

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, February 13, 2013, at 7:00 PM
Town Hall, Conference Room A

The Meeting was opened at 7 p.m.

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

Staff present: Margaret Washburn

Minutes Approved: January 23, 2013 – *A motion to approve as amended (Moennsad/McLaughlin) passed 6/0.*

Signed: Greenville Street, Certificate of Compliance
129 Wilson Avenue, Negative Determination

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Peter Zukas

Property: 89 Smithville Road, Spencer, MA DEP#293-0788

Ms. McLaughlin read the proposed conditions for the project. Condition number 18 was revised by the Commission. Condition number 25 was omitted. Condition numbers changed. Condition number 27 was revised by the Commission. Condition number 35 was incorporated into Condition number 6.

A motion to close the public hearing (McLaughlin/Snow) passed 5/0. Mr. Moennsad did not attend the last meeting, therefore, was not able to vote.

A motion to accept plan as submitted with conditions as discussed (McLaughlin/Snow) passed 5/0, Order of Conditions to be issued.

7:36 p.m. Opened the Public Meeting for Request for Determination of Applicability for John Smith

Property: 49 Cranberry Meadow Road, Spencer, MA

Mr. Seth Lajoie presented the project. He said the current system is being replaced with a new septic system. There is minimal grading due to pre-existing fill. There is no place to stockpile material on the site. The excavated material will be removed off site and brought back in as needed. Mr. Moennsad asked if the new system is larger or smaller than the current system. Mr. Lajoie said the new system is a little larger because it is designed under the new Title 5 code. The current system did not pass Title 5. Ms.

Washburn asked Mr. Lajoie to draw an arrow on the plan showing that the closest point of work to the BVW is 30'. Mr. Lajoie did so and initialed and dated the plan.

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

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

Other Business:

APR Application: Ms. Ginny Scarlet attended the meeting on behalf of Common Ground Land Trust to discuss an APR on 78 acres of land located at 3 Wire Village Road, known as the Small family farm. Ms. Scarlet said 2/3 of the land is over the town's aquifer. The land is currently farmed by the Miczeks, who run Breezy Gardens. CGLT has facilitated the process for the owners to sell to the Miczeks. The sale will be contingent on approval of the APR. Part F was given to the Conservation Commission in which Ms. Washburn is responsible for circulating that to the Selectmen, Planning Board, and Water Commissioners.

Ms. Scarlet said the APR program normally wants the town to contribute 20%. The town can't afford that under the current circumstances. If the town says they will contribute zero, the APR program will assume the town does not support saving the farm. Ms. Scarlet advocates that some token amount be subscribed by the town. The expected price for the APR is approximately \$300,000 - \$400,000. If the town could contribute half of 1% or 1%, that would at least show that the town will support the effort. This would have to go to town meeting.

Ms. Scarlet said the Conservation Commission fees from the WPA pays Ms. Washburn's salary. Those fees cannot be used to pay to save land. The APR program pays for the appraisal. They need to get two prices: One price with restricted development and another price as developable.

Ms. McLaughlin asked Ms. Scarlet if the Envirothon kids could do a forestry-related project. Ms. Scarlet said they could inventory the really big trees in town and map them. The second thing they could do is look in the Conservation files for forest cutting permits and plans. Then they could total up the number of board feet of wood that are being cut in town (not including trees cut for development).

195 Charlton Road: Ms. Washburn inspected with Jim Laliberte on 2/6/13. They viewed the wooded area where the swale is proposed. Ms. Washburn said she reviewed the wetland delineations. On the hand-drawn site sketch, there is a problem with the way that the wetlands are shown where the pipe passes under the driveway. The hand-drawn site sketch makes it look like the wetlands flow across the driveway. The existing pipe under the driveway should be labeled on the hand-drawn site sketch. The hand-drawn site sketch shows WFA17 on the north side of the driveway connecting to WFA18 on the south side of the driveway. The hand-drawn site sketch also shows WFA31 on the north side of the driveway connecting to WFA30 on the south side of the driveway. The hand-drawn site sketch needs to be revised in this area. On the north side of the driveway,

WFA17 should be shown connecting to WFA31. On the south side of the existing driveway, there need to be two more flags between WFA18 and WFA30. The new flags need to be closer to the existing driveway than WFA18 and WFA30. The new flags need to be shown on the plan. They need to be shown as connecting on the south side of the driveway.

Ms. Washburn said she observed and photographed wetlands, not yet delineated, that appear to be within 100 feet of the previously stumped area, on the south side. Mr. Hubacz previously stated that the wetlands to the south of the previously stumped area are 300 feet away. All wetlands within 100 feet of the previously stumped area need to be delineated and shown on the site plans, along with their corresponding buffer zones. Some of the rounded stones that were placed on the existing driveway have rolled into the wetlands. The hand-drawn site sketch calls for "Rock Tailings" (round stones) to be added to the driveway. Ms. Washburn suggested using angular stones instead of round stones.

Ms. Washburn said there will need to be some sort of side-slope stabilization and erosion controls shown on the sides of the driveway near the wetlands and in the buffer zone. Ms. Washburn is concerned that over time wetlands on either side of the driveway will be filled unless there is some measure to contain additional stone.

Mr. Grimes said a letter should be drafted up stating upon further review of state regulations, the RDA is not acceptable. Mr. Moenns said he thinks a Positive Determination should be issued and the Laliberte's must file a Notice of Intent. Mr. Grimes said a stamped engineered plan must be submitted.

131 Main Street: Ms. Washburn said she met at the site with Eben Butler on 2/4/13. He said the pipe that drains into the river is clogged with sediment. It needs to be cleaned out and a sump dug at the outlet to catch sediment. On 2/5/13, she met with Scott Letendre of Arsenault & Sons, the firm that does outdoor maintenance at the subject property. They reviewed the plumbing plan and looked at the wall. Mr. Letendre said that he does not think that the wall repair as shown on the R. Levesque Associates plan will prevent trucks from driving over the wall and pushing more stones into the river. Jersey barriers may help. On 2/6/13, Ms. Washburn met at the site with Bob Wall, Plumbing Inspector. He reviewed the plumbing plan and said only the roof drains from the building tie into the catch basins that drain into the river. On 2/11/13, Scott Letendre said the landlord (owner) of the property will be coming to inspect the site within a few weeks to discuss measures to keep trucks off the stone wall. He said they may want to ask for permission not to dig just a sump at the pipe outlet, but also a trench out into the river because the "water is getting stuck."

115 Wilson Street: Ms. Washburn said she inspected with Tom Liddy and Pete Pender on 2/6/13. Array 1: Basin 1 has been constructed, the outlet control structure, underdrains, and rip rap apron have been installed. The interior slopes of the basin were being loamed at the time of the site visit. Solar panel installation and electrical work is ongoing.

Array 2: Basin 2 has been constructed. The outlet control structure, underdrains and rip rap apron have been installed. Interior and exterior slopes of the basin will be loamed in the next week. Screw post installation is complete. The access driveway around Array 2 has been graded. Installation of electrical conduits is ongoing.

Mr. Reed attended a COLAP meeting and reported on the two workshops he attended.

New Applications: None

A motion to adjourn the meeting at 8:55 p.m. (Moennsad/Snow) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 2/13/13 Spencer Conservation Commission meeting:

Agenda for the 2/13/13 meeting
Margaret's report dated 2/13/13
Minutes from the 1/23/13 Spencer Conservation Commission meeting
Certificate of Compliance for Greenville Street (re-signed)
Determination of Applicability for 129 Wilson Avenue (signed)
Draft Special Conditions for 89 Smithville Road (edited and read into minutes)
Site plan for 49 Cranberry Meadow Road
Determination of Applicability for 49 Cranberry Meadow Road (signed)
APR application for 3 Wire Village Road
Photographs taken on 2/6/13 at Margaret Washburn's site inspection of 195 Charlton Road
Letter from National Grid dated 1/24/13 re: replacement of utility pole at 40 Northwest Road
Announcement for the 2013 MA Land Conservation Conference
Announcement for the 2013 Keystone Project Program at UMass Amherst