

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, February 25, 2009 at 7:00 PM
Conference Room A
Memorial Town Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Ernie Grimes (Chairman), Judy Lochner, Mary McLaughlin, Steve Manuel, Karen Rubino

Commissioners Absent: Tom Flannery, Warren Snow

Staff present: Ginny Scarlet & Lisa Daoust

Minutes Approved: February 11, 2009 – *A motion was made to approve the minutes as amended (McLaughlin/Rubino) passed 5/0.*

Signed & Notarized:

- 17 Delude Ave., Order of Conditions
- 113 Wilson Ave., Order of Conditions
- 15 Rustic Lane, Order of Conditions
- 17 Condon Drive, Order of Conditions
- 67 Jolicoeur Ave., Order of Conditions
- 39 Point Eastalee, Order of Conditions
- 8 Thornberry Circle, Cert. of Compliance

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Country Spirits Corp.

Property: 10 West Main Street, Spencer, MA DEP#293-0724

At the applicants' request, the hearing has been continued to March 11, 2009.

7:17 p.m. Opened the Public Hearing for Request for Determination of Applicability for the Town of Spencer

Property: Spencer Rail Trail, Spencer, MA

Rob McNeil, Director of Utilities and Facilities, presented the plan to the Commission. There are two locations of proposed work: 300 feet of the trail behind Bixby Road and part of the trail at the pond at the South Spencer Road entrance, proposed trenching and stabilization for drainage improvements at both locations. The trail at the pond has been flooded due to beaver activity. The stone culvert was restored. The Parks department asked Mr. McNeil to install two or three cross culverts in the upland area to stop the flooding over the trail. Mr. McNeil said each time the beavers come back, the culvert gets plugged up and the water rises. With the spring thaw, the water washes the previous

years repair downstream. Mr. McNeil said right now the pond is back down to where it should be. Mr. Grimes said that the pond is actually lower than it should be. Part of the beaver dam gave away at one end.

Mr. McNeil said the work is within the buffer zone and not in the wetland areas. The work will be 200 feet from the river. Ms. Lochner asked if there was any thought about doing something with the beaver dam. Mr. McNeil said not at this time. Mr. McNeil said the work will be done by the Highway Department and funded by the Parks and Recreation Department. The whole point of this project is to avoid siltation.

Mr. Grimes asked if a flow pipe could be placed over the dam and lay flat in the bottom of the culvert. Mr. McNeil said he would like to do that if there was that much of a concern about the beavers. There is a contract for a trapper to come in and trap the beaver. Mr. Grimes would like to see the beaver in the pond. Mr. Grimes said the culvert was not lost specifically due to the beavers. The culvert was lost due to debris washed in during the flood in October of 2005. Mr. McNeil said they want to control rather than eliminate the population of the beaver.

Mr. Grimes asked how many pipes are going to be installed and how big they are. Mr. McNeil said three 18' pipes are going to be installed. Mr. Grimes asked if any cage device will be installed on the pipes to stop debris from getting in the pipes. Mr. McNeil said yes, a cage will be installed at the upstream ends.

The trail section behind Bixby Road is severely washed out. The trail margins will be trenched and then the trail itself will be raised above the trenches for approximately 200 feet. The intent is to keep the trail high and dry. Ms. Lochner asked when the work will begin. Mr. McNeil said as soon as the Highway Department can mobilize.

The proposed conditions are as follows:

- Hydraulic booms need to be installed on both sides of the trail in the pond area.
- Silt fence only, without hay bales, needs to be installed close to the water.
- No work is allowed in the water.

A motion to close the public hearing (McLaughlin/Manuel) passed 5/0.

A motion for a Negative Determination with conditions as discussed (Lochner/McLaughlin) passed 5/0.

Ms. Lochner asked if the yellow bollards at the end of the trail near Chestnut Street could be cut off so they are all the same height. Ms. Lochner said that she and Mr. Grimes could not do it before; they did not have a pipe cutter. Mr. McNeil said he was told the gate was not the towns; it belongs to the gas company. Mr. McNeil said he will look into it.

Other Business:

North Brookfield Road: Ms. Scarlet said she had emailed Mr. McNeil about taking the Commission out, when the weather is better, to look at the drainage work done on North Brookfield Road. Mr. Grimes said he is amazed that most of the cross culverts that were installed have no dips (frost heaves) in the roadway. Mr. Grimes said that the Highway Department did a very good job with the work.

Lots 2 & 3, 4 Wilson Street: Mr. Dean Chaffee submitted a request for a three year extension of the Order of Conditions for these properties. Ms. Scarlet said that she has been out to the site. The Planning Board approval of the subdivision of the lots was done after the Order of Conditions was issued. The Order cites the map and parcel number and registry of deeds book and page of the whole property. Ms. Scarlet said the Extensions should indicate the new map, parcel and book and page number for each lot. There were currently two Orders of Conditions issued, one for each lot. Ms. Lochner asked Mr. Chaffee if he plans to start any work. Mr. Chaffee said that they have gotten a couple quotes but with the economy the way it is, they are struggling. Mr. Chaffee must supply the book and page numbers for each lot. Ms. Scarlet said if there is no book and page number for the lots, then Mr. Chaffee can get the plan book and page number and submit that. *A motion was made to grant a three year extension (McLaughlin/Rubino) passed 5/0.* The Extension will be issued when the appropriate parcel and registry numbers are provided by Mr. Chaffee.

8 Thornberry Circle: This is one of Mr. Michael Harrington's projects. A letter was sent to the owners informing them that a Certificate of Compliance must be issued to close the Order of Conditions on the property. Mr. Harrington never tried to get a Certificate of Compliance. The Order states that the driveway was supposed to be permeable. The driveway is paved and not in the location the plan showed. Also, a shed was built in the buffer zone. Ms. Scarlet said that the shed has not had any effect on the wetlands. Ms. Scarlet recommended that a Certificate of Compliance be issued along with a letter to the current owners about their responsibilities relative to the wetlands. *A motion was made to issue a Certificate of Compliance along with a letter regarding the wetland responsibilities (Manuel/Lochner) passed 5/0.*

87 Jolicoeur Avenue: A request was submitted for a Certificate of Compliance. There is no file and no plans for this property in the current or older Conservation files. Ms. Scarlet got a copy of the Order from the Registry of Deeds. The matter is too old for DEP to still have the documents. Therefore, Ms. Scarlet will inspect after the snow has melted and she can tell whether the lot is fully stable. If the lot is stable, then Ms. Scarlet recommends that the Commission issue a Certificate of Compliance.

Funding for GIS System: The town does not have the money to fund the update of the GIS system aerial photograph. Mass GIS put together a deal for a bunch of towns to pool contributions and get a discount rate. The Town of Spencer has the opportunity to buy into this deal. The paperwork has been completed. The only way for Spencer to fund this is to use the WPA Administration funds. There is currently \$62,000 in this account. Ms. Scarlet said the cost is \$12,552.00. Ms. Scarlet urges the Commission to vote to use the funds. She uses the aerial photos and GIS System routinely for Conservation Commission work and wetlands administration. *A motion was made to approve the usage of the wetland funds for GIS System (Manuel/Rubino) passed 5/0.*

Depot Trail Culvert: Ms. Scarlet met with Mr. Paul Guida (Administrator), Mr. Tony Bove (Selectman) and Mr. Rob McNeil (Director of Utilities & Facilities) this morning. Mr. Bove strongly believes that the culvert clearing that happened at the Depot Trail was done by the Conservation Commission, more explicitly, Mr. Grimes because he had a key. Mr. Grimes reported tonight Mr. McNeil said the clearing happened last spring, approximately this time of year when the water was down. Mr. Grimes was home flat on his back due to an injury that time last year. Ms. Scarlet made it quite clear to Mr. Bove that Mr. Grimes did not clear the culvert. The machine and person that cleared the culvert remain unknown.

Pine Acres: Mr. Guida and Mr. Bove authorized Ms. Scarlet to contact Atty. Stan Weinberg, Town Council, to get a written opinion from him on who owns the bridge, the road and who has what responsibilities. Ms. Scarlet was instructed to do the research of the deeds to give to Mr. Weinberg to minimize Town expense. Once the owners are identified, the Board of Selectmen will send a letter informing the owners they must follow up and hire an appropriate engineer to verify the pipe installed is adequate. Then a Notice of Intent must be submitted to the Commission to cover stabilization. The letter will also tell the owners they must attend a meeting with the Town Administrator, Mr. McNeil and Ms. Scarlet. It will then be explained to them about the responsibilities of private roads and that the Town will help with the process of filing the Notice of Intent but the owners will have to pay the fees for the filing and follow up work. Mr. Guida and Mr. Bove may allow the Town to do the work and the owners then pay the town. If the owners do not file the Notice of Intent, the Commission will enforce.

Ms. Scarlet did some research on the State Law of private roads. They indicate that a town can do temporary repairs on a private road and charge the owners of the private road, if there is a town bylaw which authorizes this. Ms. Scarlet has been instructed by Mr. Guida and Mr. Bove to write a local bylaw which would make it legal to work on private roads and gives the limitations and assignment of costs. Mr. Grimes asked if the writing of this bylaw falls under Ms. Scarlet's heading of Wetland/Soil Specialist. Ms. Scarlet said no but she will write the bylaw.

Deer Run: Mr. Harrington's engineer submitted an Extension Request for Deer Run II. The Order expires on April 27, 2009. Ms. Scarlet proposes that the Commission give Mr. Harrington the Extension with the condition that he allows the Commission to amend the Order and add more detailed steps of what he needs to do. The amended Order would have the same project scope but spell out the sequence of required work. Ms. Scarlet said if Mr. Harrington does not agree to the amendment, the Extension will be denied and a whole new Notice of Intent will have to be submitted along with the fees.

19 Lake Avenue: Ms. Scarlet did an ESC inspection which showed drainage from the driveway going right through the work area. The Minutes and the Determination condition say that hay bales must be placed around the post locations. There was no mention of silt fence. Ms. Scarlet said the installation was good. Ms. Scarlet did strongly recommend to Donnie Berthiaume, contractor, that he get pipe to divert the water from the driveway drain around the work area. That water has sand from the driveway and was picking up mud from the flower bed. There is a serious flow through there sometimes as shown by the gullies at the bottom of the stairway.

Gold Nugget Road: Ms. Scarlet tried to locate the trash and debris that was complained about at the last Conservation Commission meeting. She could not locate the trash. Ms. McLaughlin said that the woman would take pictures of the trash when the snow melts and give them to the Commission.

Stormwater Management Bylaw: The hearing will be on March 3, 2009.

89 North Spencer Road: At the request of the ZBA and Mr. Adam Gaudette, Ms. Scarlet inspected Mr. Thibeaults construction yard. Neighbors at 95 and 97 North Spencer Road are concerned about flooding, wetlands and hazardous materials. There were no hazardous materials on site. Ms. Scarlet said the yard is very neat for a construction yard. The nearest wetland is more than 600 feet away and uphill. Ms. Scarlet did not do any soil sampling. The Conservation Commission has no jurisdiction and there is no detectable basis for concern about contamination from current land use. Ms. Scarlet gave the abutters the list of certified labs for water tests so they can have their well water tested for reassurance.

MACC Conference: Scheduled for Saturday, February 28, 2009.

Site Visits: March 8, 2009 at 9 a.m. Meet at the Town Hall

Ms. McLaughlin will not be attending the March 11, 2009 meeting.

New Applications: 23 Westland Drive, RDA
Park Street, Luther Hill Park, RDA

A motion to adjourn the meeting at 8:45 p.m. (Lochner/Manuel) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services