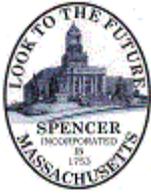


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, September 11, 2013 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Dana Reed, Margaret Emerson

Commissioners Absent: Warren Snow

Staff present: Margaret Washburn

Minutes Approved: July 31, 2013 – *A motion to approve as amended (Emerson/Reed) passed 3/0.*

August 14, 2013 – Tabled to September 25, 2013

August 28, 2013 – Tabled to September 25, 2013

Signed: 25 GH Wilson Road, Order of Conditions
Clark Road Culvert, Order of Conditions
Tom Casey Road, Order of Conditions
Thompson Pond Road, Order of Conditions

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

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

At the request of the applicant, the hearing has been continued to September 25, 2013.

7:17 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Town of Spencer Utilities and Facilities

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

Mr. Steven Tyler said the owners have not signed the Notice of Intent yet. *At the request of the applicant, the hearing has been continued to September 25, 2013.*

7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Town of Spencer Utilities and Facilities

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

Mr. Tyler said the consultant has responded to the outstanding questions that the Commission had from the previous meeting. Ms. Washburn said the abutter list has also been revised. Ms. Washburn said she noticed that in the revised plan from the consultant,

the mean annual high water line was not depicted correctly. Mr. Tyler said he will have the plan revised. *At the request of the applicant, the hearing has been continued to September 25, 2013.*

7:27 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Cliff Leinonen

Property: 9 R. Jones Road, R27/4-4, Spencer, MA DEP#293-801

At the request of the applicant, the hearing has been continued to September 25, 2013

7:28 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Cliff Leinonen

Property: 9 R. Jones Road, R27/4-5, Spencer, MA DEP#293-802

At the request of the applicant, the hearing has been continued to September 25, 2013

7:30 p.m. Opened the Public Hearing for Notice of Intent for James Craig

Property: 104 McCormick Road, Spencer, MA DEP#293-807

Mr. James Tetreault said the project is to construct a single family house with a septic system. He said the wetlands have been flagged by EcoTec. A temporary floating dock will be installed. Ms. McLaughlin asked which trees will be cut down. Mr. Tetreault said there are two pine trees coming down and the red maple will be pruned on the east side of the tree (west side of the dock). Ms. Emerson asked if the dead trees in the water are coming out. Mr. Tetreault said no, the trees will stay unless they are a hazard.

Ms. Washburn recommended a condition to have a tire scrubber installed. She also said permanent wetland markers need to be installed at D10, C8, C9, C10 and D14. Ms. Washburn said that the replication area must be built before any other site work can commence. Mr. Tetreault said double-staked hay bales and silt fence will be installed.

The proposed conditions are as follows:

- A tire scrubber made up of three to six inch angular stone and that is at least 50 feet long must be installed at the edge of the road.
- Permanent wetland markers must be installed at flags D10, C8, C9, C10 and D14.
- The red maple can be pruned on the east side of the tree, west side of the dock.
- The replication must be constructed and inspected before any other site work can commence.

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

A motion to accept the plan as submitted with conditions as discussed (Emerson/Reed) passed 3/0, Order of Conditions to be issued.

7:58 p.m. Opened the Public Meeting for Request for Determination of Applicability for Travis Connor

Property: 91 Wilson Avenue, Spencer, MA

Mr. Connor said the project is to install a new well. Hay bales will be installed. The well tailings will be taken off site. A boom will be used if necessary. Ms. McLaughlin said the boom is drawn on the plan but does not show the distance of how far the boom will be out in the water. Mr. Connor drew on the plan that the boom will be placed in the water 40 feet from the closest point the hydraulic equipment will be from the water. Mr. Connor initialed and dated the plan.

A motion to close the public meeting (Emerson/Reed) passed 3/0.

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

Other Business:

Brooks Pond Order of Conditions: Mr. Reed recused himself because he is an abutter to Brooks Pond. Ms. Washburn said Phil Nadeau advised her that the Order of Conditions cannot be modified; it has to be amended. Mr. Dominic Meringolo said there is a new herbicide for weed control called Clipper and that is what they would like to use in Brooks Pond. He was looking to just change the Order to state the new herbicide. Ms. Washburn said there is not a procedure for a minor change. The Order has to be amended. Mr. Meringolo said he will work on filing a request for an amendment to the Order of Conditions. If he files an amendment with the Town of Spencer, he will have to file with the other abutting towns as well.

22 Point Eastalee Drive: Ms. Washburn said she received an anonymous complaint on 9/9/13 and inspected that day. A new retaining wall has been constructed near Sugden Reservoir with no permit from Conservation or DEP. A NOI should have been filed. Ms. Washburn took photos. The wall may have been built in a BVW and/or Bordering land Subject to Flooding. She recommended issuing an Enforcement Order ordering Mr. Sweeney to file a NOI after the fact by November 11, 2013. Engineered plans need to show the location of BLSF as determined by a civil engineer. Ms. Washburn told the violators to have all areas stabilized with sod or mulch before Thursday 9/12/13 and to sweep dirt out of the road daily. Mr. Sweeney agreed to come to the 9/11/13 meeting. A site visit was attended by Ms. Washburn, Ms. McLaughlin, Ms. Emerson and Mr. Reed on 9/10/13. The Commission signed the Enforcement Order.

20 William Casey Road: Ms. Washburn said the RDA was for a proposed 30' x 40' garage. She said including concrete pads not shown on the sketch, the garage as-built is 58' x 36', not counting the gravel shoulders. Also, retaining walls were built and gravel was heaped right up against the silt fence. Once the silt fence is removed, the gravel will end up in the wetlands. The Commission will do a site visit.

40 Point Eastalee Drive: Ms. Washburn inspected on 9/9/13. She said almost all the hay bales were removed although no Certificate of Compliance has been issued. Ms. Washburn sent the owner a Request for Certificate of Compliance.

115 Wilson Street: Ms. Washburn said she inspected on 9/9/13. No remediation has been done at the existing crossing. She photographed silt fence that was overwhelmed by stones on the downstream side at the existing crossing and emailed it to Borrego Solar, Lucas Environmental, J. Bates & Sons and Carl Wilson. Ms. Washburn asked them to let her know as soon as the silt fence has been repaired.

Greenville Street: Ms. Washburn said vegetation has been cut and soils disturbed in the buffer zone across the street from 197 Greenville Street. Woody debris has been dumped in the BVW. ATV traffic is apparently entering the land from the road. A site visit was attended by Ms. Washburn, Ms. McLaughlin, Ms. Emerson and Mr. Reed on 9/10/13. Ms. Washburn left her card at Laurie Lukko's door today asking her to call ASAP.

Site Visits: The Commission will do site visits on September 17, 2013. Meet at Town Hall at 3:30 p.m.

New Applications: Gale Drive, NOI
 46 Smithville Road, NOI
 17 South Spencer Road, NOI
 66 GH Wilson Road, NOI
 67 Jolicoeur Ave., RDA
 19 Pine Acres, RDA
 57 Oakland Drive, RDA

A motion to adjourn the meeting at 9:10 p.m. (Reed/Emerson) passed 3/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 9/11/13 Spencer Conservation Commission meeting:
Agenda for the 9/11/13 meeting
Minutes from the 7/31/13 Spencer Conservation Commission meeting (approved as amended)
Margaret's report dated 9/11/13
Order of Conditions for 25 GH Wilson Road (signed)
Order of Conditions for Clark Road culvert replacement (signed)
Order of Conditions for Tom Casey Road culvert replacement (signed)
Order of Conditions for Thompson Pond Road bridge repairs (signed)
Continuance request for 5 Meadow Road (signed)
Continuance request for 218 & 219 Greenville Street (signed)
NOI file for Lincoln Street culvert replacement

Continuance request for Lincoln Street culvert replacement (signed)
Continuance request for 9 and 9.5 R. Jones Road (signed)
NOI file for 104 McCormick Road
RDA file and Negative Determination for 91 Wilson Ave. (signed)
MA DEP Notice of Noncompliance re: Saint Joseph's Abbey volatile organic compounds
in groundwater
Pipeline safety pamphlet from ExxonMobil