

Conservation Commission Meeting Minutes

Minutes of May11, 2016

Members present: John Marc Aurele, Acting Chair; Joshua Soojian, Jim Cooper, JoAnn Schold
Meeting called to order 6:30PM

Request for Determination of Applicability

- 214 Rawson Street (determine boundaries of resource area is accurate)

Mr. Marc Aurele read the notice into the record and then opened the meeting to discussion.

Norman Hill of Land Planning represented the application.

They were asking the Commission to determine whether the boundaries of the resource area depicted on the plan are accurately delineated.

No work was proposed at this time. It is a wooded, vacant lot adjacent to bordering vegetated wetlands. Eventually the owner of the property would like to put a house there.

In early spring there is a brook that runs down the property through a pipe located on the lot.

The brook did not flow all the time and was considered to be seasonal and not intermittent.

Discussion opened to public

Ms. Maureen Doyle, 210 Rawson Street asked about the pipe underground.

Mr. Marc Aurele explained the pipe sticking up out of the ground was the well casing for drilling a well and potentially, if they propose to build on the site, may look to connect to that pipe to provide water to the house.

Ms. Jane Denham, 211 Rawson Street said the seasonal brook never dries up and when it flows, it flows under the road and through all the neighboring properties.

Ms. Josephine Donahue was also concerned about the seasonal brook and agreed that it was never dry.

After a brief discussion, the Commission agreed a site inspection was needed before determination can be made.

The hearing was continued to the July 13th meeting, giving time to set up a site walk.

- Huntoon Memorial Highway; Map 37-Parcel C2 (determine boundaries of resource area is accurate)

Mr. Marc Aurele read the notice into the record and then opened the meeting to discussion.

Mr. Norman Hill of Land Planning represented the application.

They were asking the Commission to determine whether the boundaries of the resource area depicted on the plan are accurately delineated.

No work was proposed at this time. It is a wooded, vacant lot adjacent to bordering vegetated wetlands.

At this point, Mr. Hill informed the Commission that notification to abutters was not done and requested a waiver from having to do notification to each individual condo unit located at Laurel Heights and be allowed to do notification through the Laurel Heights Condo Association, with the understanding that once this goes to a Notice of Intent, or to an actual project that each unit would be notified.

After a brief discussion, the Commission agreed to allow notification through the Laurel Heights Condo Association, but will still require notification to each condo unit located on Edwards Street.

A new hearing notice will be prepared that will note the hearing's continuance.

The hearing was continued to the June 15th meeting.

- 207 Baldwin Street (replace existing leach field)

No one was present to represent this application. The applicant's representative sent an email requesting to continue the hearing due to not doing abutter notification.

The Hearing was not opened and Notice was not read into the record.

The applicant will be notified of the new hearing notice and new notification to abutters.

It will need to be re-advertised in the newspaper. The hearing was rescheduled to the June 15th meeting.

Notice of Intent

- Stiles Lake Water District (reconstruction of dam) Continued

Allen Orsi & Lauren Gluck of Pare Corp represented the application.

Mr. Marc Aurele reviewed this being a continued hearing regarding repairs to Stiles Reservoir Dam. The reason for the continuance was regarding the issue of replication of loss wetlands to continue the project. The Commission had asked the applicant to further concur with DEP regarding establishing the presence of no replication approval.

Mr. Orsi said DEP recommended exploring locations potentially off site for BVW replication and agreed that 800 sf was not a large area to mitigate. They felt stormwater improvements were a good idea.

He explained looking at extending the BVW onsite, but the areas outside the LOD were forested and they wanted to avoid removal of trees if possible. There were BVW on the opposite side of the road bordering the outlet in an area impounded by beaver activity, but was forested as well. They were concerned removing trees in areas that would disturb wildlife habitat features along a high value wetland area.

If offsite 1:1 BVW mitigation would be more favorable than the stormwater BMP, they will work with DEP and the Town to identify something in the vicinity of the site.

A site visit was done. All agreed this was a mandated project repair on the dam required by the Office of Dam Safety and the work proposed was primarily for public safety and will not directly result in added development.

Mr. Jay Giggey, Town of Spencer resident, expressed his concern with the numerous issues with Beaver Dams.

The Commission asked anything that can be done to mitigate the sediment from washing down from the dirt road would be environmentally beneficial and would avoid any build up in the stream and culvert with any sediment being transported down to the wetland area.

Hearing no further discussion from the Commission or the public, Mr. Marc Aurele asked for a motion.

MOTION: Mr. Soojian moved to approve the NOI for the Stiles Lake Water District reconstruction of the Reservoir Dam, with the condition on providing additional Stormwater Mitigation as proposed by the applicant and as shown on the plan.

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

- 148 Henshaw Street Solar Farm Cont

Mr. Shawn Martin of Fuss & O'Neil represented the application.

Mr. Marc Aurele reviewed this being a continued hearing regarding placement of a solar farm at 148 Henshaw Street. At that time, a DEP number had not been issued and comments were not received.

Since the last hearing, a DEP number was issued and comments were received.

The Commission had also asked the applicant to also address the work proposed on the other side of the gravel road and whether or not mitigation would be required on that side of the road.

Mr. Martin explained the energy dissipator was within the boundary of the area evaluated and there were no bordering vegetated wetland or bank on the slope to the north of the existing dirt road and there would be no alterations to banks or wetlands.

A new stream crossing was not proposed and a proposed 15-inch culvert will safely convey an existing intermittent stream that occasional overtops the existing road.

Straw wattles will be installed at 100-foot spacing where dripline of panels are perpendicular to contours, in addition to meadow surface cover that will diffuse shallow concentrated flow and facilitate sheet flow and infiltration.

Runoff will not leave the property prior to discharging to Henshaw Pond and will have no effect on abutting property owners.

No application of herbicide was proposed to maintain vegetation, in order to protect the water supply. The areas between panel rows will be mowed.

Erosion control measures will be maintained by Zero-Point Construction during construction.

The project will not propose a discharge of pollutants and there was less than 20 square feet of alteration proposed to the wetland at the south side of the gravel road, allowing for the culvert construction.

They moved the array further to the west and shifted it to the north, so it would be further away from abutting properties and there were no wetlands found on the north side of the road.

During the site walk, the wetlands were located and at that time, they did not find any standing water, but there was evidence showing where water runoff did spill over the road.

Ms. Buck noted where this project stood with the Planning Board's Site Plan Review application. The Board had not yet received a response from the application regarding Quinn Engineering's comments regarding Stormwater Management.

Mr. Marc Aurele explained that it was not uncommon for the Commission to condition an approval that if another Board required modifications to the plan that was under their review as well, the applicant would need to come back to Conservation for additional approval.

Hearing no further discussion from the Commission and public, Mr. Marc Aurele asked for a motion.

MOTION: Mr. Cooper moved to approve the NOI for 148 Henshaw Street Solar Farm Project per the revised plan submitted and dated May 11, 2016; if modification of the plan is required by the Planning Board, additional approval may be needed by the Conservation Commission; Straw wattles be placed in accordance to the revised plan and a site inspection required before the start of work.

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

- 214 Pine Street (grading & hydro seeding yard-Enforcement Order-tree removal/lot grading/hydro seeding at river front)

Mr. Marc Aurele read the Notice into the record and then opened meeting to discussion.

Mr. Harold Rondeau represented the application.

The application was for adding loam to the back yard & hydro-seed to stabilize the yard.

Mr. Marc Aurele did a site inspection and found the property did border Dutton's Pond and work was already completed. The site was stabilized; there was a silt fence and hay bales placed along the water front; there was no evidence of erosion on site; there was no evidence of large trees cut or stumped; LWSO sewer line runs through the back of the property and site was cleared to the installation of the sewer line.

Mr. Rondeau explained there would not be a fence installed and there was no further ground work proposed. They will not be putting up a deck and instead putting out pea stone for a patio. No additional work was proposed and there will be no additional digging or drudging.

The Commission advised that any decision in the future to put up a deck or any additional work on the property will require an amendment to the NOI. Mr. Rondeau agreed.

Hearing no further comments from the Commission or the public; Mr. Marc Aurele asked for a motion.

MOTION: Mr. Cooper moved to approve the NOI for 214 Pine Street for only the work completed to date. No additional work in any area subject to the Wetlands Protection Act shall be undertaken without prior approval of the Conservation Commission.

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

Discussion

- Stafford Street/Wilson Street –DEP 197-0541

Mr. Matthew Marro, consultant representing the property owner gave a report relative to the Enforcement Order issued for failure to comply to the Order of Conditions.

He reported that the hay bales, despite some aging, were maintaining adequate protection; there was no incident of breach of erosion protection and there has been no activity on site.

He recommended the Commission allow work to continue and require weekly reports, allowed by email, with a listing of anticipated work. All Agreed.

- 45 Auburn Street – tree removal along river front

Mr. Jason Coughlin, property owner was present.

A complaint was received regarding construction activity on the property being done that was in violation of the Wetland Protection Bylaw.

Upon inspection, it was found that work being done was within a Wetland Resource Area (Kettle Brook River Front) and the site was not properly stabilized and Conservation was not notified for approval before the start of work.

A Cease and Desist on all work was issued and the property owner was requested to come to the next Conservation meeting.

Upon review, the property owner agreed to hire a wetland consultant and send a report to the Commission within a reasonable time frame.

- 15 Bond Street – digging/filling of wetlands

Mr. Brad Giggey, Jay Giggey and Bob Giggey were present.

A Commissioner witnessed work being done on the property within a Wetland Resource Area (Shaw Brook) and the site had not been properly stabilized and Conservation not notified for approval before the start of work.

A Cease and Desist was sent with a request for the property owner come to the next Commission meeting.

Upon review, it was noted the property being a working farm, under 61A protection, and work was done in relation to maintenance of the land, therefore is exempt.

- Emergency Certificate (beavers – BOH for CVRW)

An Emergency Certificate was approved by the Board of Health & Conservation regarding the Cherry Valley, Rochdale Water District's removal of beavers; site location, 57 Henshaw Street @ Unnamed Brook – Primary Recharge to Henshaw Pond.

- Bond Release – Central Mass Crane

MOTION: Ms. Schold moved to release the Bond of \$7360.93, plus interest as applicable, to Central Mass Crane Replication/Order of Conditions DEP#197-0572

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Approval of Minutes

- 2/10/2016 & 3/16/2016

MOTION: Ms. Schold moved to approve the minutes of February 10th and March 16th, 2016

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Miscellaneous

- Chapel Street Lots near Mill property

Mr. Marc Aurele noticed there were several junk vehicles being stored within the fenced area of the property in close proximity to the Kettle Brook.

The Commission requested sending the property owner a letter to remove all junk vehicles from that property immediately.

- Chapel Street Mill

Upon a site inspection done, the property owner agreed to place straw wattles around the top of the bank and to keep a spill kit on site due to the equipment being parked there.

A letter is to be sent asking if this has been done yet.

- Complaints

A complaint was received from Kris Rondeau of 214 Pine Street regarding a house, south of her property approximately 4 houses down, storing cars near the water front of Dutton's Pond. She could not provide an address.

It was agreed Ms. Rondeau needed to provide an address for the Commission to inspect the correct property. The area where these cars are claimed to be stored, was not visible from the road.

Hearing no further discussion, the following motion was made:

MOTION: Mr. Soojian moved to adjourn meeting

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:00PM

Respectfully submitted:

Barbara Knox

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