

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, April 14, 2010 at 7:00 PM
Richard Sugden Library

The Meeting was opened at 7 p.m.

Commissioners Present: Ernie Grimes (Chairman), Judy Lochner, Mary McLaughlin, Warren Snow, Ram Moennsad

Commissioners Absent: Chris Plant

Staff present: Ginny Scarlet

Environthon: Catherine asked what some storm water issues are in this town. Mr. Grimes said there is a lot of sand in runoff from the roadways. Mr. Snow said the construction sites are not properly controlled for erosion and loose soils run down into waters. Ms. Scarlet said there is a big outfall adding sediment to the pond behind Price Chopper. Another place where sediment is deposited is the back north side of Muzzy Pond. Mr. Grimes said on Donnelly Cross Road at the bottom of the hill there is lots of sand. Ms. Scarlet said the Town's sewer and drainage system needs a lot of work. Leaky pipes allow sewage to reach ground water or the drainage system and in reverse, poor drainage puts excess water into the sewer system that overloads the treatment plant causing discharge of raw sewage to the river.

Catherine asked if there are other areas in town where there is smart growth. Mr. Grimes said we don't have anything like that in town. Ms. Scarlet said the town is moving over into those kinds of things but nothing has happened yet. It was also asked if any grants have been looked into for the stormwater issues. Ms. Scarlet said she has looked into grants. The Water Department has received some grants.

Ms. Scarlet said the Cranberry Meadow public water supply is threatened by leaching from the dump. The Aquifer is threatened by the Towns' sewer system. East Charlton Road 21 E site has contaminated people's wells. These are specific areas that need attention.

Minutes Approved:

March 24, 2010 – *A motion to approve as amended
(McLaughlin/Lochner) passed 4/0.*

Signed: 91 Meadow Road, Order of Conditions
2 Buteau Road, Extension – *A motion to issue a six month extension to allow time for the grass to grow (McLaughlin/Snow) passed 4/0.*

7:32 p.m. Opened the Public Hearing for Request for Determination of Applicability for David Guertin

Property: 6 Lamoureaux Lane, Spencer, MA

This property abuts Cranberry Meadow Lake and an intermittent stream so there are two buffer zones to consider. The Commission didn't have the plan file during their site visit so they were not sure they had found the right property, but they did see the site.

Mr. Guertin has changed his plan to limit tree cutting to five trees, the closest one being 80' to the water, and has moved the new well location out of the buffer zones. Mr. Guertin gave the Commission a revised plan. The cut tree stumps along with stumps from trees cut earlier will be ground except for the tree at the corner of the house. Many trees will remain.

A separate drawing showed landscaping, terracing using timbers (6x6's) then loam and seed with grass. Pressure treated timbers are ok and they last longer. The slope to the stream will be left natural. Mr. Guertin crossed off the original well from the plan and initialed and dated the plan.

The proposed conditions are as follows:

- If there is a hydraulic system in the stump grinder, a floating boom must be placed in the water at least 40 feet from the work whenever work is within 40 feet of the water.
- Hay bales and silt fence must be installed between the work and the water.
- Well drilling tailings must be contained by a pit.

A motion to close the public hearing (Snow/Lochner) passed 4/0.

A motion to issue a Negative Determination with conditions as discussed (Snow/Lochner) passed 4/0.

7:52 p.m. Opened the Public Hearing for Notice of Intent for James Barnett

Property: 116 Charlton Road, Spencer, MA DEP#293-0744

The existing house was built before 1996 and is in RFA. The property additionally has extensive wetlands. Mr. Barnett proposes to put in concrete pads to support new steps and a bottled gas tank and cut dangerous trees near the existing house. Mr. Barnett also wishes to do maintenance for the driveway by adding crushed stone at the low point.

Ms. Scarlet noted that with the Notice of Intent, Mr. Barnett included a copy of an application to DCR for a Forest Cutting Permit covering the rest of the property. The permit was issued and a copy of the plan and permit was sent by DCR to the Commission. That cutting will be done by hand when the ground is stable; frozen or dry. The cutting is

for personal use; home heating. The permit authorizes cutting for up to 10 cords of firewood.

Beyond the forest cutting plan, Mr. Barnett flagged 32 trees, which loom over or are near the house, which he proposes to cut as shown on the NOI plan and to do maintenance at the low spot in the driveway by adding crushed stone. The Commission agreed that removing the trees for safety was a good thing.

The proposed conditions are as follows:

- No debris is allowed in the stream.
- Stumps must be left after cutting.
- Crushed stone only in the driveway, no gravel.

A motion to close the public hearing (Lochner/McLaughlin) passed 4/0.

A motion to accept the plans as presented with conditions as discussed (Snow/Moennsad) passed 4/0.

8:04 p.m. Opened the Public Hearing for Request for Determination of Applicability for Dale Sheldon

Property: 10 Washburn Terrace, Spencer, MA

The project is to demolish an old cottage and retire the old septic (cesspool) system in the buffer of Brooks Pond. The new house will be outside of Conservation Commission jurisdiction if possible. The Commission informed Mr. Sheldon that he needs to go to the Building Inspector for appropriate permits. The area around the existing house is flat and gravelly. Mr. Grimes asked how many feet from the water is the cottage. Mr. Sheldon said it is 70' from the water.

The proposed conditions are as follows:

- Silt fence only must be installed between the work and the water.
- Close the septic system according to DEP Title 5 Regulations.

A motion to close the public hearing (McLaughlin/Moennsad) passed 4/0.

A motion to issue a Negative Determination with conditions as discussed (Lochner/Moennsad) passed 4/0.

8:15 p.m. Opened the Public Hearing for Request for Determination of Applicability for David Pane-Joyce

Property: 232 Greenville Street, Spencer, MA

Mr. Joyce said he is replacing the septic system which is within the buffer zone. The tank is a 1,500 gallon tank. SAS dimensions are as on the plan. The wetlands are 40' from the toe of the slope. Standard conditions for the project are necessary.

A motion to close the public hearing (McLaughlin/Moennsad) passed 4/0.

A motion to issue a Negative Determination with standard conditions (Snow/Moennsad) passed 4/0.

Other Business:

118 Charlton Road: Mr. Gresty gave a letter to the Commission asking to keep the deck not shown on the approved Order of Conditions Plan which is currently under construction. He brought a drawing showing a deck and proposed new location for its stairs which has stuck into wetland at the foot. The Commission looked at the photos taken by Ms. Scarlet on 4/13/10. Mr. Snow and Mr. Moennsad expressed that the deck was not impacting the wetland so they are willing to approve the modification. Mr. Grimes asked if any trees were cut in the wetland. Mr. Gresty and Ms. Scarlet both said “no”. Only debris and some building materials went overboard. Mr. Gresty said cleanup is in progress. Mr. Grimes said that rain is expected for tomorrow night; ESC must be repaired before the rains. *A motion to approve the deck and stairs (McLaughlin/Moennsad) passed 4/0.*

39 Oakland Drive: Ms. McLaughlin said the booms are right at the edge of the water, approximately three feet from the work. Mr. Grimes said they need to be placed out in the water. The Order of Conditions says the booms must be placed along the waters edge. Ms. Scarlet will change the standard conditions to read booms must be placed 40 feet out in the water when hydraulic equipment is used.

Wilson/Highland Street: Ms. Scarlet inspected the ESC. It is well installed and located as on the plan. There are a few places at low spots where water might break out during a heavy rain. Ms. Scarlet will monitor weather as the project moves along and ask for reinforcement if trouble becomes likely.

160 Greenville Street: Mr. Snow had emailed pictures. Ms. Scarlet reported that Mr. Labelle is cooperative. Ms. Scarlet had called Mr. Labelle on Monday and he came in to see Ms. Scarlet on Tuesday morning. Ms. Scarlet walked the site with Mr. Labelle. Ms. Scarlet said the trash and some other junk had been cleaned up by the time she visited this morning. The “cut” tree was almost dead as verified by the rotted conditions of the roots. It had been just pushed over. Mr. Labelle said he had pulled the gas can out of the wetland. It was bleached out on one side and ½ full of water (no gasoline), so that’s plausible.

Mr. Labelle has started to build a stone wall/bank for the south side of the stream. He wants to continue it for a short section where the stream is already channeled. He also wants to clean up the higher tongue of land by the road where the tree was. His explanation for the project is that he wants to make the place look better so that people are less tempted to dump off trash by his roadside. Ms. Scarlet said she believes that motivation is plausible. Mr. Labelle also wants to pull the trash out of the wetland.

Mr. Labelle believes that when the Highway Department replaced the culverts when Greenville Street was repaved, they set the new culvert inlet higher than the old had been which causes water to back up and expand his wetland. There are certainly relatively new head walls at both ends of the culverts and new pipes but Ms. Scarlet did not find definitive evidence that the levels changed. In any case, Ms. Scarlet believes that some

part of Mr. Labelle's lawn was originally wetland but that it was filled long ago; maybe about 40 – 60 years ago. Functionally the wetland boundary now seems to follow an old tumble-down stone "wall".

Mr. Labelle understands that he must file a Notice of Intent to clean out the wetland and build his stone bank on the stream. He will stop work there. He also says he understands that he has to file if he disturbs ground on his lot within 200' of the stream or 100' of wetland, whichever is further. Mr. Labelle agreed that the stream is perennial. He has said he will file the NOI as soon as he can put together the \$410 needed to file and then record an Order. Ms. Scarlet promised to help with the paperwork.

Mr. Labelle asks the Commission to indicate whether they will consider the stream and clean up work in the wetland. Because an application fee is not returned, he does not want to file an NOI that's a forlorn hope. Ms. Scarlet believes it is possible to condition the work for net benefit to the wetland interest.

Chickering Road Trash: Mr. Snow had found a bag of trash in the wetlands with a tag with a persons name on it. Ms. Scarlet called Mr. Wiley and asked him to explain how the trash ended up in the wetlands. He said that his wife does not have a transfer station sticker. Mr. Wiley was out of town so a friend with a sticker took the trash. Mr. Wiley said "It must have fallen out of his truck". Ms. Scarlet said that is plausible since the green Spencer bag had already paid for disposal. Ms. Scarlet asked Mr. Wiley to remind his friend to secure the trash or pick up strays.

Tom Casey Road: Mr. Grimes noticed trees cut by or in the wetland on South Spencer Road side of the property. Ms. Scarlet went and inspected. Two trees were cut along a stone boundary wall where the elevation drops one foot to the wetland. The slash is piled on the upland side of the wall. The trunks and large branches are gone. The work is clearly in buffer but is not in wetland. The property is used for horses, hence technically agriculture. This is not expansion of the agricultural use. The agricultural exemption applies.

Camp Marshall: Chief Parsons was at the camp on April 13th due to outdoor burning. He reported filling behind the horse barn. Ms. Scarlet called the camp and she will inspect tomorrow to check the situation.

8 Parent Street: The Police Department notified Ms. Scarlet of a complaint of ATV's in the wetland southeast of Depot Trail and on Parent Street. Heavily rutted trails into 2 Parent Street imply but don't prove the resident is the problem. Ms. Scarlet called and left a message to call her back. If no one calls by Monday night, April 19th, Ms. Scarlet will send an educational letter.

Depot Trail: Mr. Grimes reported that the beaver dam at Depot Trail washed out. The beaver are not there. The pond is gradually going down and if it doesn't rain it will go down considerably. The hole that washed out is approximately five to six feet wide. Mr. Grimes asked Ms. Scarlet to talk with Highway about sand bagging to replace as required by the DEP decision. Mr. Grimes said there needs to be a temporary fix until a permanent fix can be done. There was much discussion of how to get something done and how to fund it. Ms. Scarlet will talk with Mr. Gaudette and Mr. McNeil to work on a solution. Ms. Lochner said Ms. Scarlet should also get in touch with Bill Shemeth because he can help get things going. Ms. Scarlet will email Mr. Shemeth.

Site Visits: Monday, April 16th at 6pm. Everyone meet at the Town Hall west parking lot. Bring bug spray.

Quorum: Ms. Lochner and Mr. Snow will not be at the meeting on April 28th. All other members MUST be there.

New Applications: 2 Bixby Road, RDA

A motion to adjourn the meeting at 9:30 p.m. (Moennsad/McLaughlin) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services