

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, March 22, 2017 at 7:00 PM
Town Hall, McCourt Social Hall
157 Main Street, Spencer, MA 01562

The Meeting was opened at 6:51 p.m.

Commissioners Present: Mary McLaughlin, Margaret Emerson, John Haverty, Brian Graeff, James Bouley, Kaitlin Desmarais

Commissioners Absent: Warren Snow

Staff present: Margaret Washburn

Envirothon Team:

Q: Are there soil and water conservation issues facing our town at this time?

A: Mr. Graeff said the Commission deals with concerns about erosion control all the time due to water issues. The type of soil enters into the decision of which erosion controls to be used because some soil stays in place better than others.

Q. Are there any specific places of interest right now dealing with soil and water?

A. Mr. Graeff said the project at 19 Bixby Road has steep slopes and erosion. Bond Sand and Gravel has a gravel permit and a permit to draw water out of the Sevenmile River. The water is used to wash their earth products. There is a big wash pond. Ms. Emerson said there have been a lot of problems with erosion controls at solar farms due to their size.

Q. Whose job is it to help solve the issues?

A. Mr. Graeff said the owner is ultimately responsible to solve the issues. Ms. Washburn said that DEP will get involved on the State level, the Conservation Commission gets involved and their Agent, and third-party reviewers get involved.

Steve Tyler said that Central Massachusetts has been in a drought for a year. Water conservation will be in effect May 1, 2017. Lawn watering may have to be restricted. He said that 1,500 households (about half) are on town water, which the restriction would only apply to them. Wells do go dry possibly because neighbors over use water.

Q. What are some of the most common pollutants that the town has problems with?

A. Ms. McLaughlin said she thinks the biggest problem is soil running off into water. Ms. Washburn said there is an issue with road salt during the winter. Ms. Desmarais said they are starting to find road salt in the ground water. Mr. Tyler said fecal matter being thrown down the catch basins end up in the fields and lakes. Ms. Washburn said lawn fertilizers contribute to chemicals running into the water.

Minutes Approved:

March 8, 2017 – *A motion to approve the minutes as amended (Haverty/Emerson) passed 6/0.*

7:15 p.m. Opened the Continuation of Public Meeting for Abbreviated Notice of Resource Area Delineation for Karen Hubacz-Kiley

Property: 93 & 97 Hastings Road, Spencer, MA

At the request of the applicant, the meeting has been continued to April 12, 2017.

7:19 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Spencer Fish & Game Club

Property: 155 Mechanic Street, Spencer, MA DEP#293-

At the request of the applicant, the hearing has been continued to April 26, 2017.

7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Town of Spencer Water Department

Property: 3 Old Meadow Road, Spencer, MA DEP#293-0899

Steve Tyler said there are beaver problems along the Sevenmile River Meadow that runs from the Fairgrounds to Route 9. Over the years they have pulled permits to trap the beavers. Mr. Tyler said they got a positive hit for total coliform in the public well last fall. He filed a Request for Determination of Threat with MA DEP Division of Drinking Water. A positive determination of threat to water supply was made. They were given permission to trap the beavers, remove the beaver dam, and remove the lodge. An emergency permit was issued from the Board of Health. A Notice of Intent was filed for the trench. A copy of the NOI was sent to Natural Heritage Endangered Species Program, where they hit a roadblock because NHESP wanted the elevations of the river bottom/bank. DEP wanted area quantification. Mr. Tyler contacted DEP and spoke with Denise Child and Judy Schmitz. They said they would not try to stop the emergency certificate issuance/threat positive determination. Mr. Tyler wants to proceed and take

care of the trench and other activities at a later time. Mr. Graeff asked Mr. Tyler to describe the work to be done under the emergency vs. the total work. Mr. Tyler said the work would consist of excavating and removing as much of the top of the beaver dams as possible and same for the huts. Ms. Washburn said the beaver trapping has already started and all of the dams have been partially breached already. Mr. Tyler said that Greg Karpowicz said the trench was created by the beavers since he started working in 2002. Mr. Tyler said he can wait until mid April to start the project. The Commission told Mr. Tyler to install an oil-absorbent boom in the river. *A motion to issue an Emergency Certificate for removal of the beaver dam and lodge (Bouley/Graeff) passed 6/0.* The hearing has been continued to April 12, 2017.

7:40 p.m. Opened the Public Hearing for Notice of Intent for Cranberry Meadow Lake Association

Property: Cranberry Meadow Lake, Spencer, MA DEP#293-0900

Mr. Bouley recused himself. Kara Sliwoski and Dominic Meringolo, from Solitude Lake Management, presented. Mr. Meringolo said the original Order of Condition is dated back to 1989. There have been lots of inspections, weeds have been managed, and they have watched for algae. The lake is 71 acres and treatments are limited to 10-12 acres a year on average. Mr. Meringolo said treatments have been very successful so far. The lake has native plants that are not problematic. Native growth is treated when it is too robust or in access areas. The previously used herbicides were:

- Reward and Diquat
- Navigate 2, 4-D was used systematically for milfoil but not needed the last four to five years
- Aquapro, which is Glyphosate, which was used sparingly on water lilies
- Clipper was used for small scattered water lilies
- Copper-based algaecides

Mr. Meringolo said in the spring/early summer they will do surveys. They do a submersed plant survey in June, treat in August/September, and then a final survey is done. Mr. Graeff asked if the herbicides are applied to the plants. Mr. Meringolo said there are a couple different applications: Liquid subsurface near the growth, the lily pads are treated with a topical treatment spray which is not done on windy days, 2, 4-D Navigate is granular which is applied with an electric spreader on the front of a boat. Ms. Emerson said abutters must be notified when 2, 4-D Navigate is applied. She asked that the Commission be notified as well. She also wants a special condition be added to the Order that states wells have to be tested. Mr. Meringolo said DEP says to use their groundwater hydrologists based on soil types and flows. Ms. Emerson asked that well test results be submitted to the Commission.

Mr. Meringolo said that all herbicides are vetted through three separate processes. They are reviewed by the EPA and the label gets approved at the federal level. DEP and the Department of Agriculture also review the label and then submit reports. The staff is licensed by the Department of Agriculture to apply the products. They need to obtain an annual license from DEP. Mr. Meringolo said the program has been very successful. Ms.

Washburn asked for any special Orders of Conditions that Solitude can forward to the Commission. Mr. Meringolo said they will do that.

A member of the public, Susan Federico, asked how they decide locations of wells to be tested. Mr. Meringolo said a letter would be sent to residents if 2, 4-D was to be used. Ms. Federico expressed concern with shoreline erosion from boats making the shore closer to wells. She said there used to be two islands that are now gone.

Barbara Purcell, member of the public, asked how often the Order of Conditions process is supposed to be done. Ms. McLaughlin said the Notices of Intent come before the Commission every five years and then Extensions can be requested after that. Ms. Washburn commented that a drawdown was not being asked for. Mr. Meringolo said the client did not want a drawdown. The lake association works with a limited budget.

James Gallagher, member of the public, said the lake association has an annual meeting and they discuss lawn fertilizer and why the owners have to pay money every year to treat the weeds. Ms. McLaughlin said basic education about the dos and don'ts around the lake would help. Mr. Meringolo said there are several educational links they can share with the lake association.

At the request of the applicant, the hearing has been continued to April 12, 2017.

Other Business:

Candlewood II: Mr. Bouley recused himself.

A tech review meeting took place on March 21, 2017. Graves Engineering submitted a letter, dated March 20, 2017, stating that Candlewood Phase I was built in accordance with the January 2, 2008 Stormwater Standards, as required as a condition of a previous extension for Phase II.

Ms. Washburn said she received two copies of a plan prepared by Jason Dubois. The plan shows erosion controls between the road and the nearest wetland at the end of the cul-de-sac. Ms. Washburn said DEP told her that Mr. Kady can be allowed to build the road without amending the Order of Conditions. This can be considered a minor change increasing the amount of sediment controls without the need to amend.

The Commission said no work should be done to construct the Phase II road until:

- All missing flags have been replaced and inspected
- erosion controls have been installed as per the plan submitted on 3/22/17
- a third-party engineer has been contracted to monitor the road construction and report to the Town
- the contractor has the approved plan on site at all times
- a SWPPP has been filed with EPA

Ms. Washburn said a \$5,000.00 deposit has to be submitted before the work can begin on the road. Steve Tyler said they can start with the tree removal. Ms. Washburn said as soon as the flags and sediment controls are installed call her for inspection. Attorney Damien Berthiaume asked if the Commission is accepting the submitted plans for sedimentation controls and road construction, with a revision date of March 22, 2016, as a supplement to the existing plans of record. The Commission accepted the plans. Mr. Dubois will let Ms. Washburn know when the National Pollution Discharge Elimination System permit is issued as required in the Order of Conditions.

Special Conditions for lake management: The Commission reviewed and discussed special conditions and findings from the 2007 Lake Whittemore Order of Conditions for lake draw-down and herbicide treatments, from the 2008 Sugden Reservoir Order of Conditions, from 2008 Brooks Pond Order of Conditions, and the 2010 Thompson Pond Order of Conditions. Ms. Washburn said she will ask DEP if they have an example of a good lake management plan. Ms. Desmarais suggested that at every annual meeting, a survey be taken of what people think problems are and how they are going to tackle the problems in the next year. Mr. Graeff suggested that at the annual meeting, other herbicide treatments, problem areas, and community goals should be discussed.

Site Inspections: The Commission will do site inspections on April 8, 2017 at 9 a.m.

48 Paxton Road & 19 Woodchuck Lane: Ms. Washburn said on March 13th she received a request from the contractor for storm water bonds to be released for both projects. She forwarded the request to Graves Engineering. They requested \$200,000.00 to be released for Woodchuck Lane and \$112,500.00 to be released for Paxton Road. Graves Engineering said they do not recommend releasing any money for Paxton Road. *A motion to release \$100,000.00 for 19 Woodchuck Lane and \$0 for Paxton Road (Graeff/Emerson) passed 6/0.*

48 Paxton Road, 19 Woodchuck Lane & Holmes Street - ZPT solar farms: Ms. Washburn said the contractor, Ken Lacourse, handed her small versions of plans on March 20th showing that they are proposing to increase the footprint of all three projects for additional “shade buffer” cutting, meaning clear cutting around the panels beyond the approved scope of work. This additional cutting could potentially change the stormwater calculations. Bryan LaRochelle of Graves Engineering and Ms. Washburn told Mr. Lacourse that a written request to increase the scope of work beyond the approved planned work must be submitted. Corey Brodeur from Lenard Engineering is available to review the proposed changes in regards to changes in stormwater. Ms. Washburn told Mr. Lacourse that the Commission may decide that they would need to request to amend the Order of Conditions in order to do additional work beyond the approved work. Ms. McLaughlin said she believes a new bond would have to be requested and submitted.

New Applications: 18 Bellevue Drive, RDA
 4 Wildwood Lane, RDA

A motion to adjourn the meeting at 10:00 p.m. (Emerson/Bouley) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 3/22/17 Spencer Conservation Commission meeting:

Agenda for the 3/22/17 meeting
Margaret's report dated 3/22/17
Minutes from the 3/8/17 CC meeting
Continuance form for 93 & 97 Hastings Road (signed)
Continuance form for 155 Mechanic Street (signed)
NOI file for 3 Old Meadow Road
NOI file for Cranberry Meadow Lake
Letter dated 3/20/17 re: stormwater compliance for Candlewood Phase I

Grading and Utilities Plan for Candlewood Estates Phase II, signed and stamped by Jason Dubois on 3/22/17 to show additional hay bales and silt fence at the end of the cul-de-sac (modified page 4 of pages 1 through 8, "Candlewood Estates Phase II" last revised November 8, 2007, prepared by Graves Engineering)

Draft tree trimming and clearing plans for 48 Paxton Road, 19 Woodchuck Lane and the Holmes Street solar farm, submitted on 3/20/17 by Ken Lacourse

Graves Engineering letter dated 3/21/17 re: Stormwater Bond amounts to release for 48 Paxton Road and 19 Woodchuck Lane solar farms