

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, June 23, 2010 at 7:00 PM
Town Hall, McCourt Social Hall

7:02 p.m. Meeting Opened

Commissioners Present: Ernest Grimes, Judy Lochner, Ram Moennsad, Warren Snow

Commissioners Absent: Mary McLaughlin

Staff Present: Ginny Scarlet

Approval of Minutes: June 9, 2010 Minutes were tabled to July 14, 2010 to allow the Commission more time for review.

7:15 p.m. Continuation of Public Hearing for Notice of Intent for Robert Norris Property: 6 Cranberry Lane, Spencer, MA DEP#293-0739

Mr. Norris was not present. The Commission tabled the matter and took up other business.

7:35 p.m. Lake Street Extension

Erosion from runoff entering the road is causing significant and repeated flooding onto properties below and deposition of silt into Lake Whittemore. The silt has created a large delta of fill in the Lake. The Commission is seeking a solution. Lake Street Extension is a private road owned by each abutting property. By certified letter, the Commission invited owners whose land is contributing runoff to the washouts to attend the meeting and collaborate on remedial action. Kristian Houston and Alan Simikauskas appeared. Margaret Wissiup and Alice Robillard were absent. The letter to Mrs. Robillard was returned. She has remarried and no longer lives full time at 27 Delude Avenue. Her property is recipient of the flooding and mud. Ms. Scarlet will seek her present name and address.

Most of the detrimental runoff reaches the road via driveways. Ms. Lochner asked Ms. Scarlet whether there is a plan showing property lines, ownership and the roadway. Ms. Scarlet provided a copy of the plan recorded at Registry of Deeds. Mr. Simikauskas volunteered that he would look into what he could do to control runoff from his land.

Mr. Houston recounted that 7 years ago the town put “lousy” material on the road. That material rapidly washed away, particularly during a hurricane. Mr. Houston has put in a catch basin and trenches by his driveway to direct the water away from the road. He does not think his driveway adds much flow. In addition, his land gets enough runoff from the Lake Street School town land that his cellar flooded during a large rain. He has

installed perimeter drains. Those drains discharge next to ledge, not into the driveway system.

Mr. Simikauskas, Mr. Houston and the Commission members agreed that further down Lake Street Extension, the Wissiup driveway contributes significant water and silt and is severely eroded.

All agreed a walk over the properties was a good idea. The walk is set for July 24, 2010 at 8:30 a.m. Ms. Scarlet will try to reach the Wissiups to get permission to enter their property and invite them to join the walk.

Ms. Lochner asked Ms. Scarlet to provide a plan showing lot lines, abutters, road owning lots and the relationships to Lake Whittemore. Ms. Scarlet will use the GIS system and Assessor data to do so and email copies to the Commission members. Ms. Locher and Mr. Grimes asked for a hard copy to be mailed to them as well.

8:10 p.m. The hearing for 6 Cranberry Lane resumed.

Ms. Scarlet had looked at the property and brought photos taken that morning. The silt fence and hay bales are still in good condition. Grass is now growing on the slope between the house and the bank of the Lake which had been disturbed by machinery and tree cutting. Ms. Scarlet reported that she had not sent Mr. Norris a letter warning that after so many continuations of the hearing, if he again failed to come, the Commission could deny the application. Mr. Snow felt Mr. Norris should be warned before being denied. Further continuance was impossible without Mr. Norris to request it. Ms. Scarlet suggested denial and then an Enforcement Order to keep the site stable and make sure no work on the house started without conditions. Ms. Lochner felt it might be more effective to issue an Order covering all the remedial work, most of which is already done. All agreed that was a better route if deadlines were included.

Robert Norris arrived. Only the bank of Cranberry Lake remains to be stabilized where vegetation had been removed.

Mr. Norris explained that the Norris's plan is to demolish the existing house and rebuild on the same foundation. He does not yet have demolition and building permits or graphic plans for the house. Further, landscaping or retention wall construction by the Lake must wait until the house construction is completed.

The Commission and Mr. Norris agreed that the best course is for the Lake bank to be stabilized promptly and for a buffer of grass to be maintained. Ms. Scarlet suggested using coir log staked into the bank for stabilization. Coir is coconut fiber so the logs are flexible but don't rot. They absorb the force of waves and will vegetate over time if left in place. Mr. Norris could discuss the possibilities with his landscaper and use another alternative stabilization technique if the Commission approved it.

The Commission discussed conditions:

- The bank stabilization with coir logs or alternative materials approved by the Commission's agent must be done within 2 weeks of the issuance of the Order of Conditions,
- The 50 foot grass buffer to be maintained until the lot is fully stable or a new Request for Determination or Notice of Intent is filed for further work on the lot, and
- Such of the Standard Conditions as Ms. Scarlet decides fit the situation.

The existing house is in the 100 foot buffer zone. The Commission reminded Mr. Norris that he must file a Request for Determination once he has his graphic plans for the house or before he starts demolition. They also pointed out that he must obtain permits for demolition and building from the Spencer Office of Development and Inspectional Services; both before starting any work. Mr. Norris assented.

Motion to close the public hearing (Moennsad/Lochner) passed 4/0.

Motion to issue an Order of Conditions with the conditions already discussed (Lochner/Moennsad) passed 4/0.

Mr. Grimes explained that the Order of Conditions must be recorded at Worcester County Registry of Deeds.

Signed:

33 Oakland Drive, Request for Determination of Applicability
Extension -112 Charlton Rd, DEP#293-0659:

Ms. Scarlet reported that she found on inspection that the wetlands replication is thriving and the site is fully stable. The driveway wetland crossing was constructed according to the approved plans. However, the independent consultant wetland monitoring reports required by a special condition have not been submitted to the Commission. The erosion controls have deteriorated. The latter will not be an issue until work on the project resumes. Ms. Scarlet recommended granting the Extension but adding cautions requiring immediate submission of a monitoring report and advising that the erosion controls must be repaired before resumption of the project.

Motion to approve the Extension with the conditions discussed (Lochner/Snow) passed 4/0.

Report from Ginny Scarlet

National Grid has filed their RDA for demolition of a high tension line tower and construction of its replacement in a different place. Ms. Scarlet gave them permission to do a boring now at the new tower site, cut brush and lay mats across the wetland to get the boring equipment to the site. The boring is needed to determine the tower foundation specifications. Access for and deep test hole excavation for septic planning is allowed for similar reasons. The Commission agreed.

2 Jameson Lane: A lake side tree was mysteriously cut at 2 Jameson Lane. The new property owner, William Goodhue, reported the incident to Ms. Scarlet. Ms. Scarlet suggested that he post No Trespassing signs at the shore and at the road. The tree was large. The wood was gone.

Mr. Goodhue asked for clarification about what changes could be made on the waterside lot without requirement for a Request for Determination. Ms. Scarlet went over the regulations with him.

Site visits:

No National Grid site visit. Ginny has already been there and will take pictures during the boring on July 24th at 8:00 a.m.

New Applications for next meeting: RDA, northeast corner of Thompson Pond; replace steel tower for NE Power Co.

A motion to adjourn the meeting at 9:00 p.m. (Lochner/Snow) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services