom constructed.

*A motion to close the public meeting (McLaughlin/Snow) passed 6/0.
A motion for a Negative Determination (Moennsad/Reed) passed 6/0.*

Other Business:

131 Main Street – Price Chopper: Ms. Washburn issued an Enforcement Order on 12/19/12. A plan was supposed to be filed by 1/2/13, but that deadline was not met. *A motion to ratify the Enforcement Order (Moennsad/McLaughlin) passed 6/0.* Mr. Goddard submitted a plan. The plan has a mistake. The address reads 133 Main Street and should read 131 Main Street. This will be corrected. Mr. Goddard said the contractor will begin work pretty much as soon as the Conservation Commission gives permission. They intend to limit removal of stones at the base of the wall to just as many needed to fix the wall. The rest of the rocks can remain at the foot of the wall. Excavated materials will be loaded and hauled out at the end of each day. ESC's will be installed on an as-needed basis. This project will be done relatively quickly.

1 Westland Drive: Mr. Art Rubino is inquiring about dredging into the lake. He has to put out 40' of dock to put his boat in the water. He would like to only put out about 20' of dock. Mr. Grimes said he can obtain a permit from the Army Corp of Engineers. Ms. Washburn explained that, according to the state regulations, you cannot add or remove anything from the lake. If you apply to the ACE, they can issue a permit for dredging. Mr. Rubino asked if he could construct a boat house. The Commission said that would be changing the shoreline in order to drive the boat into the boathouse. He would still have to dredge because it is only four feet deep at the bank.

22 Gauthier Road, Paul Bernard: We received a request for Certificate of Compliance for this site from Attorney Phil O'Connell. Ms. Washburn responded to him to tell him that in order to receive a Certificate of Compliance, some plantings and Restoration Reports were required.

Special Condition #4 says "A vegetation plan to be submitted and approved by the Spencer Conservation Commission indicating all vegetation to be planted in the buffer zone."

Special Condition #6 in the Order of Conditions calls for “An Environmental Report stating the level of restoration must be submitted to the Spencer Conservation Commission at a period of one, three, and five years following the project completion.”

Special Condition #7 reads, “Once vegetation is established, no maintenance of the vegetation is allowed in the first 100 feet of the stream.”

Ms. Washburn spoke with Mark Farrell of Green Hill Engineering today. He was previously involved on the site. There is no record of any plantings or Restoration Reports in the file. Mr. Farrell said work was done within 95 feet of a perennial stream. He is willing to attend a site walk. The Commission will do a site visit on Sunday, January 13th at 9 a.m.

115 Wilson Street, Carl Wilson: Ms. Emerson and Ms. Washburn inspected on 12-18-12. The swales with wattle check dams were constructed in Array 1 since the previous inspection on 12-12-12. We were told that the bottom of the detention basin in Array 1 was within 6 inches of its proposed elevation, although the sides of the basin still needed to be raised about 4 feet. The detention basin in Array 2 was not under construction yet, although some temporary excavation was holding water back from the wetlands. No permanent access to clean out/maintain the detention basin in Array 1 was shown on the NOI plans. Ms. Washburn is seeking input from the Commission as to whether a revised NOI should be submitted if a road needs to be built for this purpose. We need some sort of permanent record of ways in which the project, as built, deviates from the approved plan. Since the last meeting, representatives from the Solar Farm reportedly met with two of the selectmen and apparently complained about harsh treatment at the hands of the Conservation Commission and/or Ms. Washburn. Subsequently, Adam Gaudette informed her that he showed the selectmen the Construction Sequence and other documents and explained how the developers have deviated from what they were supposed to do. Mr. Grimes said they must submit revised plans. Abutters must be notified again and the hearing will be re-opened.

131 Greenville Street, Greater Worcester Land Trust (GWLT): On 1/2/13, Ms. Washburn inspected the site with Chuck Delaney of Mass Audubon and Tyler Maikath of GWLT. We reviewed the vegetation GWLT intends to remove and/or herbicide along stone walls, as per the last RDA filed for the property. Mr. Maikath also showed her an area of approximately 3.3 acres where GWLT wants to clear cut all the trees because they are infested with bittersweet. The intention is to make grassland habitat in this wooded area. Ms. Washburn said upon reviewing the last RDA, this clear cutting logging was not addressed. Because of the size of the land disturbance, the logging will require a stormwater permit. Ms. Washburn informed Mr. Maikath of this and sent him an RDA form and stormwater permit application checklist on 1/9/13.

49 East Charlton Road – Glenn Maffei: On 12/3/12, Ms. Washburn observed and photographed 2 piles of fill that are in the buffer zone to a BVW shown on the Assessor’s GIS maps. On 12/4/12, she issued a NOV via certified mail, instructing Mr. Maffei to file an RDA by 12/19/12 for a 1/9/13 public meeting. Mr. Maffei refused to sign for the certified mail, so a constable delivered it on 12/19/12, instructing Mr. Maffei to file the RDA by 1/2/13. He has not filed anything. The Commission told Ms. Washburn to issue an Enforcement Order telling Mr. Maffei he must attend the next meeting on January 23, 2013 with a plan for the removal of the piles of fill in the buffer zone.

21 Ethier Drive – Peter Millette: Ms. Washburn issued a NOV on 12/5/12. Peter Millette came to see her on 1/2/13. He has been speaking to Jalbert Engineering. He didn’t understand that he needs to hire a wetland consultant to flag the Bank and have flags shown on a plan. He said he used Glenn Krevosky in the past on the adjoining property in Charlton. Mr. Millette said that the “septic” system is a hole in the ground about 3 feet deep and 3’ x 4’ in length and width. He has gutted the house. Lee Jarvis told him not to bother paying for a Title 5 inspection and to simply hire a designer for a septic system. He needs to show all work he intends to do in the next 3 years on the plan for the NOI.

1 Willow Way – Marie Carlson: On 1/9/13, Ronny Cox requested an ESC inspection. Ms. Washburn asked Lisa Daoust if Mr. Cox is licensed to install septic systems in Spencer. Lisa Daoust said that Mr. Cox does not appear to be licensed to install septic systems in Spencer. Ms. Washburn called Mr. Cox and Jill Caffarelli, who filed the RDA, and told them that she will inspect the ESC’s as soon as she is informed that a licensed installer will be installing the septic system.

New Applications: 89 Smithville Road, NOI
 195 Charlton Road, RDA

A motion to adjourn the meeting at 9:10 p.m. (Snow/Moennsad) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 1/9/13 Spencer Conservation Commission meeting:

Agenda for the 1/9/13 meeting

Margaret's report dated 1/9/13

CC annual report 2012

Letter to Lycott Environmental re: legislative extension for herbiciding Brooks Pond

Letter to Lycott Environmental re: legislative extension for herbiciding Sugden Reservoir

183 Paxton Rd. Order of Conditions (signed)

109 Wilson Ave. Certificate of Compliance (signed)

Plans for Diversified Automotive NOI, Podunk Highway (Route 49) (approved)

Continuance form for 26 Laurel Lane NOI

File for 65 Oakland Drive RDA, including Negative Determination (signed)

7 Debbie Drive: NOI Plans, Assessor's GIS map, photograph taken by M. Washburn on 12-4-12

File for 7 Woodland Lane RDA, including Negative Determination (signed)

File for 5 Shady Drive RDA, including Negative Determination (signed)

File for 59 Oakland Drive RDA, including Negative Determination (signed)

File for 22 Gauthier Road

131 Main Street (Price Chopper): Enforcement Order (ratified),

Letter from Lycott Environmental re: herbiciding Brooks Pond

Erosion Control Magazine Jan/Feb 2013