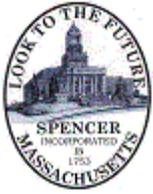


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, September 25, 2013 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

Staff present: Margaret Washburn

Minutes Approved: August 14, 2013 – *A motion to approve the minutes as amended (Reed/Emerson) passed 3/0. Mr. Snow abstained.*
August 28, 2013 – Tabled to October 9, 2013
September 11, 2013 – Tabled to October 9, 2013

Signed: 104 McCormick Road, Order of Conditions
40 Point Eastalee Drive, Certificate of Compliance – *A motion to issue the Certificate of Compliance (Emerson/Reed) passed 4/0.*

7:15 p.m. Opened the Public Hearing for Notice of Intent for Steven Turner

Property: 5 Meadow Road, Spencer, MA DEP#293-806

Mr. Mark Blanchard, representative for Steven Turner, presented the plan to the Commission. The project is to construct two parking lots and an addition onto the back of the diner. A patio will be linked to the front parking area. There will be drivable grass behind the diner. The Stormwater plan has been approved by Graves Engineering. Ms. McLaughlin asked how close the cars will be parking to the wetland. Mr. Blanchard said they will be approximately 25' to 30' from the wetland. The Commission had a concern about oil leaking from the cars onto the pervious or impervious surface. Mr. Blanchard said he doesn't think there will be a problem. Cars won't be there overnight. Most of the parking will be out front. Ms. Emerson asked where the snow will be stored when plowed. Mr. Blanchard pointed out on the plan where the snow will be stored. Ms. Washburn would like a condition in the Order stating permanent wetland markers must be placed at WFA2 & WFA3.

A motion to close the public hearing (Emerson/Snow) passed 4/0.

The proposed conditions are as follows:

- After completion of work within the buffer zone, the applicant shall place permanent wetland markers at the edge of wetland areas at the locations of wetland flags listed below, to avoid future inadvertent encroachment into the wetland. Permanent wetland markers shall be placed at the following wetland flag locations: WFA2 and WFA3. Permanent wetland markers shall be no smaller than 4" x 4" and no larger than 12" x 12" in size, of a weather-resistant material, and shall bear the words "PROTECTED WETLAND BOUNDARY". The location of the permanent wetland markers shall be identified upon completion of work in the area and reviewed by the Conservation Commission or its designated Agent prior to installation. The permanent wetland markers must be between 4 feet and 6 feet above the ground. The applicant shall instruct all of its agents to explain these markers to all persons maintaining the subject property.

A motion to accept the plan as submitted with conditions as discussed (Reed/Emerson) passed 4/0, Order of Conditions to be issued.

7:33 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Cliff Leinonen

Properties: 9 & 9.5 R. Jones Road, Spencer, MA DEP#293-801 & DEP#293-802

Mr. Leinonen submitted revised plans with the requested changes from the Commission. The Commission reviewed the plans. Mr. Leinonen said four-inches of topsoil will be applied to the slopes. Ms. Washburn recommended the following special conditions:

- Trees to be removed will be marked in the field and the Conservation Commission must be notified for an inspection before work can commence.
- Before any construction commences, wetland flags WF227-WF234 must be legibly numbered and the applicant must contact the Conservation Commission Agent when this has been done for an inspection of these flags.
- A 50'x12' site entrance mat consisting of 3"-6" angular stone 12" deep must be constructed and inspected by the Spencer Conservation Commission or its Agent before any other site work can commence.
- After completion of work within the buffer zone, the applicant shall place permanent wetland markers at the edge of wetland areas at the locations of wetland flags listed below, to avoid future inadvertent encroachment into the wetland. Permanent wetland markers shall be placed at the following wetland flag locations: WF227- WF234. Permanent wetland markers shall be no smaller than 4" x 4" and no larger than 12" x 12" in size, of a weather-resistant material, and shall bear the words "PROTECTED WETLAND BOUNDARY". The location of the permanent

wetland markers shall be identified upon completion of work in the area and reviewed by the Conservation Commission or its designated Agent prior to installation. The permanent wetland markers must be between four feet and six feet above the ground. The applicant shall instruct all of its agents to explain these markers to all persons maintaining the subject property.

*A motion to close the public hearing (Reed/Emerson) passed 3/0, Mr. Snow abstained.
A motion to accept the plan as submitted with conditions as discussed (Emerson/Reed) passed 3/0, Mr. Snow abstained.*

7:48 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Town of Spencer, Utilities and Facilities Dept.

Property: Lincoln Street, Spencer, MA DEP#293-805

Ms. Washburn said the water line is now shown on the plan. She has no issues with the project.

*A motion to close the public hearing (Reed/Emerson) passed 3/0, Mr. Snow abstained.
A motion to accept the plan as submitted with conditions as discussed (Reed/Emerson) passed 3/0, Mr. Snow abstained.*

7:50 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Town of Spencer, Highway Dept.

Properties: 218 & 219 Greenville Street, Spencer, MA DEP#293-809

Mr. Tyler said the owners' signatures have been obtained.

*A motion to close the public hearing (Emerson/Reed) passed 3/0, Mr. Snow abstained.
A motion to accept the plan as submitted with conditions as discussed (Reed/Emerson) passed 3/0, Mr. Snow abstained.*

7:52 p.m. Opened the Public Hearing for Notice of Intent for James Belinkas

Property: Gale Drive, Spencer, MA DEP#293-811

The project is to construct a new home. Silt fence will be installed across the inlet to the 18-inch culvert where the forebay is proposed. Ms. Washburn had strongly recommended requiring a semi-circle of silt fence down slope of the culvert outlet (across Gale Drive) to keep mud out of the stream. Mr. Gobi drew hay bales on the plan and initialed the plan. Ms. McLaughlin said either hay bales or silt fence can be installed. There will be a condition in the Order that states "The approved plan contains hand written & initialed changes made during the hearing before the Conservation Commission on 9/25/13. Before work may start, a copy of the construction plan sheets incorporating those changes must be furnished to the Commission. Those shall be the plans followed by the contractor".

*A motion to close the public hearing (Emerson/Snow) passed 4/0.
A motion to accept the plan as submitted with conditions as discussed (Snow/Emerson) passed 4/0.*

8:18 p.m. Opened the Public Hearing for Notice of Intent for Town of Spencer

Property: 46 Smithville Road, Spencer, MA DEP#293-812

Steven Tyler presented the plan. He said the Fire Department drafts water from the river for training purposes. The trucks are so heavy that the parking lot is rutted. The existing soil will be excavated approximately 12" deep and will be replaced with a gravel base. Mr. Tyler said a standpipe will also be installed. Silt fence, hay bales, a silt curtain and a boom will all be installed. The project will take a few days.

A motion to close the public hearing (Snow/Emerson) passed 4/0.

A motion to accept the plan as submitted with standard conditions (Emerson/Reed) passed 4/0.

8:23 p.m. Opened the Public Hearing for Notice of Intent for Town of Spencer

Property: 17 South Spencer Road, Spencer, MA DEP#293-813

Mr. Tyler said this site has a long history of beaver issues. There is currently an open Order of Conditions for beaver dam removal at the bridge on South Spencer Road. Mr. Tyler said the beavers have moved and are now closer to the well. Mr. Malcolm Speicher, beaver trapper, had told Mr. Tyler that it is very easy for beaver to re-build the earthen portion. Mr. Tyler said they would like to remove both the stick dam and the earthen portion. The contractor will drive across the dam and work his way back if he uses logs. Mr. Tyler said the dam will be breached in advance and then the remaining structure will be removed. The debris will be put into a dump truck and hauled off site. A small hydraulic excavator will be used; therefore, a boom and silt curtain will be used. The silt curtain has chains at the bottom to attach to a tree, etc, or stake into the ground. Mr. Tyler will call for inspection before they start the work.

A motion to close the public hearing (Reed/Emerson) passed 4/0.

A motion to accept the plan as submitted with conditions as discussed (Snow/Reed) passed 4/0.

8:31 p.m. Opened the Public Hearing for Notice of Intent for Ryan Maloney, Jr.

Property: 66 GH Wilson Road, Spencer, MA DEP#293-810

Glenn Krevosky, Chris Keenan and Ryan Maloney were all present. Mr. Krevosky said this project is to construct a single family home. The plans have been revised as the Commission had required. The replication detail was added to the plan. The wetland crossing is 2,900 square feet and replication area twice that size. Para Land Surveying did a topographic map of the replication area. Mr. Krevosky said Watson Pond had been flooded but has receded. There will be a three-sided culvert for the project. Mr. Krevosky said Chapter 61A is not an issue. The ANR was recorded today at the Registry of Deeds. The partial release for 61A was recorded today as well.

Mr. Keenan said they are proposing a paved apron for the first 25 feet of the driveway then a gravel driveway through the section of the buffer zone. The area where they will

be crossing the wetland will be a paved driveway to limit the amount of erosion. The driveway up to the house will be gravel. Roof runoff will be collected into drywells. The driveway has a series of stormwater swales on either side. There will be an open-bottomed culvert. Access to the replication is on an existing cart path.

Ms. Washburn said the following conditions should be put in the Order of Conditions:

- An oil absorbent boom must be in place at the water line whenever hydraulic equipment is within 40 feet of the water. In freezing conditions the boom shall be at the landward edge of the ice.
- The wetland replication area must be constructed, planted, and inspected by the Spencer Conservation Commission or its Agent before any other site work can commence, except for the construction of the site entrance mat and the driveway to access the replication area.
- The wetland replication area must be monitored by a wetland specialist by June 1 and by September 1, for two years after the replication area is constructed. Monitoring reports prepared by a wetland specialist must be submitted to the Spencer Conservation Commission by June 1 and by September 1, for two years after the replication area is constructed.
- A 50'x12' site entrance mat consisting of 3"-6" angular stone 12" deep must be constructed and inspected by the Spencer Conservation Commission or its Agent before any other site work can commence, except for the construction of the wetland crossing and the wetland replication area.
- After completion of work within the buffer zone, the applicant shall place permanent wetland markers at the edge of wetland areas at the locations of wetland flags listed below, to avoid future inadvertent encroachment into the wetland. Permanent wetland markers shall be placed at the following wetland flag locations: WF9A, WF10A, WF16A, WF17A, WF18A, WF19A, WF3B, WF10B and WF11B. Permanent wetland markers shall be no smaller than 4" x 4" and no larger than 12" x 12" in size, of a weather-resistant material, and shall bear the words "PROTECTED WETLAND BOUNDARY". The location of the permanent wetland markers shall be identified upon completion of work in the area and reviewed by the Conservation Commission or its designated Agent prior to installation. The permanent wetland markers must be between four feet and six feet above the ground. The applicant shall instruct all of its agents to explain these markers to all persons maintaining the subject property.

Mr. Krevosky said he has spoken to New England Wetland Plants about how late in the season plants are available. They stop selling for the season when frost occurs or the ground is frozen. Mr. Krevosky said the replication area will be prepped, seeded and stabilized for the winter but planting won't take place until the spring. They will be planting approximately 120 plants.

A motion to close the public hearing (Snow/Emerson) passed 4/0.

A motion to accept the plan as submitted with conditions as discussed (Reed/Emerson) passed 4/0.

9:00 p.m. Opened the Public Meeting for Request for Determination of Applicability for James Bouley

Property: 67 Jolicoeur Avenue, Spencer, MA

Ms. McLaughlin recused herself from the opening of the meeting since Mr. Bouley is a close family friend. Mr. Reed opened the meeting. Mr. Bouley said he is going to put in two sections of fence on the property. A split rail vinyl fence will be installed parallel to the road and a six foot vinyl fence running the length of one of his property lines will be installed. Both fences are within the 100 foot buffer zone. The closest point of work is within 60 feet of the lake. Morrison Fence will install the fences. A post-hole digger will be used for the holes. Approximately 12 holes will be dug. Mr. Bouley said the excavated soil will be stockpiled under the deck. The Commission is ok with a two-inch gap under the fence.

A motion to close the public hearing (Snow/Emerson) passed 3/0.

A motion for a Negative Determination (Emerson/Snow) passed 3/0.

9:11 p.m. Opened the Public Meeting for Request for Determination of Applicability for Betty Thebodo

Property: 19 Pine Acres, Spencer, MA

Ms. Thebodo said a 27-foot stone wall with silt fence behind it will be installed. The wall will be approximately 18-24 inches high. The Commission did a site inspection on September 17th. Ms. Washburn contacted Steve Tyler about the debris left that was dumped on her property when the nearby bridge was repaired. Mr. Tyler had told Ms. Washburn that the Highway Department did not do that project. The former Town Administrator had a contractor illegally replace the culvert using town funds.

Ms. Thebodo said there was a town meeting held with a lawyer to determine ownership of the bridge. Ms. Thebodo said it was determined that Ms. Thebodo owns half the bridge and the Lavoies own half the bridge. Ms. McLaughlin asked if Ms. Washburn could try to find the minutes of the meeting where the determination of ownership was made. Ms. Thebodo said she will clean up the debris from her property.

A motion to close the public hearing (Snow/Emerson) passed 4/0.

A motion for a Negative Determination (Emerson/Snow) passed 4/0.

9:30 p.m. Opened the Public Meeting for Request for Determination of Applicability for Joseph Zalieckas

Property: 57 Oakland Drive, Spencer, MA

Ms. McLaughlin recused herself because she is an abutter. Mr. Reed opened the meeting. Mr. Zalieckas said he has water in his garage from a pipe that's been blocked since 2001. He would like to replace the blocked pipe and install a stone-lined swale to relieve the drainage problem. Silt fence will be installed. Ms. Washburn inspected and has no issues with the work.

A motion to close the public hearing (Snow/Emerson) passed 3/0.

A motion for a Negative Determination (Emerson/Snow) passed 3/0.

Other Business:

Spencer Trailways: Mr. Malcolm Speicher said the trail has not been maintained. He said he went before the Parks & Recreation Committee seeking a \$50,000 grant. Mr. Speicher said there is no spending cap and he would like to go for the full \$50,000. Mr. Speicher said Dick O'Brien will apply for the grant and will oversee the whole project. Mr. Speicher asked if a Commission member would be a corresponding contact. Mr. Reed said he possibly could be the person. Ms. Judy Lochner commented that the Parks and Recreation Commission had agreed to apply for the grant and the Town Administrator had said that was ok. Mr. Grimes said there is currently a Determination that was issued for the trail. Ms. Washburn will check for the Determination and what the expiration date is.

Mr. Speicher said they also want to finish the trail from Chestnut Street to Pearl Street. Mr. Steven Tyler said he has done grant applications before. He said having the Conservation Commission name on the application will help. He also said the Commission should agree to be co-applicants. *A motion was made (Reed/Snow) and passed 4/0.*

Woodbine Terrace: Ms. Washburn said this was a NOI for a driveway and a 3-foot wide walking path to the water for a new dock. The Order of Conditions was not recorded as of 9/23/13 when Ms. Washburn inspected due to a complaint. Ms. Washburn said she was never called to inspect ESCs before work started. Erosion controls are inadequate. Hay bales are decomposed and silt fence is not entrenched. There was no DEP number posted, but they posted one while Ms. Washburn was there. There was an excavator present with no boom in the water. A new beach has been installed, although none was shown on the NOI plans, far exceeding the amount of Bank disturbance allowed and amounting to filling the Land Under Water Bodies. The vegetation on both sides of the driveway was supposed to be left in place. All the vegetation is gone. The entire lot has been graded and loamed.

Ms. Washburn said a 14' x 26' building was under construction. The owners claimed there was formerly a shed there but Ms. Washburn saw none on the first site walk and there is none on the 2009 GIS map. The zoning bylaw only allows for accessory buildings on lots with a primary use such as a house. Ms. Washburn ordered them to stop work on the building and to appear at the 9/25 meeting.

Mr. Julian Votruba said he did not know anything was going on at this site until the owner called him. Mr. Votruba said nothing was touched on the bank. The sand was under the vegetation that was there. He said the brush and vegetation was cleared from the trees. Ms. McLaughlin said there was no permission to clear that area. The owners only had permission to clear trees for the driveway. Mr. Votruba said the lot is 50' x 100'. The root system to the trees was so big that when they removed the stump, the whole area was disturbed. Ms. McLaughlin said the trees that were taken down were not

marked. Ms. McLaughlin said the trees that were going to be taken down were supposed to be marked and the vegetation was not to be disturbed. Ms. Washburn said the Order of Conditions has been violated.

Mr. Votruba said the silt fence has been repaired, hay bales have been installed and all the disturbed area has been hydroseeded. He showed pictures to the Commission. Ms. Washburn said the construction of the shed that is within the buffer zone falls under the Conservation Commission jurisdiction. Mr. Votruba submitted a copy of the recorded Order of Conditions to the Commission. Mr. Votruba said he does not agree that the information in the Enforcement Order is accurate. He said the shoreline was not altered and there was no beach built. The beach already existed.

Ms. Sarah Petrozzi said she will work with the Commission and do whatever they want her to do to get into compliance. The Commission will do a joint site visit with DEP and will decide where to go from there.

Lake Whitemore drawdown: *A motion to issue a three-year Extension (Snow/Emerson) passed 4/0.*

Site Visits: Ms. Washburn will contact Joe Bellino, from DEP, to see if he can do a site visit with the Commission on either October 1st or October 8th at 3:15 at Woodbine Terrace. The Commission will do site visits to 64 Chickering Road and Greenville Street on October 1st at 4 p.m.

New Applications: 64 Chickering Road, RDA
 Greenville Street, RDA
 53 Wire Village Road, RDA

A motion to adjourn the meeting at 10:51 p.m. (Snow/Reed) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 9/25/13 Spencer Conservation Commission meeting:

Agenda for the 9/25/13 meeting
Minutes from the 8/14/13 Spencer Conservation Commission meeting (approved as amended)
Minutes from the 8/28/13 Spencer Conservation Commission meeting (tabled)
Margaret's report dated 9/25/13
Order of Conditions for 104 McCormick Road (signed)
File for Depot Trail repairs and maintenance
NOI file for 5 Meadow Road
Site plan for 9 and 9.5 R. Jones Road (R27/4/4 and R27/4/5)
NOI file for Lincoln Street culvert replacement
NOI file for 218 & 219 Greenville Street
NOI file and Order of Conditions for Gale Drive (signed) including a site plan submitted by Richard Gobi on 9/25/13
NOI file for 46 Smithville Road
NOI file for 17 South Spencer Road
NOI Site plan and Order of Conditions for 66 GH Wilson Road (signed)
RDA file and Negative Determination for 67 Jolicoeur Avenue (signed)
RDA file and Negative Determination for 19 Pine Acres Road (signed)
RDA file and Negative Determination for 57 Oakland Drive (signed)
9/23/13 and 3/20/13 Site Inspection Reports for Woodbine Terrace
Site Plan submitted by New England Environmental Design on 9/25/13 for Woodbine Terrace
Site Plan dated 2/11/13 by New England Environmental Design for Woodbine Terrace
Site Inspection photographs for Woodbine Terrace dated 3/20/13 and 9/23/13
Proof that OofC for Woodbine Terrace was recorded on 9/24/13
Draft EO for Woodbine Terrace (not ratified)
Extension Permit for OofC for Lake Whittemore Association (Lake Drawdown) (signed)
Certificate of Compliance for 40 Point Eastalee Drive (signed)