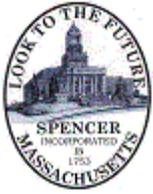


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, April 23, 2014, at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Dana Reed, Brian Roode, Margaret Emerson, James Bouley, John Haverty

Commissioners Absent: Warren Snow

Staff present: Margaret Washburn

Minutes Approved: April 9, 2014 – *A motion to approve the minutes as amended (Roode/Emerson) passed 6/0.*

Signed: 1 West Avenue, Certificate of Compliance
130 W. Main Street, Continuance Form

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Southbridge Savings Bank

Property: 130 West Main Street, Spencer, MA DEP#293-0824

At the request of the applicant, the hearing has been continued to May 14, 2014.

7:17 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Kristian Rondeau

Property: 40 South Spencer Road, Spencer, MA DEP#293-0822

Mark Farrell, from Green Hill Engineering, submitted plans to the Commission. He said that there is currently a new single family home because the original house burned due to a fire. The land in the back was originally a pine grove. Ms. Rondeau had cut down all the trees because she wanted to put in a pasture. Mr. Farrell said there is a wetland in the rear corner of the property. Mr. Farrell said with all the work that Ms. Rondeau did, an Order of Conditions is required along with a stormwater permit. Ms. Washburn asked Mr. Farrell for a narrative stating when delineations were done and whether the wetlands are isolated or bordering.

Mr. Farrell said to mitigate the increase of runoff he proposes to put two small basins made out of earthen berms in the low spots. These basins will impound the runoff so

when a storm event is over the basins will allow the water to percolate back into the ground.

Ms. Washburn asked why the basins are rectangular. Mr. Farrell said he thinks the rectangular shape would blend back into the landscape better. Ms. Washburn asked where the existing fill piles are. Mr. Farrell showed her the areas on the plan. Ms. Washburn asked what the berm will be made from and how it will be stabilized. Mr. Farrell said it will be made of compost or high quality loam. He will keep the basins grassed to absorb the water and promote a good soil matrix to allow infiltration. Mr. Farrell said he will include a berm detail on the plan.

Ms. Washburn said the Commission will not allow the manure storage in the buffer zone. Ms. Washburn told Mr. Farrell that NRCS has manure storage guidelines. Ms. Washburn said the Commission would like to have some erosion control around the stockpiles that are in the buffer zone. Ms. Washburn said she has an issue with existing fill already in the buffer zone with no erosion controls. Mr. Farrell said someone was beginning to fill the area. Mr. Reed asked how much will be filled. Mr. Farrell said approximately five feet. It's going to be filled to blend into the existing contours. Mr. Farrell said he will be installing straw wattles as erosion controls.

Mr. Farrell said the intention is to pull all the stumps. Ms. Washburn said a designated area needs to be put on the plan for the stockpiled stumps. Mr. Farrell said that Ms. Rondeau does have horses. Ms. Washburn told Mr. Farrell that there is a Board of Health Regulation for horses, manure storage, and paddocks. Mr. Farrell will put a note on the plan that manure will not be permanently deposited in the buffer zone.

Mr. Farrell said a pasture seed mix will be put down. It will be a drought-resistant seed mix because it is such well drained soil. Ms. Washburn said there needs to be a note on the plan about stabilizing disturbed soils.

Mr. Steve Tyler said the site is in the water protection district. Mr. Farrell said the basin should be ok. The water table may have to be moved up to the 90-foot contour. Ms. Washburn also said a stormwater permit application checklist needs to be submitted. The Commission will do a site visit on Tuesday, May 6th at 4:45 p.m.

At the request of the applicant, the hearing has been continued to May 14, 2014.

Other Business:

1 West Avenue: Ms. Washburn inspected and took photos. Ms. Washburn recommended issuing the Certificate of Compliance. *A motion to issue the Certificate of Compliance (Emerson/Roode) passed 6/0.*

30 Point Eastalee Drive: Ms. Washburn said she issued a NOV on 4/14, directing Barbara Bell to attend tonight's meeting. Ms. Washburn inspected at Tim Belliveau's

request. He said he wanted to remove trees in order to build a shed in the buffer zone. They also discussed removing a shrub to replace it with a gazebo in the buffer zone.

Ms. Washburn said she observed fill deposited in the buffer zone, as close as ten feet from Sugden reservoir, with no ESCs in place.

Also, an old dock was relocated. A new dock replaced the old dock with a larger and different shape. Mr. Belliveau said that during drawdown he observed that the new dock was resting on pressure-treated 6" X 6" pieces of wood.

Ms. Washburn told Mr. Belliveau to install hay bales and contact her, which he did. The owner needs to apply for a permit and also remediate the unauthorized fill and/or dock.

Ms. Washburn asked Ms. Bell when the dock was replaced. Ms. Bell said about a year ago they replaced it. She said the new dock is shorter than the other dock by two feet. She said the other dock was deteriorated and unsafe. Ms. Bell said if she had known she needed a permit to replace the dock she would've gotten one.

Ms. Washburn asked how far from the water the shed would be. Ms. Bell said it would be approximately 25 – 30 feet from the water. Ms. Washburn asked what Ms. Bell's intention is with the fill. Ms. Bell said she plans to use it to fill in some of the areas in the yard that doesn't have grass growing. She will also use the fill to make a flower bed type of area. Ms. Washburn said to change grade, put up structures or to remove trees within 100 feet of the lake requires a permit. The Commission will do a site visit on Tuesday, May 6th at 3:15 p.m. Ms. Washburn told Ms. Bell not to do any more work until a permit is issued.

22 Longview Drive: Mr. Warren Monette said that Mr. Huard would like to install two granite steps along with rip-rap into the banking to step down into the water because there is a drop. Mr. Monette said the steps won't go into the water. The banking is very soft and is eroding and he said the steps will improve the bank and help secure it. Ms. Washburn asked how wide the waterfront is. Mr. Monette answered 17 feet. Ms. Washburn told him that only 10% of the bank is allowed to be disturbed, which is 1.7 feet. Ms. Washburn said changing the nature of the bank from soil to rip-rap and stone is discouraged. Mr. Monette said because the banking is eroding into the lake, if everyone agrees, it should be considered an emergency factor. It will benefit the wetlands and the lake.

Ms. Washburn said at the site visit, Mr. Monette described to her that Mr. Huard wants to install water bars in the sloping driveway to slow water down and to direct water away from the gazebo. Ms. Washburn had expressed concern about increasing the rate or amount of water flowing onto Ms. Lockhart's property. Ms. Lockhart had a concern of how far the gazebo will be from her property. Ms. Washburn said that on the plan it states the gazebo is less than 10 feet from Ms. Lockhart's property. Ms. McLaughlin also said they should check with the Zoning Enforcement Officer.

Ms. McLaughlin said she likes the idea of stabilizing the bank, but that work would require amending the Order of Conditions. Ms. Washburn said under the Order of Conditions Mr. Huard was required to stabilize the bank. Mr. Monette said the bank is stabilized but the soil was washed back. Ms. Washburn said the bank has never been stabilized since the project started. Ms. McLaughlin read the Special Order referring to stabilization of the bank. Mr. Monette said they did what the Order requires but that work did not stabilize the bank. Ms. Washburn said they have not maintained the work. Ms. McLaughlin said if the bank is in fact not stabilized, the Commission can require that the bank be stabilized instead of an amendment to the Order. Adding the steps to the bank would require an amendment to the Order.

The Commission would like EcoTec to do a site visit and submit a letter with their recommendations of how to stabilize the bank. Mr. Monette will contact EcoTec and Mr. Huard. Mr. Monette will inform the Commission of Mr. Huard's decision whether to follow the plan as is or amend it.

An abutter, Ms. Tame, said she knows the property was surveyed. She would like the boundary to be clearly marked. Ms. Lockhart would also like the same.

2014 Highway Department Projects: Steve Tyler, U&F Superintendent, presented a list of 2014 highway department projects to the Commission.

Route 31, South: Mr. Tyler said that Mass DOT is going to work on Route 31 South. This project will be let out as a "book job". There will be a full set of plans submitted and Mr. Tyler would like a site walk with the Commission. He said there will be some widening. The road is currently 24' to 26' wide and they would like to widen it up to 32' wide. The wetlands were delineated approximately 10 years ago by EcoTec. Some of the BVWs are drainage ditches. Mr. Tyler asked if the Commission wants the wetlands re-delineated. He said the Commission doesn't have to answer that tonight.

Mr. Tyler said the State will be putting in the guardrails. Mr. Reed asked if the town will be responsible for the environmental permitting. Mr. Tyler said yes. The State will pay for the actual construction. Mr. Tyler said there is a lot of tree cutting that needs to be done and the State wants the town to do it. Mr. Reed asked the length of mileage for the project. Mr. Tyler said it's approximately 3.3 miles. Mr. Tyler said a lot more information will follow. Construction will start next year. The Commission will do a site visit on May 20th at 2:30 p.m.

South Spencer Road Culvert: Mr. Tyler said they want to have the beaver dam removed. He has no problem filing an RDA. Ms. Washburn said she would like to see written permission from Roger Plourde. She also said if the water is let out all at once, there is potential for downstream flooding. It has to be lowered one foot a day. Mr. Tyler said he would like to do this project later in the year; August or September. He will speak with Mr. Plourde to get written permission. Ms. Washburn said she would like advance notification before starting the work. Mr. Tyler said he will install a boom upstream and will have a spill kit available.

Adams Street & Clark Street: Mr. Tyler said the project is to cold plane and resurface the road, and install better catch basins.

Chickering Road: This project could be considered a drainage reconstruction. The drainage pipe will be replaced and they will run the culvert 200 feet. The Commission will do a site walk on April 29th at 4 p.m.

Wire Village School: Ms. Washburn and the Commission inspected on April 14th. Ms. Washburn said each detention basin needs to have woody vegetation controlled. Mr. Tyler said the Town of Spencer is not responsible for maintenance of the basins. Mr. Tyler said a letter needs to be sent to Mr. Malvey, Superintendent of Schools.

Vandale Gravel Pit: Bond Corporation is buying this gravel pit. Ms. Washburn needs to send a letter to Bond raising the issues regarding filing an NOI to expand the gravel pit. Ms. Washburn will send a copy of the pit inspection form along with the letter. Mr. Reed said there is 72 acres of land that is being transferred from Vandale to Bond.

16 Greenville Street: Ms. Washburn said she inspected and took photos on April 23rd in response to a complaint. There are issues with water from neighboring properties causing flooding. The water flows through Town culverts and drains. She will refer the complaint to the Selectmen and Steve Tyler.

40 Briarcliff Lane: Ms. Washburn said she inspected the ESCs on April 22nd and gave permission to start renovating the house. It was raining and the camera battery died. Ms. Washburn observed standing water outside the area delineated by Scott Morrison. Mr. Erikson's hay bales were floating in standing water. Ms. McLaughlin told Ms. Washburn to ask Scott Morrison to revisit the "mosquito holes".

Deer Run, Phase 1: Ms. Washburn inspected the property with Adam Gaudette and Scott Morrison on April 15th. She took photos of the detention basin. They discussed getting the road accepted and getting the replication taken care of.

Jolicoeur Avenue: Ms. Washburn said James Gardner did obtain a Determination from the Commission to do some work (cut brush by hand) on the right-of-way. He was not supposed to use a bucket truck or cut any trees at all. Mr. Bouley, who recused himself as a Commissioner, said Mr. Gardner took a tree down that Ernie Grimes, former Commission Chairman, said not to take down. Mr. Bouley, as an abutter, said that the right-of-way was never used. Mr. Bouley said a Judge ruled that since Mr. Gardner was given a permit from the Commission, he could do the work. Ms. McLaughlin said Mr. Gardner was supposed to plant grass on the right-of-way and has not done that. Ms. Washburn said the other issue there is the water Mr. Gardner has created that goes onto Mr. Archambault's land. Ms. McLaughlin said that she had been on this property before and told Mr. Gardner to re-direct the water away from Archambault's property. The Commission will do a site visit on April 28th at 1 p.m.

New Applications: 15 Lake Ave, RDA, McCarthy

A motion to adjourn the meeting at 10:36 p.m. (Reed/Emerson) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 4/23/14 Spencer Conservation Commission meeting:

Agenda for the 4/23/14 meeting

Minutes from the 4/9/14 Spencer Conservation Commission meeting (approved as amended)

Margaret's report dated 4/23/14

Stormwater management plan for Spencer Middle School

Inspection report and photos for Spencer Middle School, dated 4/14/14

File for South Spencer Road Highway Dept. culvert work

NOI file for 22 Longview Drive

NOV file for 30 Point Eastalee

Continuance form and NOI plan for 40 South Spencer Road

Continuance form for 130 West Main Street

CofC for 1 West Ave. (signed)

List of 2014 Highway Dept. projects