

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, July 13, 2011, at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Ernie Grimes (Chairman), Judy Lochner, Mary McLaughlin, Ram Moennsad, Dana Reed

Commissioners Absent: Warren Snow

Staff present: Margaret Washburn

Minutes Approved: June 22, 2011 - *A motion to approve the minutes as amended (McLaughlin/Moennsad) passed 5/0.*

7:15 p.m. Opened the Public Hearing for Notice of Intent for Brian Lawler

Property: 29 Kittredge Road, Spencer, MA DEP#293-0759

Mr. Glenn Krevosky and Mr. Brian Lawler were present and described the project as being construction of a single family home, new driveway, septic system, well, and site grading. The Commission did a site inspection of the wetland line on Monday, July 11th. A septic plan has been approved by the Board of Health. Ms. Scarlet had reviewed the lot with Mr. Krevosky and had asked that an equalizer pipe be installed in case water pooled high. Mr. Krevosky did install the equalizer pipes and revised the plan. Mr. Krevosky also noticed on the plan that the scale is incorrect. He will correct the scale on the plan and resubmit it. The house has a 31 foot setback from the wetlands.

Mr. Krevosky said DEP had the filing under review, which was a mistake and Marianne DiPinto wrote a letter stating the filing was in fact not under review. A DEP number has been assigned and the filing is all set. Mr. Krevosky said he will give the Commission a copy of that letter.

Ms. Lochner asked Mr. Lawler if he intends to have the hay bale and silt fence line in the back yard be the end of the back yard with no further disturbance beyond the line. Mr. Lawler said there will be no further disturbance beyond that hay bale line. Mr. Krevosky said the back yard is 20 feet. Mr. Grimes asked Mr. Lawler if the house was being built for his use or for re-sale. Mr. Lawler said it is for re-sale. Mr. Grimes said markers need to be installed showing the wetlands boundary. The markers should be installed at the following wetland flags: 4b, 5b, 6b, 7b, between 7b & 8b, 8b, 9b, on the driveway line in

between 9b and 12b, and 12b. Mr. Krevosky said sonotubes will be installed for the markers. The tubes for the markers are to be 2.5 feet below grade and one foot above grade.

A motion to close the public hearing (Lochner/McLaughlin) passed 5/0.

The proposed conditions are as follows:

- Standard ESC
- 9 monuments are to be placed at the flagged locations as discussed
- Revised plan showing details of the monuments, fixed scale, and remove the word “repair”.

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

7:38 p.m. Opened the Public Hearing for Request for Determination of Applicability for Robert George

Property: 11 Delude Avenue, Spencer, MA

Mr. Robert George said he plans to tear down an old dilapidated building and return the area to its' natural state. Mr. George lives at 2 Delude Avenue so he has no reason to rebuild. Mr. George has received his demolition permit from the building inspector. Most of the demolition will be done by hand. There are four concrete barrels under the trolley structure that Mr. George would remove using a small Kubota tractor. Mr. Grimes said it is fine as long as Mr. George stays at least 40 feet away from the water. The silt fence has been installed. Mr. Grimes said he would like the silt fence extended eight to ten feet and curled up at the left end facing the water because runoff could run past the fence. The fireplace will be cleaned up and left there. Ms. Lochner asked if Mr. George was going to put down top soil. Mr. George said he doesn't think it will need it. He will just seed it.

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

A motion for a Negative Determination with the condition to extend the silt fence ten feet (Reed/Moennsad) passed 5/0.

Other Business:

Land Grant Application: The finishing touches need to be put on the Town's application to the Land Grant Program. Mr. Charlie Wyman said everything is all set to go; he and Michelle Buck, Town Planner, have worked very closely on it. The Commission must vote to apply then sign the application. There is a cover letter for the Chairman to sign. The package is due tomorrow. A copy of the two appraisals have been provided to the Commission, which are required as part of the application. Mr. Wyman said another part of the package is an application for the Conservation Partnership Program on another parcel of land that is approximately 3.6 acres. It's a program that provides direct grants to land trusts for purchases of land. When the land trust acquires land with Conservation Partnership assistance, they are required under the program to

grant a conservation restriction to the town. It's another \$60,000 that can be added. As part of the application, a letter is required from the town saying the town is willing to hold the conservation restriction.

A motion to apply for the Land Grant application (McLaughlin/Reed) passed 5/0.
The Commission signed the Land Grant application.

A motion to join the Conservation Partnership Program for the 3.6 acre parcel along Route 9 containing the pond (Lochner/Moennsrad) passed 5/0.

Terkanian Drive: Josh Terkanian requested a Certificate of Compliance. Ms. Washburn did a site visit. All the areas are stable but Ms. Washburn did spot some recently deposited fill near the outlet of the pipe. Ms. Washburn believes the fill is within the 200 foot riverfront area. Ms. Washburn recommends issuing the Certificate of Compliance for work completed and address the issue of the fill separately. Mr. Terkanian said the discharge pipe is further off to the side and the fill he dumped there is approximately 30 feet away. Mr. Terkanian said he had just dumped the dirt there a couple weeks ago creating a parking space for his trailer. Mr. Grimes asked if he used more than 10% of the riverfront area. Mr. Terkanian said no; no other activity was done.

A motion to issue a Certificate of Compliance (Reed/McLaughlin) passed 5/0.

5 Meadow Road: Ms. Washburn said she did an inspection and there was a three foot area on the north side of the building that looked erodible. She said there was supposed to be a swale there. Mr. Turner had told her no, they put in an underground pipe and a catch basin. While Ms. Washburn was there, Mr. Turner had called a guy to deliver more rip-rap to be installed. The area is now stable. *A motion to issue a Certificate of Compliance (McLaughlin/Moennsrad) passed 5/0.*

34 Meadow Road: Ms. Washburn met with Richard Bruley, owner of 34 Meadow Road. He has done a lot of site work there over the years. Mr. Bruley indicated that he did some site work without a permit; placing stones on the bank of the pond to prevent sand from eroding into the pond. On the south side of the pond he would like to spread an existing pile of silt on a mowed area to level it out before reseeding. The silt pile is in the 100-foot buffer zone to the bank of the pond and there is no ESC around it. Mr. Bruley is a contractor and has loam stockpiled on the north side of the pond with no ESC around it. Heavy equipment is stored in the area of the loam stockpile with no spill prevention materials visible. Mr. Bruley said that a horse lives in a pasture and barn on the south and southwest sides of the pond, although Ms. Washburn did not see the horse. Mr. Bruley is considering stabilizing a dirt driveway between the pond and house with loam and seed. Ms. Washburn gave him a Notice of Intent packet and sent him a list of wetland consultants. Mr. Bruley said he could file by September 1st. A review of aerial photographs may be helpful in assessing the work done without permits.

Ms. Washburn said that Mr. Bruley and the Fire Equipment Repair Shop next door have some kind of legal deal of a land swap but it is not showing on any assessor maps. Mr. Grimes asked where the discharge goes. Ms. Washburn said Mr. Bruley said it comes out

75 feet across into the wetland across Meadow Road. Ms. Lochner suggested that Ms. Washburn talk with the Highway Department to see whether there are any records.

Ms. Washburn will send a letter tomorrow telling Mr. Bruley that ESC must be installed around all stock piles and the bank around the pond must be stabilized or ESC installed within 10 days and the Commission will revisit the site on July 26th after 6pm.

Chickering Road culvert: Ms. Washburn received complaints from Joe Socha and Tim Shipman. Ms. Washburn met with them, Fran Kamendulis and Eben Butler. The top of the old box culvert apparently used to be under water keeping duckweed and other floating vegetation from flowing into Stiles Reservoir. The top of the new culvert is not under water and allows duckweed and other floating vegetation to flow into Stiles Reservoir. When Ms. Washburn arrived, they had tied a window screen in front of the culvert inlet. She had told them that there has to be connectivity for organisms to be able to swim from one side to the other through the culvert. Joe Socha wants the town to supply a device to keep duckweed out of the reservoir. Ms. Washburn told them that the culvert was designed based on engineering calculations and if the device blocked the opening, the culvert would not function as designed. Joe Socha is concerned about nutrients flowing into the reservoir through the culvert and asked Lycott Environmental to take a water sample for analysis from the upstream side of the culvert. They want the Conservation Commission to protect the reservoir from the weeds as soon as possible. Mr. Grimes said because there was a Superseding Order of Conditions, this issue should go to DEP. Mr. Lochner said there is also a weed treatment program for this lake and they should talk with the lake association. Ms. Washburn will send a letter demanding that the window screen in the front of the culvert inlet be removed.

Email from Mike Toomey: Ms. Washburn received an email from Mike Toomey that she did not understand. The Commission read the email and they did not understand it either. The Commission requested that Ms. Washburn send him a letter asking him to explain in better detail what the email was about.

4 Wilson Street: Ms. Washburn received a call from Dean Chaffee requesting permission to cut down a couple more trees that are dead. Mr. Chaffee had told Ms. Washburn that Ms. Scarlet had given him permission previously to cut a few dead trees. Ms. Washburn had looked in the folder but did not find any inspection slips. Mr. Grimes said that Ms. Washburn should do a site visit, inspect the trees and use her discretion. Ms. Washburn said she will take photographs and write out an inspection slip.

Site Visits: The Commission will do a site visit on Tuesday, July 26th at 6pm; meet at the Town Hall.

New Applications: 11 Jolicoeur Ave., RDA

A motion to adjourn the meeting at 8:54 p.m. (Moennsad/Reed) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

LIST OF DOCUMENTS USED, July 13, 2011

- ✓ Agenda, Conservation Commission Meeting, July 13, 2011
- ✓ Draft, Conservation Commission Meeting Minutes from June 22, 2011
- ✓ File for 29 Kittredge Road
- ✓ Approved septic design for 29 Kittredge Road
- ✓ File for 11 Delude Avenue
- ✓ File for 9 Terkanian Drive
- ✓ File for 5 Meadow Road
- ✓ Sibley/Warner Farms Grant Application
- ✓ Sibley/Warner Farms Land Grant Application Cover letter
- ✓ Sibley/Warner Farms conservation restriction letter
- ✓ Photographs taken by Margaret Washburn during site inspection at 34 Meadow Road on July 11, 2011
- ✓ Margaret's inspection report for 34 Meadow Road dated July 11, 2011
- ✓ Margaret's inspection report for Chickering Road culvert dated July 11, 2011
- ✓ Photographs taken by Margaret Washburn during site inspection at Chickering Road culvert on July 11, 2011
- ✓ File photographs of Chickering Road culvert taken in 2010 by Bob Fournier and Ginny Scarlet
- ✓ Email from Michael Toomey dated July 13, 2011
- ✓ File for 11 Jolicoeur Avenue
- ✓ Margaret Report dated July 13, 2011
- ✓ Letter from Lycott Environmental dated July 5, 2011 re: Brooks Pond herbicide
- ✓ Letter from Terrestrial Environmental re: Tennessee Gas Pipeline, dated June 30, 2011
- ✓ Letter from FEMA dated June 30, 2011