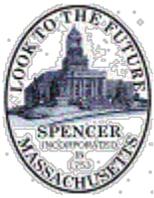


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, December 8, 2010 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at: 7:03 p.m.

Commissioners Present: Ernest Grimes (Chairman), Judy Lochner, Mary McLaughlin

Commissioners Absent: Ram Moennsad, Warren Snow

Staff present: Ginny Scarlet

Minutes Approved: November 10, 2010 – *A motion to approve the minutes as amended (McLaughlin/Lochner) passed 3/0.*

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Flexcon Company, Inc.

**Property: 1 Flexcon Industrial Park & So. Spencer Rd., Spencer, MA
DEP#293-0750**

John Birtz from Flexcon and Liz Clark from Beals and Thomas were present. Ms. Clark said revised plans were submitted. The comments from the Peer Review by Cullinan Engineering have been addressed. The Commission reviewed the revised plan. Ms. Clark explained that the erosion controls will be the limit of work.

Ms. Scarlet acknowledged that the site is almost level but asked where the runoff will go during heavy rain while the site is enclosed. Ms. Clark said sediment control basins will be incorporated into the erosion control system. The basins will be placed outside of resource areas. A final copy of the SWPPP will be submitted to the Commission when it is completed. It will include the sequence of work, the locations for sediment traps for the construction period and ESC details. Mr. Grimes asked if there will be a rip rap discharge. Ms. Clark said the improvement of that outfall is a Town responsibility but, as requested, Beals and Thomas has provided a detail plan showing possible outfall erosion protection.

Ms. Scarlet said the snow disposal question has been resolved. The snow will be kept on the Flexcon campus.

A motion to close the public hearing (McLaughlin/Lochner) passed 3/0.

The proposed conditions are as follows:

- Standard conditions, and
- There must be a pre-construction meeting with the Commission and any other relevant Town Boards one month or less before the start of construction
- A copy of the completed SWPPP must be submitted to the Commission at the pre-construction meeting
- The drop inlet to the South Spencer Road culvert shall be constructed as approved by Spencer Dept. of Utilities. A copy of the final plan must be provided to the Commission at the pre-construction meeting.
- The SWPPP shall include the sequence of construction and details and locations of erosion controls with all planned adjustments to these controls as construction proceeds.

A motion to accept the plan as submitted with conditions as discussed (McLaughlin/Lochner) passed 3/0, Order of Conditions to be issued.

7:28 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Benjamin Minsk

Property: 12 Williams Drive, Spencer, MA DEP#293-0751

Ms. Scarlet said that she received a letter from the Stiles Water District Commissioners saying that they approved moving the rocks. A condition of that approval requires that the rocks be moved to a specific location. Mrs. Minsk described the project. She said there are many rocks in the swimming area that are causing injury to her children. The Minks would like to move the rocks to one side of the property; not removed completely from the water. The rocks will be moved by a Bobcat and clustered at the southwest side of the shore/lakebed. The Commission requested more information about where the rocks would be placed. The Minks must provide photos to Ms. Scarlet identifying which stones will be moved and the location where they will be placed. Ms. Lochner said she wants a condition that states no machines are permitted to enter the water.

A motion to close the public hearing (McLaughlin/Lochner) passed 3/0.

The proposed conditions are as follows:

- Standard ESC conditions, and
- No equipment is allowed to enter the water. All work must be done during drawdown.
- An absorbent boom must be deployed in the water and anchored at least 40 feet from hydraulic machinery when present and 40 feet up from the top of the lake bank or closer towards the water
- A spill kit including absorbents must be on site at all times that machinery is present anywhere on the site
- The stones must be placed as required by Stiles Water District

- Before work may start, the Minsks must provide to the Commission's agent photos of the area from which stones will be removed and the location where they will be placed. The replacement area shall be drawn on the photographs
- No work shall be done until the Commission's agent has approved the replacement location
- The Commission shall be notified by phone or fax when work is to begin.

A motion to approve the plan as submitted with conditions as discussed (Lochner/McLaughlin) passed 3/0, Order of Conditions to be issued.

The Commission will come into the office to sign the Order when it is ready.

7:50 p.m. Opened the Public Hearing for Notice of Intent for Richard Bernier Property: 15 Sherman Grove, Spencer, MA DEP#293-0752

This is a retroactive NOI for replacing a rotted timber retaining wall and steps. Mr. Bernier said the wall is/was approximately five feet from the normal high water line. The application also is for replacement of a fence on the southeast lot line which has not yet been done. The new retaining wall is versa-lock block. Mr. Grimes asked if the wall was installed with a good footing underneath the wall. Mr. Bernier said yes and Ms. Scarlet said she did see the footing. Mr. Bernier said the new wall is in the exact location of the old wall.

Ms. McLaughlin asked about the rocks placed on the bank at the south side of the lot beyond the end of the wall. Ms. Scarlet had told Mr. Bernier adding more rocks there was OK with her. Ms. Scarlet said the rocks were added to rocks that were already there and the water doesn't come up to the rocks.

Mr. Bernier said the fence that they plan to install will stop at the top of the rock pile closest to the house which is at the south end of the new wall. Hay bales will be placed between the fence and the lake. The holes for the fence will be dug by hand.

A motion to close the public hearing (Lochner/McLaughlin) passed 3/0.

The proposed conditions are as follows:

- Install hay bales before the removal of the fence and before construction of the new fence
- Holes for the fence must be dug by hand
- Inspections must be done before the fence work and after the fence is installed for a Certificate of Compliance.

A motion to approve the plan as submitted with conditions as discussed (McLaughlin/Lochner) passed 3/0, Order of Conditions to be issued.

8:04 p.m. Opened the Public Hearing for Request of Determination of Applicability for Harold Poirier

Property: 133 Wilson Avenue, Spencer, MA

This is a retroactive filing. The project was to replace a failed septic system at an occupied home. Mr. Poirier said he was not told by Board of Health Agent, Lee Jarvis, that he had to apply to the Conservation Commission. Mr. Poirier suggested that the development office have better communication. Mr. Grimes said as resident, it is up to the homeowner to know, or ask, and understand what is required of them. Ms. McLaughlin suggested that Mr. Poirier send a letter to the Board of Selectmen stating a checklist between departments needs to be created for projects. Mr. Poirier said he would do that in his "spare time."

Mr. Jarvis had sent an email to Ms. Scarlet stating the work should get done a.s.a.p. before the weather gets too cold. Ms. Scarlet inspected during the work. The Commission would have permitted the work if they had met on 11/24/10. There has been no impact to the resources.

A motion to close the public hearing (McLaughlin/Lochner) passed 3/0.

A motion to issue a Negative Determination (Lochner/McLaughlin) passed 3/0.

The Determination was signed by the Commission and given to Mr. Poirier.

8:15 p.m. Opened the Public Hearing for Request of Determination of Applicability for National Grid

Property: Brooks Pond Road right of way by Brooks Pond, Spencer, MA

This project will move utility poles to accommodate the repair of the Brooks Pond Road Bridge. All work is in the buffer zone and the poles are and will be within the road right of way. Andrea Kendall, representing National Grid, presented the description of the project. On the plan, the red poles will be removed, white poles will remain in place and blue poles will be new poles. Ms. Kendall said the goal is to start the project in January.

ESC will be installed around the new poles and the old poles being removed. Mr. Grimes commented that he understands the law but it makes no sense to him to have to go through this whole process to put a telephone pole in. Ms. Scarlet went through the regulations and found that it says maintenance is exempt but not substantial change or enlargement. She opinioned that this project is not really a substantial change.

Ms. Scarlet mentioned that in order to accommodate the wires, the new pole placement necessitates removal of some trees, branches and brush, possibly including some trimming beyond the road right of way. A condition should be written limiting that activity to cutting and trimming ONLY above the ground level; NO tearing up vegetation out of the ground.

A motion to close the public hearing (McLaughlin/Lochner) passed 3/0.

A motion to issue a Negative Determination with the above condition as discussed (Lochner/McLaughlin) passed 3/0.

Ms. Scarlet wrote the condition into the Determination, the Commission signed the Determination which was handed to Ms. Kendall.

Signed: 27 Holmes Street: A letter of approving a minor change. The Commission found some errors on Page 1 but approved the intent and signed the letter. (Ms. Scarlet made the corrections in the letter before it was mailed.)

Other Business:

Rustic Lane Determination: Ms. Scarlet read the conditions to the Commission. The Commission wanted more clarity in the letter that *something* must be filed; when a project has been defined. The Owner must contact the Conservation Commission or agent to discuss a form of application, RDA vs. NOI. The Commission cannot vote on this Determination at this meeting because only two Commission members at this meeting were at the original hearing. The Commission will vote and sign on January 12, 2011 meeting after Ms. Scarlet has revised the letter.

Chickering Road Culvert: Ms. Scarlet showed work photos sent by Mr. McNeil. He expects work on the culvert will be completed tomorrow (12/9) and the road will be open by the end of the day.

Chickering Road: Ms. Scarlet received an anonymous complaint regarding land by Chickering Road. The Commission felt that neither the letter nor the accompanying photos showed the relationship of the site to resource areas or any impact thereon. The other issues covered by the complaint were not in the Commission's jurisdiction. Ms. Scarlet commented that the tone of the complaint implied a feud. The Commission directed Ms. Scarlet to monitor for silt discharges into Stiles Reservoir or nearby wetlands and noted that there's no way to respond to anonymous complainers directly.

Depot Trail: Mr. Grimes and Artie Williamson went down to the trail on November 14th. Mr. Williamson will put estimates on paper for machinery, labor and materials. He has not done so yet, though he did take notes. Mr. Grimes is unwilling to nag Mr. Williamson, who is currently commuting daily to Maine to work. The Commission will give him more time.

Site Visits: Sunday, January 9, 2011; meet at the Town Hall at 9 a.m.

New Applications: 35 Lakeshore Drive, RDA
 Cranberry Meadow Road, NOI
 15 Bellevue Drive, RDA

A motion to adjourn the meeting at 9:30 p.m. (McLaughlin/Lochner) passed 3/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

DOCUMENTS USED December 8, 2010

- Agenda for Spencer Conservation Commission of December 8, 2010.
- Annotated agenda for Spencer Conservation Commission of December 8, 2010.
- Draft Spencer Conservation Commission Minutes of November 10, 2010
- Peer Review Comments RE Flexcon from Cullinan Engineering to Michelle Buck, Town Planner, dated October 26, 2010.
- Response to Comments (Peer Review by Cullinan Engineering) from Beals & Thomas, Inc. to Michelle Buck, Spencer Town Planner, dated November 8, 2010.
- Draft letter to James Laney from Spencer CC approving project changes.
- “Peer Review Comments (Second Review)” dated December 7, 2010 from Cullinan Engineering Re Flexcon application.
- Undated plan, “Drop Inlet,” (not otherwise labeled. Known to have been prepared and submitted for approval by Beals & Thomas to Spencer Dept. of Utilities and Facilities). See meeting minutes.
- Email from J. Birtz to Virginia re Peer Review Comments (Snow Plowing), dated December 8, 2010
- Letter from Thomas A. Manning, Esq. to Spencer Conservation Commission, dated December 3, 2010, RE moving rocks at 12 Williams Drive, Spencer.
- 2 Photographs, of the waterfront at 12 Williams Drive, Spencer, dated 11/3/10, taken by Ginny Scarlet
- 3 Photographs of the waterfront at 15 Sherman Grove, Spencer; taken 10/15/10 and 11/2/10 by Ginny Scarlet
- Determination of Applicability for Harold Poirier, 133 Wilson Avenue, signed by Spencer Conservation Commissioners, issued December 12, 2010
- Email from Robert McNeil to Seth W. Fancher; Virginia Scarlet; Adam Gaudette; aoms@charter.net; Donnie Berthiaume; gewoodbury@yahoo.com; Tony Pepe; David Darin; Robert Parsons, dated Friday, November 26, 2010, 10: 15 AM.
- Anonymous compliant re use and runoff from land off Chickering Road enclosing photographs. Received December 6, 2010
- Email from Robert McNeil to Alan Stolarczyk re Sugden Reservoir dam, dated December 2, 2010
- Draft Determination and accompanying letter to Carl Dworman re U17-22.