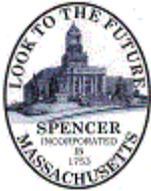


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, February 12, 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, Margaret Emerson, Brian Roode

Staff present: Margaret Washburn

Minutes Approved: January 22, 2014 – *A motion to approve as amended (Emerson/Snow) passed 4/0.*

Signed: Extension, Order of Conditions, Public Roads for Town of Spencer
Order of Conditions, 22 Point Eastalee Drive
Certificate of Compliance, 80 Cranberry Meadow Road

7:15 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 February 26, 2014.

7:16 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 February 26, 2014.

Other Business:

90 South Spencer Road: Ms. Washburn said an Enforcement Order was issued on 7/2/13 for altering a BVW without a permit. The Commission had approved the Restoration Plan prepared by EcoTec at the 7/31/13 meeting, contingent upon having EcoTec prepare and submit one monitoring report per year for two years. Ms. Washburn met with Karen Gaucher on 2/10/14. The work was not completed in 2013, as required. Ms. Washburn has prepared a revised Enforcement Order requiring the work to be completed by 12/31/14 and requiring the submittal of one monitoring report per year for two years as voted at the 7/31/13 meeting. *A motion to ratify the revised Enforcement Order (Snow/Emerson) passed 5/0.*

St. Joseph's Abbey, Solar Farm: Ms. Washburn said that on 2/4/14, Steve Tyler told her that although the 102-acre solar project is located outside the buffer zone (BZ), it has a 100% chance of affecting buffer zones, which are a protected resource area under the local Wetlands Protection Bylaw. Ms. Washburn contacted Ernie Grimes, former commission chairman. He said that as long as the work does not impact a buffer zone, Riverfront Area or wetland, it is not jurisdictional to the Conservation Commission. As soon as any buffer zone, Riverfront Area and/or wetland is impacted, it becomes jurisdictional to the Conservation Commission.

After reviewing the plans submitted to the Planning Board, Ms. Washburn has to agree with Steve about the likelihood of buffer zone impacts due to the proximity of several riprap aprons (detention basin outlets) to buffer zones.

The Planning Board and Steve Tyler requested the Commission's comments after they review the plans at tonight's meeting.

The Commission reviewed the plans and their comments are as follows:

- Ms. Washburn can review CESSWI reports and can ask CESSWI to let her know if BZ impact occurs.
- Geotextile, hydro-seeding and winter rye are needed on steep slopes on farms eight and nine.
- Internal erosion controls needed on slopes of 8% or greater.
- The CESSWI should make them adhere to phasing.
- The Commission has a question about when CESSWI stops inspections. Ms. Washburn will ask Steve Tyler to advise.
- The swale detail needs to show all swales lined with fabric vegetated and mowed three times before any stormwater is released to them.

40 Point Eastalee Drive: Ms. Washburn said she received an NOI in response to the EO issued last year. She printed out photos from 2012 and 2013 that show where the edge of the water was on 4 separate days, not during the lake draw-down. There are questions about the way the Bank of Sugden Reservoir is represented on the plans. The Bank is shown in three different ways.

First, the "High Water Mark" is shown, as shown on the Thomlinson Septic repair plan from Bertin Engineering, dated 7/2/12.

Second, the Bank is shown as it was delineated during lake draw-down by Pioneer Environmental.

Third, a line is shown based on an elevation of the "crest of the dam" (spillway) plus 6-inches, for an elevation of 840.9. This line is labeled as "Bordering Land Subject to Flooding limit". This is the line that Sherman & Frydryk believes to be most accurate, according to the narrative in the NOI Packet.

Using a scaled ruler, the wall is shown as being less than a foot from this “Bank” line.

Ms. Washburn said for this reason (extremely close proximity of wall to Bank), sending this NOI out for third party wetland specialist review is strongly recommended. Ms. Washburn spoke to Nancy Lin, DEP Circuit Rider, on 2/12/14. Ms. Lin recommended going to third party review. She recommended asking the third party reviewer to delineate the Bank for the Commission, and submit to the Commission a report stating who delineated it, when they delineated, the criteria they used, and what their qualifications are. She also recommended that the Commission should select the consultant they want to do the third party review rather than asking for three proposals and letting the client pick the consultant. The Commission decided to ask EcoTec to perform the third party review.

115 Wilson Street: Ms. Washburn said the stormwater swales and basins are shown as temporary on the approved plans. The plans submitted with the request for Certificate of Compliance indicate that Borrego wants them to be permanent. The “swales” in some areas are just open ditches with vertical sides. Ms. Washburn met with Steve Tyler to review the plans.

Mr. Tyler said the burden of proof is on Borrego to demonstrate how they complied with every Order in the Order of Conditions. He also stated that the swales were absolutely designed to be temporary and not permanent, and that the Commission should hold them to this. Mr. Tyler stated that the basins could be left permanently even though they were designed as temporary.

No required annual detention basin inspection reports have been submitted to date.

Mr. Tyler is reviewing a draft e-mail that Ms. Washburn had prepared to ask Borrego to address outstanding issues with the Order of Conditions regarding the Certificate of Compliance.

Follow-up on “housekeeping” issues with this project is important for the Town in light of the recent 102-acre Abbey Solar farm application.

Deer Run: Ms. Washburn said that Attorney Michael Meloche and Mr. Michael Harrington will be coming to the next meeting on February 26th. They will be talking about re-birthing the Deer Run project. Ms. Washburn will bring the file to the meeting.

New Applications: 40 South Spencer Road, NOI, Rondeau
 40 Point Eastalee Drive, NOI, Dansereau

A motion to adjourn the meeting at 8:26 p.m. (Reed/Snow) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 2/12/14 Spencer Conservation Commission meeting:

Agenda for the 2/12/14 meeting

Minutes from the 1/22/14 Spencer Conservation Commission meeting (approved as amended)

Margaret's report dated 2/12/14

Continuance form for 10 and 12 Sherman Grove (signed)

Order of Conditions for 22 Point Eastalee Drive (signed)

Certificate of Compliance for 80 Cranberry Meadow Road (signed)

Extension for Order of Conditions, Public Roads for Town of Spencer

Revised Enforcement order for 90 South Spencer Road (ratified)

NOI file for 40 Point Eastalee Drive