

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, May 24, 2017 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Margaret Emerson, Warren Snow, James Bouley, John Haverty, Kaitlin Desmarais

Commissioners Absent: Brian Graeff

Staff present: Margaret Washburn

Minutes Approved: May 10, 2017 – *A motion to approve the minutes as amended (Emerson/Haverty) passed 6/0.*

7:16 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Jim Hansen

Property: 68 & 70 Donnelly Road, Spencer, MA DEP#293-0898

Mr. Hansen said the apron was made bigger, the well was slightly relocated and a well house was added. Quinn Engineering issued a memo stating that these minor changes do not change the stormwater calculations. Mr. Hansen said the order of operations is not the usual. They are not sure if they are going to build the house/septic and everything this year. He doesn't want to install the ESCs and let them rot until they decide when they will begin construction. Mr. Hansen said he wants to create an access pad, fill in ruts, install rip-rap near the stream bank, and install the well. Mr. Hansen submitted the storm water bond check in the amount of \$12,109.20.

A motion to close the public hearing (Haverty/Emerson) passed 6/0.

A motion to accept plan as submitted (Snow/Bouley) passed 6/0.

7:28 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Spencer Fish and Game Club

Property: 155 Mechanic Street, Spencer, MA DEP#293-0901

At the request of the applicant, the hearing has been continued to June 28, 2017.

7:30 p.m. Opened the Continuation of Public Meeting for an 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 June 14, 2017.

7:31 p.m. Opened the Continuation of Public Hearing for Notice of Intent for St. Joseph's Abbey

Property: 167 North Spencer Road, Spencer, MA DEP#293-0878

At the request of the applicant, the hearing has been continued to June 14, 2017.

7:32 p.m. Opened the Public Hearing for Notice of Intent for Stiles Lake Water District

Property: Stiles Reservoir, Spencer, MA DEP#293-0902

Dominic Meringolo and Amanda Mahaney, from Solitude Lake Management, presented. Mr. Meringolo said the District has done vegetation surveys for many years and did some treatments. The standard program includes monitoring early-season surveys for milfoil and European naiad and designates the treatment areas. This filing is an Ecological Restoration filing. The focus will be on the non-native species. Several different herbicides will be used, such as Reward/Diquat, Renovate/tryclopyr, Clipper, and Aquasol. Mr. Meringolo said the Reservoir has a good mix of native plants so trying to maintain control over the non-native species will allow the native plants to flourish. In order to apply chemicals, a license has to be obtained from DEP. Surveys will be done in early May and June, treatment would be done in late June, then a late-season survey and year-end reports will be done. Mr. Meringolo said based on what they saw last year, approximately 40 acres at a maximum will be treated. The lake is approximately 300 acres.

Mr. Snow asked what the date was of Map Figure 3. Ms. Mahaney said she took the survey on July 22, 2016. She said the milfoil was dense in the southern end and the western end. Between the islands, the milfoil was thin but the summer of 2016 displayed much more milfoil. Mr. Meringolo briefly reviewed the long-term management goals. Mr. Meringolo said 2, 4-D is not proposed to be used here.

Johnny Kroll, from 35 Chickering Road, said he is concerned that his land has dried up and turned into a hay field. He presented photos of his land to the Commission. Ms. Mahaney informed Mr. Kroll that the vegetation will die once the water fills into the reservoir. Vic Raso asked when they will see a map of the areas that will be treated. Ms. Washburn said they need to do a vegetation survey before they can answer that. Mr. Raso said he has concerns about the chemicals that will be used. Mr. Meringolo said the United States Environmental Protection Agency has permitted them and DEP has permitted them. Levels of application are strictly adhered to. Mr. Meringolo said the Office of Environmental Affairs had a Generic Environmental Impact Report (GEIR) done. Products were tested and are re-evaluated on a regular basis. The state approves the management techniques.

Ms. Washburn asked if Little Stiles is proposed in the treatment plan. Bill Klansek said he lives over on that side. He said Little Stiles is primarily owned by the Girl Scout Camp. The Girl scouts are very interested in weed control. Weeds are terrible near the camp. Jay Lussier, Water Commissioner, said the people who live on Little Stiles do not pay into the water district's and they are not part of the political entity. Mr. Meringolo said a separate Notice of Intent would have to be filed.

Mr. Kroll said his water is shallower than Stiles. All his wildlife got killed. Ms. Washburn said the dam had to be repaired and it's not the water districts fault. Mr.

Lussier said the Office of Dam Safety ordered them to lower the water level. The dam could not be repaired. The only option was breaching the dam.

Fran Kamendulis, Water Commissioner from 62 Chickering Road, said they were under a two-foot drawdown. The engineering company did a band-aid repair in 2013. After three months, the dam got saturated. The Water Commissioners went to the Office of Dam Safety and they gave a six-foot drawdown. The Environmental Bond bill enabled them to repair it.

Mr. Raso asked why not wait to treat until the water comes back up. Mr. Meringolo said there is a benefit to treating while the water is down. The milfoil is thriving in shallow areas. Mr. Lussier said the Water Commission did not want to treat this year. When they saw how slow the dam repair was going they changed their mind. Mr. Lussier spoke with Solitude and they informed him that the key depth is 10 feet because milfoil has problems growing. Solitude said there would be a benefit to treating this year.

Mr. Klansek asked what will be required on the part of the residents on Little Stiles to get a permit. Ms. Washburn said they need to file a Notice of Intent. Mr. Klansek asked who would be responsible for filing the Notice of Intent. Mr. Meringolo asked if the landowners own the land under the pond. All landowners need to be listed to file a Notice of Intent.

Mr. Lussier asked if there is any consideration to redo the culvert between Little Stiles and Stiles Reservoir. Mr. Klansek said he asked Steve Tyler and he had said no. Then Mr. Klansek had a conversation with Donnie Berthiaume and there is a \$50,000.00 bond for Little Stiles to look at the problem. That money could be available after the fiscal year. Ms. Washburn said that culvert is not on the 2017 list of culverts to be repaired.

Mr. Kamendulis asked if there is a water chestnut problem on Little Stiles. Mr. Klansek said yes. Mr. Kamendulis said they don't want that on Stiles Reservoir. Mr. Lussier said they had a filamentous algae bloom after the Chickering Road culvert repair.

A motion to close the public hearing (Emerson/Haverty) passed 6/0. The Order of Conditions will be issued at the next meeting on June 14, 2017.

Other Business:

Wire Village School: Ms. Washburn said the detentions have never had the woody vegetation removed since they were constructed. Mr. Snow recently brought attention to the situation. The last letter sent to the Superintendent was ignored. Mr. Snow recommended sending an updated letter to the Superintendent asking for results. Ms. Washburn will state in the letter to respond by the next meeting on June 14th.

19 Bixby Road: The Commission did a site inspection on Saturday, May 20th. The trail was marked.

Briarwood Lane: Ms. Washburn said she and Paul Dell'Aquila, Town Planner, did a site inspection yesterday. There were no conservation issues in Phase I at this time. *A motion to issue a three-year Extension (Emerson/Bouley) passed 6/0.*

22 Podunk Pike: Ms. Washburn inspected and took photos. There were no conservation issues. *A motion to issue a Certificate of Compliance (Haverty/Bouley) passed 6/0.*

Camp Marshall: Ms. Washburn said there is lead contamination in the soil. On May 17th Ms. Washburn met with Robert Lowell, Acting Chief Engineer of MA Department of Conservation and Recreation (DCR). DCR is in the process of giving Camp Marshall permits to operate. Lead shot from shooting guns has contaminated soil in two areas. DCR wants to remediate the soil in these two areas as soon as possible. They also need to keep humans and their animals out of these contaminated areas until remediation is done. This means excluding foot traffic, horseback riders, and, unfortunately, all-terrain vehicles (ATVs) and dirt bikes, which are not allowed on the snowmobile trails but are present in alarming numbers.

Ms. Washburn said in both areas guns were shot across Turkey Hill Brook so soil is contaminated on both sides of the brook. Fortunately, no contamination was found in sediments under the brook. DCR has investigated the size and location of the contaminated areas at both the rifle range and the shotgun/skeet shooting range.

The first area is the rifle range near the Thompson Pond dam, where Turkey Hill Brook begins. There is already fencing around the rifle range building near the dam. This area is not located adjacent to a snowmobile trail.

The second area is the shotgun/skeet range, which includes a portion of a state snowmobile trail that connects to the MidState Trail. ATV and dirt bikes are damaging the snowmobile trail. There is an existing snowmobile bridge where the trail crosses over Turkey Hill Brook, to the north of the (shotgun) skeet firing range. There is a three-sided roofed building, formerly used to stand in while shooting skeet. The building inspector has informed me that the building does not need a demolition permit. The building is about 10 feet from Turkey Hill Brook. DCR wants to remove the building (there is no foundation) because it is an “attractive nuisance”, inviting campers where camping is not allowed. Ms. Washburn said she has no objections to removing the building.

In the area contaminated by skeet shooting, the contaminated area is marked by stakes and ribbons. Dirt Bikes and ATVs are damaging the stakes and ribbons. Someone is still shooting at the skeet firing range. Guns were fired from the west side of the brook into an extremely steep, high, wooded hill on the east side of the brook. Contamination extends more than 100 yards up the hill.

Soil will be excavated to a depth of six inches. Excavation is preferred over capping, another option for remediation. The timeline for remediation is unknown. DCR needs to install the fencing ASAP. Ms. Washburn informed Mr. Lowell that if hydraulic equipment operates within 40 feet of Turkey Hill Brook, an oil-absorbent boom must be installed across the brook.

Ms. Washburn will issue an Emergency Certificate for the fence installation. DCR will reach out to the Snowbirds snowmobile club and any other trail users they can contact.

Ms. Washburn said that sand has been stockpiled near the existing beach, a new fence appears to be under construction around the beach, and large precast blocks appear to be being used to build a retaining wall near the bank of Thompson Pond. No permits have been issued by Conservation. The Commission told Ms. Washburn to issue a Cease and Desist and they will do a site visit on June 14th at 5 p.m.

51 Lake Avenue: Peter Bowler was present. Ms. Washburn and Ms. Emerson inspected today in response to a complaint about fill in the lake. Ms. McLaughlin read the inspection report. Mr. Bowler said with heavy rains the water runs onto his property from surrounding uplands. He said he brought in two truckloads of sand. Ms. Washburn said it is against the law to fill the resource area. She said Mr. Bowler must come up with a remediation plan to get the fill out. He will take the sand out with a shovel and wheelbarrow. The Commission will give Mr. Bowler six weeks to remove the sand. Ms. Washburn will inspect on July 5th.

57 Lake Avenue: Ms. Washburn and Ms. Emerson inspected today in response to a complaint about paving of a boat launch, fill being put in the lake, and a tree being removed. Ms. McLaughlin read the inspection report. Isabelle Bowler said they brought in wheelbarrows of pavement to pave the boat launch. Ms. McLaughlin said you are not allowed to pave under Land Under Water Bodies. Ms. Bowler said 1.5 yards of sand was also brought in. Ms. McLaughlin told Ms. Bowler that the pavement beyond the retaining wall must be removed and the added sand must be removed. They will have to hire a competent professional to flag the bank and remove the pavement. The sand can be removed by hand with a wheelbarrow. Ms. Washburn will issue an Enforcement Order that states a remediation plan, including a narrative and a sketch, must be submitted by June 28, 2017 and to attend the Conservation meeting that night. Ms. Washburn will inspect on July 5th.

25 Lake Avenue: Ms. Washburn and Ms. Emerson inspected today in response to a complaint about paving of a boat launch and many yards of pea stone being put in the lake. Ms. McLaughlin read the inspection report. All the work was done under Land Under Water Bodies. Ms. Washburn will issue an Enforcement Order stating to hire a competent professional to do a remediation plan and file a Notice of Intent. They must attend the June 14th meeting to present the remediation plan. All work must be done by August 15, 2017.

50 Donnelly Road: Ms. Washburn said this property is in Chapter 61A. Mr. Kimball proposes to sell a portion of the property. The property is not adjacent to any permanently protected open space, it is not subject to the mapping of the Natural Heritage and Endangered Species program and it is not adjacent to any existing trails. *A motion to not exercise right of first refusal (Emerson/Snow) passed 6/0.*

New Applications: None

A motion to adjourn the meeting at 9:46 p.m. (Emerson/Bouley) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 5/24/17 Spencer Conservation Commission meeting:

Agenda for the 5/24/17 meeting
Margaret's report dated 5/24/17
Minutes from the 5/10/17 CC meeting
Continuance form for 155 Mechanic Street (signed)
Continuance form for 93 & 97 Hastings Road (signed)
Continuance form for 167 North Spencer Road (signed)
Site photographs and inspection report dated 5/24/17 for 25 Lake Avenue
Site photographs and inspection report dated 5/24/17 for 51 Lake Avenue
Site photographs and inspection report dated 5/24/17 for 57 Lake Avenue
Site photographs and inspection report dated 5/17/17 for Camp Marshall
Extension permit for Briarwood Lane (signed)
NOI file for Stiles Reservoir aquatic plant management program
NOI file for 68 & 70 Donnelly Road, including OofC (signed)
Letter to Dr. Edward Malvey from Margaret Washburn, dated 5/7/14 re: detention basins
at the Wire Village School
Certificate of Compliance for 22 Podunk Pike (signed)
Notice of Intent to Sell document dated 5/19/17 from Morrill & Morrill, P.C., for 50
Donnelly Road