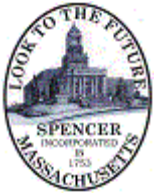


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, January 10, 2018 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Margaret Emerson, James Bouley, Heidi Olivo, Warren Snow

Staff present: Margaret Washburn

Minutes Approved: December 13, 2017 – *A motion to approve the minutes as amended (Emerson/Bouley) passed 5/0.*

Signed: 102 Chickering Road, Corrected Order of Conditions
155 Mechanic Street, Re-sign Order of Conditions

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Scott Richardson

Property: 72 Donnelly Road, Spencer, MA DEP#293-0917

Scott Richardson said he is proposing to build a single-family home. Ms. McLaughlin said the driveway needs to be longer, at least 18 to 20 feet long, and the construction entrance detail has to be shown on the plan. Ms. Washburn said an estimate for the cost of the stormwater structures and sediment controls must be submitted. Mr. Richardson said he is waiting for the estimate from David Bercume. Ms. Washburn said test pits were not done in the stormwater recharge locations, the driveway stormwater device should have filter fabric in it, and slopes steeper than 3:1 should be stabilized with stone, fabric, or mulch. Ms. Washburn said the plan needs to show how the existing slope on the driveway side of the house will be stabilized with loam and seed, and the plan needs to show if the driveway will be paved.

Jim Hansen, abutter at 68 & 70 Donnelly Road, has concerns. He said that the stormwater recharge devices won't be effective over time and they will fill with silt. The Commission said an Operation and Maintenance Plan needs to be added to the plan. Mr. Hansen said the plan doesn't show peak runoff post-development vs. pre-development. Ms. Washburn said to her knowledge the project is exempt from DEP Stormwater Regulations but John Thomasian, Engineer, should be the one to address that concern. Mr. Richardson said this is a minor project and is exempt. Mr. Hansen said the slopes drop 8 feet over 20 feet which is very steep. Ms. Washburn said the plan needs to show

at least a 15-foot paved apron and/or show whether the entire driveway is to be paved. Ms. Washburn said during the site visit Mr. Richardson showed there will be very minimal tree cutting. He told Mr. Hansen that they will leave as many trees as they can.

At the request of the applicant, the hearing has been continued to January 24, 2018.

7:35 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Valley View Realty

Property: 8 Valley View Drive, Spencer, MA DEP#293-0916

Jason Dubois presented the plan. The project is to construct a single-family house, driveway, and stormwater recharge unit. Ms. Washburn said the test pit was shown where it is supposed to be and the stormwater surety bond seemed reasonable. The closest point of work is 4.3 feet from the wetlands. There is no septic system and no well. Rob Spence said the edge of wetlands is marked with three permanent concrete monuments.

The proposed conditions are as follows:

- The existing reinforced concrete monuments shall remain. A “Protected Wetland Boundary” marker supplied by the Spencer Conservation Commission shall be installed on the top surface of each monument. Each marker shall be attached by at least two masonry nails or other method approved by the Commission.
- A stormwater surety bond is required to ensure the work is completed according to the permit, in the amount of \$5,324.00. Fifty percent of the stormwater surety bond shall be released when the project is rough graded in compliance with the approved plan, but the stormwater surety bond shall not be fully released until the Stormwater Authority has issued a Certificate of Compliance. The Conservation Commission shall have forty-five (45) days to review bond amounts and requests for partial or full release.
- The applicant must call the Spencer Conservation Commission at least three (3) business days prior to starting construction to request an inspection of the silt fence and double-staked hay bales. The sediment controls must be inspected by the Commission or its designated agent prior to starting construction.

A motion to close the public hearing (Bouley/Emerson) passed 5/0.

A motion to accept the plan as submitted with conditions as discussed (Snow/Bouley) passed 5/0.

7:45 p.m. Opened the Public Hearing for Notice of Intent for Robert & Judith Maloney

Property: 66 GH Wilson Road, Spencer, MA DEP#293-0912

Scott Morrison, from EcoTec, presented the plan. The property has been in Community Supported Agriculture since 2007. Because of this, there are significant agricultural exemptions. Mr. Morrison said there has been ongoing vista pruning looking towards

Stiles Reservoir. There is a beaver lodge/dam near the garden. Some tree removal happened near the garden and Mr. Maloney removed the trees that fell near the road. The exemption permits Mr. Maloney to maintain the flow of the stream for agriculture purposes and allows him to do edge pruning and remove the trees and brush. Ms. Washburn said Mr. Maloney told her he doesn't want to get rid of the beavers. Mr. Morrison said he wants to continue with his agricultural project and maintain what he's been maintaining for years. Ms. Washburn said that Mr. Maloney removed cut trees so the beavers wouldn't build up the dam.

Dianne Scanlon, from 57 GH Wilson Road, says the culvert is on her land. She said Mr. Maloney told her he was taking out the wood because he did not want the beavers around. She said the beavers will build up the dam whether he removes trees or not. She asked what type of protection Mr. Maloney will offer while he is cutting trees and using hydraulic equipment near the pond. She is very concerned about the work being done.

Irfan Nasrullah added that Mr. Maloney is not just taking things away. There are specific exemptions within the regulations for maintaining agricultural land such as maintaining the flow of water to prevent flooding. He said as far as the vista pruning, they are here asking for permission to prune. Mr. Morrison said they are only asking for a small area of vista pruning.

Ms. Scanlon asked if any sediment controls or a boom would be needed to protect the pond if a tractor will be used. Mr. Morrison said there is no earth work being done. Ms. McLaughlin said a spill kit can be used. Ms. Washburn asked for an addendum to the Notice of Intent regarding the area where lodges were exposed by tree removal.

At the request of the applicant, the hearing has been continued to January 24, 2018.

8:15 p.m. Opened the Public Hearing to Amend the Order of Conditions for John Joyce

Property: 9 & 10 Wilson Avenue, Spencer, MA DEP#293-0892

Jason Dubois presented the plan. The house at 9 Wilson Avenue was on a tight tank. They ran a two-inch line along the side of the house and under Wilson Avenue. That was done and not shown on the original plan. There were problems with the well so they tied the existing house into the new well. It's a shared well and shared septic system. Mr. Dubois said Mr. Joyce intends to rent the new house.

Mr. Dubois said they pump from the tight tank into the septic system. There is a 3,000-gallon tank. Gabe Berthiaume, from Slims Sewer, built a cinderblock wall inside the tight tank and the tight tank now functions as the septic tank.

A motion to close the public hearing (Bouley/Olivo) passed 5/0.

A motion to Amend the Order of Conditions (Emerson/Olivo) passed 5/0.

Other Business:

15 Pine Acres: The Commission did a site visit on January 3rd. Ms. Braney dug through the snow to show that grass had grown. There were no conservation issues. *A motion to issue the Certificate of Compliance (Emerson/Snow) passed 5/0.*

25 Lake Avenue: Ms. Emerson said she inspected on January 3rd. Glenn Krevosky had previously provided photos, before the snow fell, showing that all areas were stable. There were no conservation issues. *A motion to issue the Certificate of Compliance (Emerson/Snow) passed 5/0.*

Sugden Reservoir: Ms. McLaughlin recused herself. Ms. Washburn said while she was proof-reading the minutes from the December 13th meeting, she noticed that the special conditions that had been emailed to Commission members and amended and approved for Solitude Lake Management were not voted on during the hearing. Ms. Washburn spoke with Dominic Meringolo on January 8th and he agreed that the special conditions should have been included. *A motion to issue the corrected Order of Conditions with Special Conditions (Bouley/Emerson) passed 4/0.* Ms. McLaughlin rejoined the Commission.

Wire Village Detention Basins: Ms. Washburn said she received an email from Eric Hevy, new Supervisor of Buildings and Grounds for the Spencer-East Brookfield Regional School District. He acknowledged receiving the letter from her and has every intention of removing the woody vegetation within the detention basins in the spring.

155 Mechanic Street, Spencer Fish & Game pond outlet: Ms. McLaughlin read the following timeline for the pond outlet structure review:

- Order of Conditions issued 8/28/17
- Storm Water bond check for \$45,000.00 received 8/23/17
- Version 1 shop drawings received 11/1/17
- Check for \$5,000.00 for Graves' review of shop drawings received 11/16/17
- Graves received authorization to commence review from the Town 11/29/17
- Version 1 shop drawings review report issued by Graves 11/30/17
- Version 2 shop drawings received 12/12/17
- Version 2 shop drawings review report issued by Graves 12/13/17
- Fifty +/- Fish & Game members attend Conservation Commission meeting 12/13/17
- Version 3 shop drawings received 1/2/18
- Margaret Washburn emailed Vic Lacroix, Spencer Fish & Game and Steve Broyer re: the Order of Conditions has not been recorded as of 1/3/18
- Version 3 shop drawings review report issued by Graves 1/5/18
- The Spencer Conservation Commission will re-sign the Order of Conditions on 1/10/18 because the applicant apparently misplaced the original

Also, Ms. Washburn requested that the following statement be read into the minutes for the 1/10/18 meeting: “Margaret Washburn has never been employed by Graves Engineering.”

51 Oakland Drive: On January 3rd, Ms. Emerson inspected at the property owners request. She gave him permission to remove a few trees, without the use of a bucket truck, in the buffer zone to Sugden Reservoir. The stumps are to remain. He has indicated that he will file an RDA in the future to rebuild a retaining wall and possibly to remove more trees.

31 Point Eastalee, Dominick Brescia: Ms. Emerson inspected yesterday. The owner wants to remove one large pine tree ten to fifteen feet from the Bank of Sugden Reservoir. The stump is to remain if permission is given to cut the tree. Ms. Emerson said she has reservations about removing the tree. She said you can only see what’s above the roof which looks healthy but that doesn’t mean the bottom part is healthy. Ms. Emerson said an arborist should look at it. Permission was not given to remove the tree. The Commission would like to view the tree when the snow is gone. Mr. Brescia should get an opinion from an arborist.

Ms. Washburn said that Mr. Brescia received an Order of Conditions from Spencer Conservation on March 11, 2010. The Order expired. No proof of recording the Order was ever submitted. No request for Certificate of Compliance was ever submitted.

Permanent Wetland Markers: Ms. Washburn said she ordered 250 wetland markers pending the Commission’s approval of the sample. The Commission chose red colored markers.

Warren Snow will not be attending any meetings in February or in March.
Heidi Olivo will not be attending any meetings in February.

New Applications: 92 McCormick Road, NOI

A motion to adjourn the meeting at 9:00 p.m. (Snow/Emerson) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 1/10/18 Spencer Conservation Commission meeting:

Agenda for the 1/10/18 meeting
Margaret's report dated 1/10/18
Corrected OofC for 102 Chickering Road (signed)
OofC for 155 Mechanic Street (re-signed)
OofC for Sugden Reservoir (re-voted to include special conditions and re-signed)
CofC for 25 Lake Avenue (signed)
CofC for 15 Pine Acres (signed)
NOI file for 72 Donnelly Road
Continuance form for 72 Donnelly Road (signed)
NOI file for 8 Valley View Drive
NOI file for 66 GH Wilson Road
Continuance form for 66 GH Wilson Road (signed)
File for Request to Amend the OofC for 9 & 10 Wilson Avenue
Inspection report and site photograph for 31 Point Eastalee Drive