

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, April 28, 2010 at 7:00 PM
Richard Sugden Library

The Meeting was opened at 7 p.m.

Commissioners Present: Ernie Grimes (Chairman), Mary McLaughlin, Ram Moennsad, Warren Snow (arrived at 7:25pm)

Commissioners Absent: Judy Lochner

Staff present: Ginny Scarlet

Minutes Approved: April 14, 2010 – *A motion to approve the minutes as amended (Moennsad/McLaughlin) passed 3/0.*

Signed & Notarized: 116 Charlton Road, Order of Conditions
10 Valley View Drive, Cert. of Compliance – *A motion to issue the Certificate of Compliance (McLaughlin/Moennsad) passed 3/0.*

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Robert Norris

Property: 6 Cranberry Lane, Spencer, MA DEP#293-0739

At the initial hearing session on 1/27/10, the Commission had requested more complete plans for waterline stabilization and buffer zone landscape changes at this lot where those areas got largely denuded. Ms. Scarlet said if necessary, an Enforcement Order could be issued. Mr. Norris reported that his situation had changed and the Norris's now plan to demolish the existing house and rebuild. The rebuild plans are not firm yet. He needs more time to complete the NOI information needed. *At the applicant's request, the hearing has been continued to May 26, 2010.*

7:20 p.m. Opened the Continuation of Public Hearing for Notice of Resource Area Delineation for Clifford Leinonen

Property: 0 R. Jones Road, Spencer, MA DEP#293-0738

Mr. Leinonen gave the Commission the new plans for his ANRAD which had been asked for at the 10/14/2009 initial hearing. In this set, a key sheet and five expanded scale sheets have been added. The plans have all the revised wetland flags and topography. The Commission asked for two more copies or if changes need to be made during

EcoTech's verification, the Commission reiterated that it will need three copies of the FINAL plans. In the field, pink flags are original marking; the blue flags are the revised marking placed by the EcoTech peer reviewer. Mr. Grimes commented that the black flies will be out in force this weekend.

Ms. Scarlet mentioned that under the cart path/Midstate Trail route there are several 4" plastic culverts in soggy spots. She speculated that they had been installed by the Midstate Trail Assoc. The Commission felt that no permitting was required for those.

The next step is for EcoTech to verify the plans; Mr. Leinonen will contact them. *At the applicant's request, the hearing has been continued to May 12, 2010.*

7:30 p.m. Opened the Public Hearing for Request for Determination of Applicability for David Defosse

Property: 2 Bixby Road, Spencer, MA

The project is to construct an overflow outlet for an old existing detention pond; a renovation for better function. Jason Dubois of Bertin Engineering presented the plan for the applicant. The land is in foreclosure. The bank and the owner are cooperating to put the building and land in good condition for sale. There is a potential buyer. The pond overflow will consist of a swale lined with three inch tailings to convey the water to the larger existing swale which is south of Spencer Rescue's driveway.

Mr. Grimes suggested that, though the detention pond is out of Conservation jurisdiction, it should have a fence or vegetative barrier around the pond. There is a day-care center across the street.

The Commission agreed the plan looks good. The only condition is to follow the plan as presented.

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

A motion to issue a Negative Determination with the condition to follow the plan (Snow/McLaughlin) passed 4/0.

Other Business:

Depot Trail: Mr. Grimes and Mr. Moennsad walked the trail. There are four washout locations and one beaver, at least, is working on the beaver dam which protects the Cranberry River stone culvert. There has been recent work on the dam. Ms. Scarlet will be speaking with Mr. Rob McNeil tomorrow. She will ask about maintenance possibilities and update the Commission at the next meeting.

Sibley Farms: The land was foreclosed on yesterday by DCU Bank. It is expected to go up for sale soon. There is no longer a subdivision approval in force. Any new proposal has to start from the beginning of the local permit process.

Camp Marshall: Ms. Scarlet visited. She spoke with the director, Jeanne Cassavant, and the maintenance person, Mark. They agreed that the fill (manure, brush, branches, and leaves) will be pulled out of the wetland edges. The original wetland line was located. Ms. Scarlet, Ms. Cassavant and Mark agreed that Ms. Scarlet will inspect again on May 11th. The removal is to be finished by then. Only a small area was impacted and the wetland will recover on its own.

CSX Bridge at Rt. 49: The bridge will be altered/replaced to accommodate double-decker rail cars. This is a DOT project that is federally funded. In spite of the presence of wetlands, even DEP has no jurisdiction, let alone the Spencer Conservation Commission. If anything goes wrong, only EPA has the jurisdiction to do anything.

National Grid: Five utility poles will be replaced on the line leaving Route 31 just north of the sheep farm which goes through the woods to Thompson Pond. Work starts the week of May 3rd. The route has already been cleared of “brush” by a forestry crew. It crosses an intermittent stream and some small wetlands. While the Commission has no jurisdiction, they can report to DEP if the work has significant impact.

Lake Avenue: The condition of Lake Avenue Extension is leading to serious sedimentation in Lake Whittemore and the Orsi property on Lake Avenue. Some time before 2006 the Commission had a meeting with the property owners of the road. The owners have done nothing. Ms. Scarlet will hunt for the file and assemble the information to back up enforcement. The Conservation Commission will then proceed to enforce. The impact on Lake Whittemore is significant.

8 Parent Street: Mr. Thibault, owner, is cooperative. He proposes to put rocks or a fence along his property line by the Depot Trail to prevent ATV access either way. Mr. Thibault has educated his kids. Ms. Scarlet and Mr. Thibault agreed that if there are further problems, we’ll address them at that time.

69-77 Wilson Street: There was a complaint from the owner of 77 Wilson Street, Paul Arsenault. 77 Wilson Street abuts 69 Wilson Street. The owner of 69 Wilson Street is in rehab after having surgery. Her grandson has been blowing and dumping leaves from #69 into a pond on 77 Wilson Street and piling brush on the pond bank. Ms. Scarlet visited the complainant at 77 Wilson Street. His own brush is piled well away from wetlands but his grass clippings were on the pond bank down to the water. The water level clearly fluctuates and has washed some of the clipping into the pond. Sand from Wilson Street is also going into the pond which has become very shallow.

Mr. Arsenault said he often has to clear the culvert under Wilson Street at the pond outlet and the culvert needs to be replaced. Mr. Scarlet agreed. The culvert is partially crushed.

There are wetlands upstream of the pond. On the 69 Wilson Street side, the pond bank is also the east embankment of an access route into back land. There is additional wetland on the other (west) side of the access path. A culvert under the access discharges to the pond. Together they comprise a connected wetland system.

Ms. Scarlet educated Mr. Arsenault about protection of buffer zone and bank. Ms. Scarlet will also speak to the Highway Department about the culvert. Ms. Scarlet tracked down the grandson and sent him a Notice of Violation letter.

Country Spirits: The contractor, George Lussier, is proposing to move some of the catch basins on the driveway to Old Main Street. The change is intended to minimize the chance of water getting into the street. Vito Colona, the town's reviewing Engineer, has sent a memo stating that the new configuration meets DEP stormwater standards; nothing else has changed. Ms. Scarlet suggested that the Conservation Commission ratify the change as a minor modification and require it to be shown on the as-built plan before a Certificate of Compliance inspection. The Commission assented.

Site Visits: Because Ms. Scarlet has been out sick, she asked the Commission to inspect a couple sites that she was unable to visit:

- 160 Greenville Street – has Mr. Labelle done any more work in the wetlands? Mr. Moennsad will inspect here.
- 118 Charlton Road – has the ESC been fixed along the wetland? Any progress cleaning up the site or putting the steps on the other side of the deck?
- 113 Wilson Avenue – Ms. Scarlet drove by and noted a lot of disturbance. The site needs a check down by the water.

The Conservation Commission will let Ms. Scarlet know if/when they check the sites.

Ms. Scarlet asked about summer vacation schedules. Mr. Moennsad will be on vacation from July 28th through August 11th. Ms. McLaughlin will probably be out the last two weeks in July. Commissioners agreed to bring more information (if available) to the next meeting.

New Applications: NONE

A motion to adjourn the meeting at 8:20 p.m. (McLaughlin/Moennsad) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services