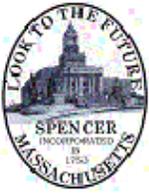


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, October 8, 2014, 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, John Haverty, James Bouley, Eric Peterson

Commissioners Absent: Margaret Emerson

Staff present: Margaret Washburn

Minutes Approved: September 10, 2014 – *a motion to approve the minutes as amended (Bouley/Haverty) passed 6/0.*
September 24, 2014 – Tabled to October 22, 2014

Signed: Jolicoeur Avenue, Determination
40 South Spencer Road, Order of Conditions
300 Charlton Road, Order of Conditions
89.5 Clark Road, Order of Conditions
51 Thompson Pond Road, Order of Conditions
22 Bellevue Drive, Order of Conditions

7:28 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Doug Cutler

Property: 10 Sherman Grove, Spencer, MA DEP#293-0819

At the request of the applicant, the hearing has been continued to December 10, 2014.

7:30 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Doug Cutler

Property: 12 Sherman Grove, Spencer, MA DEP#293-0820

At the request of the applicant, the hearing has been continued to December 10, 2014.

7:35 p.m. Opened the Public Meeting for Request for Determination of Applicability for Robert Bouley

Property: 65 Jolicoeur Avenue, Spencer, MA

Mr. James Bouley recused himself because he is an abutter. The Commission did a site visit on October 7th. Ms. McLaughlin read the inspection report. The Commission had

no issues. Mr. Robert Bouley said the system will be raised approximately 18 inches. The tight tank will be used for seasonal use only. Mr. Bouley will call Ms. Washburn for inspection when ESCs are installed.

A motion to close the public meeting (Reed/Peterson) passed 5/0.

A motion to issue a Negative Determination (Snow/Peterson) passed 5/0.

7:50 p.m. Opened the Public Meeting for Request for Determination of Applicability for Jean Lacroix

Property: 54 Highland Street, Spencer, MA

Ms. McLaughlin read the inspection report. Mr. Richard Gobi said the project is a septic system repair. He said the new system is further away from the river than the old one. Mr. Gobi said there won't be any trees cut down. Mr. Gobi said he will make sure Jeff Beauchamp calls for inspection of the wattles before starting work. Mr. Gobi submitted revised plans showing the river as a perennial stream.

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

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

Other Business:

89.5 Clark Road: Ms. Washburn said she received a complaint from Bob Fournier about tree cutting and brush removal. Ms. Washburn inspected and took photos. She said Mr. Prunier started work before his Order of Conditions was issued. Approximately 10 trees have been cut down, including some in areas where Mr. Prunier never said he was going to cut trees. Brush had been chipped and there were exposed soils very close to the Reservoir. Mr. Fournier also complained that on the last weekend in September, Mr. Prunier and Ralph Williamson both operated hydraulic equipment very close to the edge of the water at the end of the right-of-way next to Mr. Prunier's house. (It looks like a one-lane dirt road or boat launch.) Mr. Fournier alleges that Mr. Prunier operated a skid steer or "Bobcat", and Mr. Williamson operated a backhoe, at the water's edge, with no boom in place. Ms. Washburn said that Mr. Prunier reportedly spread gravel that was dumped by Ralph Williamsons backhoe.

Ms. Washburn said she sent a Notice of Violation and called Mr. Prunier requiring him to install double-staked hay bales between the exposed soils and the Reservoir and requiring him to attend tonight's meeting. Ms. Washburn said he had previously called her that day (10/1/14) asking to have his Order of Conditions handed to him tonight. She told him he could ask the Commission himself at the meeting.

The Commission told Ms. Washburn to send a Notice of Violation to Matt's Tree Service and to send an Enforcement Order to Mr. Prunier for the following:

- Work without the issued Order of Conditions
- Working without an oil-absorbant boom in the water
- The DEP sign was not posted
- ESCs were not installed

- Cutting outside the work area on the approved plan

The Commission said before any more work can take place, the boom must be installed, ESCs must be installed and inspected, the Order of Conditions must be recorded, and the DEP sign must be posted. The Commission also told Ms. Washburn to issue Mr. Prunier a \$300 fine.

Ms. Washburn said she will write an informative letter to be posted in the New Leader stating if anybody uses hydraulic equipment near a lake, a boom must be used and they must contact the Conservation Commission to ask for a permit to do such work.

98 Chickering Road: Ms. Washburn said she received a complaint about driveway work in the buffer zone to Stiles Reservoir. She inspected on October 1st and found that the driveway work was probably in the buffer zone. There was exposed sand as they were waiting for the driveway to settle before repaving it. Ms. Washburn photographed a pile of yard waste approximately 12 feet long, 4 feet high, and 10 feet wide. This clearly needs to be removed. Ms. Washburn sent a Notice of Violation on October 1st, requiring Mr. Mercier to attend tonight's meeting.

Mr. Mercier said the driveway is outside the buffer zone to the lake. He said the French drain discharges about 15 feet away from the water into stones. The driveway has been paved. Mr. Mercier said he had obtained all necessary permits.

Mr. Mercier said he composts the leaves and lawn clippings with lime, which he uses for his own lawn. Mr. Mercier will file an RDA to move the compost and he will contact Bill Coyle.

22 Treadwell Drive: Matt Waldrip said he is here to address the Notice of Violation issued by Ms. Washburn. He presented photos that showed the corrective actions. Mr. Waldrip is requesting that the Commission allow the project to continue onto Phase 2. Mr. Waldrip said there was trash tangled up in the Japanese Knotweed. The soil in Phase 2 was disturbed while they were cleaning out the trash. Ms. McLaughlin read the inspection report. Mr. Waldrip had agreed to replace all wetland flags by November 30, 2014. He also said he would spray paint the stumps along the edge of the "shade buffer" to make a visual barrier for the guys cutting the trees.

Ms. Washburn said she received four packets today with narratives and revised plans. The new modules are higher-power. All modules are outside the buffer zone, and the new racking system is 5' high by 6' wide. The old one was 2' high by 11' wide. The new system allows for smaller sections of 3' and 4'.

After much discussion, the Commission decided to allow work to be done on Phase 2 and work on the basin on Phase 3 at the same time. The Commission also allowed Jason Brown to modify, initial, and date the plan tonight to show removed hay bales across the slopes in Phase 3.

Mr. Shankar informed the Commission that the owner of the property is still Old Wardour Holdings. Mr. Shankar will send a chart to Ms. Washburn explaining the layers of ownership.

51 Thompson Pond Road: Mr. Haverty said he drives by this property every day. The ESCs were installed adequately. They started working last Saturday before receiving the Order of Conditions. Mr. Haverty said there was a backhoe digging in the rain and the septic tank was installed. The Commission told Ms. Washburn to issue an Enforcement Order and a fine to the owner.

Conservation Agent: Ms. Washburn said she doesn't have enough hours for the work load she has. The Commission decided to use the money out of the Conservation Wetland Bylaw account to pay Ms. Washburn for extra hours.

7 Debbie Drive: Ms. Washburn said she received a request for a Certificate of Compliance and a letter from Quinn Engineering stating that the cistern, pool, and retaining walls have not been installed. Ms. Washburn forwarded the letter to Steve Tyler as he reviewed the stormwater plan. Ms. Washburn said she believes that the cistern was a required part of the stormwater plan. The Commission cannot issue the Certificate if since the project is not completed.

0 Woodbine Terrace: Ms. Washburn said a court date has been scheduled for Wednesday, November 5, 2014 at 10 a.m. at the Worcester District Courthouse. Mr. Reed said he should be available to attend.

460 Main Street: Ms. Washburn said that Glenn Krevosky sent an email stating that the owner of Ahearn's is cutting in the wetlands on the east side of the building and dumping fill behind the building. Steve Tyler told Ms. Washburn that Tim Ahearn doesn't even own that land. Ms. Washburn met with Mr. Ahearn and told him he needs to stop work. The Commission told Ms. Washburn to send Mr. Ahearn a Notice of Violation instructing Mr. Ahearn to have the wetlands flagged, file an RDA for mowing, fill and soil disturbance, and stop encroaching on the wetlands.

15 Marble Road: The Commission did an inspection. The owner, Bob Ceppi, was not home. Ms. McLaughlin said the plan did not give much information and the Commission could not figure out exactly what the project was. Ms. McLaughlin wants clarification from Mr. Ceppi. Ms. Washburn will send a letter to Mr. Ceppi instructing him to submit a sketch of proposed work along with the distance the work will be from the house and wetlands. The sketch must be submitted before any work is started and the Commission would like Mr. Ceppi to attend the October 22nd meeting.

44 Buteau Road: Ms. Washburn said she inspected on October 8th. She said the Enforcement Order that was issued on November 19th stated the project must come into full compliance by October 1, 2014. She said although the deadline has passed, Mr. Kuchinski is working toward compliance.

Site Visits: The Commission will do the following site visits:

77 Northwest Road will be on October 15th at 4:30 p.m.

Mechanic Street will be on October 20th at 2:30 p.m.

78 Donnelly Road will be on October 21st at 2:30 p.m.

91 Wilson Avenue: Ms. Washburn will inspect on October 14th at 11 a.m.

Depot Trail Grant: Ms. Washburn informed the Commission that the town obtained the grant for the Depot Trail.

New Applications: 77 Northwest Road, RDA
144 Mechanic Street, NOI
78 Donnelly Road, NOI
91 Wilson Avenue, NOI

A motion to adjourn the meeting at 9:42 p.m. (Snow/Peterson) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 10/8/14 Spencer Conservation Commission meeting:

Agenda for the 10/8/14 meeting
Margaret's report dated 10/8/14
Minutes from the August 13, 2014 CC meeting
Negative Determination for right-of-way work off Jolicoeur Avenue, James Gardner (signed)
Order of Conditions for 40 South Spencer Road (signed)
Order of Conditions for 300 Charlton Road (signed)
Order of Conditions for 89.5 Clark Road (signed)
Order of Conditions for 51 Thompson Pond Road (signed)
Order of Conditions for 22 Bellevue Drive (signed)
Continuance form for 10 & 12 Sherman Grove (signed)
Violation file for 89.5 Clark Road
Violation file for 98 Chickering Road
File for 15 Marble Road
RDA file for 54 Highland Street
RDA file for 65 Jolicoeur Avenue
Photographs submitted by BSC Group for 22 Treadwell Drive
A narrative describing project plan changes and revised plans submitted by Gehrlicher Solar America Corp. for 22 Treadwell Drive
Site inspection report for 22 Treadwell Drive, dated 10/6/14
Violation file for 460 Main Street – Ahearn Equipment

Letter from National Grid re: gas line maintenance work, dated 9/19/14

Letter from Lycott Environmental re: herbicide treatment for Sugden Reservoir, dated 9/30/14

Notice from Commonwealth of Massachusetts Housing Court Department re: show cause hearing date for Sara Petrozzi, 0 Woodbine Terrace

Sibley Farm APR Baseline Documentation Report dated 5/7/14