

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, January 8, 2020 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7:00 p.m.

Commissioners present: Charlie Bellemer, Margaret Emerson, Mary McLaughlin, Robert Perry & Warren Snow

Commissioners Absent:

Staff present: George Russell, Jane Green
Staff absent:

Minutes Approved: December 18, 2019

Signed: Certificate of Compliance – Washburn Drive

7:15 p.m. Continued the Public Hearing for the Notice of Intent for Colin Derhammer
Property: 133 Ash Street, Spencer, MA DEP#293-0978 SW Permit

At the request of the applicant, the hearing has been continued to January 22, 2020.

7:19 p.m. Continued the Public Hearing for the Notice of Intent for Todd Vitkos
Property: Lot 4, Bacon Hill Road, Spencer MA DEP#293-0981
The plans were revised and received. Mr. Russell recommended approval.

A motion to close the public hearing (Perry/Bellemer) 5/0 passed.
A motion to approve the plans with stipulations in the Agent's report (Snow/Perry) 5/0 passed.

7:23 p.m. Opened the Public Hearing for the Request to Amend the Order of Conditions for Paul Goodrich
Property: 115 Smithville Road, Spencer, MA DEP#293-0938

Scott Morrison, from EcoTec, was present and discussed the plans. The perimeter drain was installed and was not on the Order of Conditions plan. The area has a high ground water table. Mr. Bellemer wanted to know who would monitor that situation. Mr. Russell stated that the homeowner would be responsible. Mr. Russell said that there will be a new stipulation in the orders that will remain in perpetuity concerning this drain and is outlined in his report. An abutter, Jeff Butensky, wanted to know if the septic was in the front lawn. Mr. Morrison stated that it was. Mr. Butensky wanted to know if the front yard had been elevated substantially. Mr. Morrison said that it had been elevated with fill. Mr. Butensky wanted to know if there were any conditions for landscaping, fertilizer or types of materials used that might impact the wetlands negatively. Mr. Russell said that we do not have the plans here. His concerns are the landscaping in the back yard and how it could affect the wetlands. Mr. Butensky wanted to know if the Commission would have any authority on what plants to plant. Mr. Russell said only if it is within the jurisdiction, which would be 100 feet. Mr. Bellemer asked if there were any regulations as to what people can and can't use. Ms. McLaughlin said the Commission has suggestions but not requirements. Mr. Snow stated that he wished we could outlaw all fertilizers & insecticides. Ms. McLaughlin thought that this topic is something to think about for the future.

A motion to close the public hearing (Perry/Bellemer) 5/0 passed.

A motion to amend the Order of Conditions with the stipulations in the Agent's report (Snow/Perry) 5/0 passed.

Other Business:

226 North Spencer Road: Mr. Russell inspected the site and recommended that the CofC be issued.

A motion to issue the Certificate of Compliance (Snow/Perry) 5/0 passed.

129 Wilson Avenue: Mr. Russell noticed leaves piled in the stream on the property. Nancy Paquette received a letter from the office because of debris in 3 resource areas. The resource areas are on the riverfront and land under waterbody. The Commission looked at the photos and discussed them. Ms. McLaughlin asked the applicant if she moved the leaves into that area. Ms. Paquette said she did not know how they got there. She does her own landscaping. Mr. Perry wanted to know what Mr. Russell recommended. Mr. Russell recommended that the applicant file an NOI and wait until spring to do the clean-up.

A motion to request a Notice of Intent for 129 Wilson Ave (Snow/Perry) 5/0 passed.

11 Shore Drive: George Russell discussed the erosion problem. This was a unique situation that Mr. Russell had not run into before. The problem is on land that nobody owns. Erosion is creating a problem for the homeowner on his land. Mr. Russell met with the owner at the property this week. Rick Miller, the owner, discussed the erosion on Shore Drive. There was high volume water during heavy rain that washed out the detention basin and ended up going into Thompson Pond. This is a non-maintained road. Mr. Miller is trying to figure what to do to. Mr. Russell said that nobody owns Shore Drive and that is a problem. The solution that Mr. Russell and Mr. Miller came up with was to put straw wattles or filter mitts down. The intent is to keep the eroded soil out of the basin and out of Thomson Pond. The owner will have to maintain the straw wattles on a continuous basis. Ms. McLaughlin wanted to know how long or often the owner has to replace the wattles. Mr. Miller will replace them when needed. Mr. Bellemer wanted to know if there was another solution besides wattles. Mr. Russell said that a few possible solutions would be to pave the road or put up a retaining wall. Three of the Conservation members live on private roads. There was discussion on the issues with private roads. Charlie O'Connor, an abutter, said that his issue was all the chunks of gravel and debris that end up on his property. Mr. Perry talked about how on his road they made transverse cuts to direct water into the woodlands. But they still must shovel it every year.

A motion to request that Mr. Miller put wattles in by March 1, 2020 or thereafter weather permitting (Snow/Bellemer) 5/0 passed.

Agent's Report:

Peer Review: Mr. Russell has proposed an RFQ for services of a single firm for Peer Review. One firm would be under contract with the town for 3-6 years. This would allow all projects to be reviewed by a single entity, so that there would not be the potential for conflicts between land use boards. Mr. Russell would like the Commission to review this concept for the next Agenda.

Right-of-Ways: Mr. Snow wanted to know if the Commission can walk the utility right-of-ways. They weren't really right-of-ways they were easements. Mr. Russell said that as long as it is on public land or open to the public.

Solar Bylaw Committee:

A motion to add Solar Bylaw to the meeting (Perry/Bellemer) 5/0 passed.

Ms. Emerson stated that the Solar Bylaw Committee finally finished. The Committee would like there to be temporary signage at proposed solar farms and special permits. They discussed a signed interconnector service agreement from Utilities. They discussed decommissioning bonds. It's an issue because the batteries and panels need to be recycled. It is expensive and the only places that recycle are in California and Washington State. It costs \$25.00 a panel plus shipping. Another topic was the Committee wanted cash instead of a bond, because as soon as they are done building it, they sell it. And they

can walk away from a bond. The Committee had very serious concerns on the lithium ion batteries. They are very flammable. The Town Administrator would like to use flow batteries. They are less dangerous and less flammable. Another suggestions was all inspections take place ahead of the electrical inspections.

Mr. Bellemer discussed North Spencer Road and how there is a mud pit at this sub-division. He does not feel that a CofC should be given until the problem is fixed entirely. Mr. Bellemer thinks that the owner should be responsible for the entire sub-division if there are problems. He thinks it is going to plug up all the towns catch-basins. Mr. Russell stated that legally there are individual NOI's for each property so they must be treated separately.

Agent's report is appended to and made part of the minutes.

New Applications: NOI – Cherry Wall & Lloyd Dyer Road

A motion to adjourn the meeting at 8:28 p.m. (Snow/Bellemer) 5/0 passed.

Respectfully submitted by:

Jane Green, Senior Clerk
Development & Inspectional Services

Documents Reviewed at the 1/8/20 Spencer Conservation Commission Meeting:

Agenda 1/8/20

Minutes 12/18/20

DEP 2020 Snow Disposal Informational

National Grid Letter dated 12/12/19

Agent's Report 1/8/20

Item 5.1 Notice of possible Violation 129 Wilson Ave

Item 6.1 Request for Qualifications Engineering and Wetlands Consulting Review

Continuance form 133 Ash Street

Lot 4, Bacon Hill Road Order of Conditions signed

115 Smithville Road Amended Order of Conditions signed

226 North Spencer Road Certificate of Compliance signed

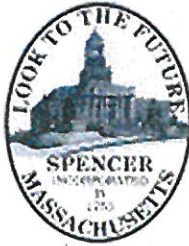
Peer Review proposed RFP/RFQ for services.

Town of Spencer, Massachusetts

Office of Development & Inspectional Services

Planning Board
Zoning Board of Appeals
Conservation
Board of Health

Town Planner
Inspector of Buildings
Health Agent
Wetland/Soil Specialist



Memorial Town Hall
157 Main Street
Spencer, MA 01562

Tel: 508-885-7500 ext.
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TO: Conservation Commission

FM: George Russell, AICP
Conservation Agent

RE: Agent's Report

DATE: 1/8/20

4.0 PUBLIC HEARINGS:

Item 4.1. : NOI Ash St. Solar Array: I have asked for additional information/clarification from the applicant and it has now been submitted. We have a DEP number; however, DEP had a series of comments that will require plan revisions. These comments have been sent to the peer reviewer and the applicant. One of the interesting comments is the fact that there may be up to 5 vernal pools on site that were not shown. We have received a peer review estimate prepared for the wetlands issues and delineation and the Planning Board is having one for the engineering which the Commission can also use.

Peer review is underway. The hearing should not be closed until peer review is complete for both the Commission and the Planning Board since plan revisions may in fact be necessary. The Commission should be advised that the peer review is uncovering areas and issues that need to be addressed and the plans WILL be amended.

Taking testimony from either the applicant or the abutters should be done with a "warning" to both that there is a real probability that the plans will be modified and the hearing will be continued.

Item 4.2. NOI Lot 4 Bacon Hill Rd.: I have reviewed the revised plans that were originally submitted at the last meeting. The proposed rip-rap should suffice to dissipate the velocity. I would recommend approval with the following stipulations: 20, 22-24, 27-30, 34, 37-41, 44, 47, 51, 56 and one that reads: Should any erosion begin at the discharge point of the perimeter drain, immediate steps must be undertaken to

stop said erosion and these step must be taken in consultation with the Conservation Commission. Further, this stipulation shall remain in perpetuity.

Item 4.3. NOI Amendment 115 Smithville: This amendment is to allow a perimeter drain that was installed prior to receiving the amendment that is before us tonight. This was done as a result of the Commission voting that the amendment was necessary and in accordance with the policy on amendments to an approved set of Orders.

The pipes are closer to the BVW and I originally requested a dry well. However, based on the engineer's certification that a dry well is not feasible due to the high water table, the installed rip-rap will suffice to dissipate the velocity of any discharge. I would recommend approval with the stipulation: Should any erosion begin at the discharge point of the perimeter drain, immediate steps must be undertaken to stop said erosion and these step must be taken in consultation with the Conservation Commission. Further, this stipulation shall remain in perpetuity.

5.0 OTHER BUSINESS:

Item 5.1. Discussion 129 Wilson Ave.: This was continued from the last meeting. In your packets you will find a letter from my office, a request to discuss the issue with the Commission and a photo of the issue. It is my opinion that the debris in question is both on the bank and the land under the stream and thus in two resource areas. I believe that removing the bottom layer of the leaves etc. will potentially do more damage than leaving them there and therefore I would recommend that an NOI be filed to allow removal of the all but the bottom 6" of the debris and that no more be allowed to be deposited, unless via nature.

Item 5.2 11 Shore Drive: This was continued from the last meeting. The owner of 11 Shore Drive has requested to discuss the violation issue with the Commission. Mr. Miller owns property that has had silt deposited in a BVW but the siltation originates from Shore Drive which is off of his property and ownership is not claimed by any one party. I do not see any way around the requirement to file a permit since fill has been deposited in a jurisdictional area.

I met with Mr. Miller on site on 1/7/20 and we discussed the issue. I would recommend that an RDA be filed by Mr. Miller and that no dredging take place since it would do more damage than leaving the deposited soil in place. Straw wattles should be placed at the area where the erosion is taking place and these should be maintained by the property owner until such time as a more permanent solution is found.

6.0 AGENT REPORTS:

Item 6.1. Peer Review: In your packets, you will find a proposed RFP/RFQ for peer review services that would consolidate all peer review under one contract with one firm. This firm would be under contract to the town for 3-6 years. This would allow all projects to be reviewed by a single entity so that there would not be the potential for conflicts between say the Planning Board's review and the ConCom's review. It would

also allow staff to require an applicant to deliver a copy of the application to a specific entity at the time of submission and our reviewer could immediately work up a scope of services thus saving everyone time. I would request the members review the concept and if in favor, I would present this fact to the Director of ODIS.