



Conservation Commission – Town of Spencer

Minutes

Conservation Commission Meeting
Wednesday, June 9, 2010
Town Hall, McCourt Social Hall

The Meeting opened at 7:03 p.m.

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

Commissioner Absent: Ram Moennsad

Approval of Minutes of May 26, 2010: While the minutes were being read, Stan Possell and Dennis Brunelle arrived. They told the Commission that the notices mailed to them by Commission said the Commission would meet at Sugden Library. Mr. Possell gave the Commission his notice letter. Ms. Scarlet commented that must have been mistaken use of an old form letter. Ginny left the meeting to collect anyone else at the Library and put up a sign with the correct location.

A motion to approve the minutes as written (McLaughlin/Snow) passed 4/0.

Signed: Zero (0) R. Jones Road Order of Resource Area Delineation, DEP# 293-0738.

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

Mr. Norris asked by fax for another continuance to 6/23/10. He has a business trip again. CC allowed the continuance. Mr. Grimes asked that a letter be sent to Mr. Norris saying he should appear on June 23rd for the hearing. Mr. Snow asked what happens if Mr. Norris fails to appear. Mr. Grimes said the Commission has the discretion to deny if he doesn't come. Mr. Grimes asked if anyone objected to sending the letter. No one objected.

Ms. Scarlet returned and reported that she had found no one hunting for the Commission at the Library and she had put up a notice of the meeting location.

7:28 p.m. Opened the Public Hearing for Request for Determination of Applicability for Stan Possell

Property: 33 Oakland Drive, Spencer, MA

This matter was taken out of order because Mr. McNeil had not yet arrived for the Chickering Road hearing.

Mr. Stan Possell, property owner, and Mr. Dennis Brunelle, his landscaper and representative were present. Mr. Possell described the history of the property. The project is to repave the driveway. The driveway is part of his property and existed when Mr. Possell bought the property in 1975. The repaving will have the same footprint as the current driveway. A hay bale/silt fence line will be installed between the work and the water line. Mr. Brunelle labeled the ESC line on both copies of the drawing. Mr. Grimes asked whether the old paving will be removed and replaced. The project description includes removal. Mr. Grimes pointed out if the

Commission approves removal the applicant has the option to do less work, i.e. pave over the existing material.

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

A motion to issue a Negative Determination (Snow/McLaughlin) passed 4/0.

Mr. Grimes pointed out that an absorbent boom is required by the Spencer Wetlands Bylaw for protection when hydraulic equipment is within 40 feet of the water.

Mr. Brunelle asked whether permeable pavers are an option. The Commission agreed that is acceptable for repaving.

7:34 p.m. Opened the Public Hearing for Notice of Intent for the Town of Spencer

Property: Intersection of Chickering Road and GH Wilson Rd, Spencer, MA DEP#293-0745

Robert McNeil represented the Spencer Department of Utilities and Facilities. He described the project as essentially a culvert replacement project and upgrade of the Chickering Road intersection with GH Wilson Road. In the December 2008 storm, the culvert failed and water flooded over Chickering Road. Investigation found that there is no “traditional” culvert under the road. Water percolates through large stones underlying that section of the road causeway. FEMA/MEMA did a site visit and MEMA has approved a \$17K budget for the project. The Town will get back approx \$13K. The MEMA budget is inadequate. The Town will use materials on hand, 4.5 ft diameter RCP from an early 1980s project that never was completed. Mr. Mc Neil indicated that a fifty-four inch pipe will certainly provide better flow than what is currently available through that causeway. The town feels that use of the 54 inch pipe would be the most economical way to proceed.

The project has two parts. MEMA funding only applies to the culvert installation. Intersection realignment was added for safety reasons. BSC Group did the base plan identifying property lines, surface topography, waterline etc. The pipe plan and intersection improvements plan was created by Mr. McNeil. GH Wilson will meet Chickering Road at approximately 90 degrees producing a more formalized intersection with better sight lines and a new stop sign. Significant amounts of asphalt will be eliminated and replaced by grass.

The project started as a FEMA flood control project. That’s the focus. The Culvert will be done first then the intersection work thereafter. Final intersection and causeway repaving will not be done until next year to allow the culvert area to go through a freeze thaw cycle. Rigid foam insulation will likely be incorporated into the relatively shallow fill over the culvert to minimize heave. Of the 4.5 ft diameter culvert pipe there will be only about 6 inches of open air at the top. That level is based on the surveyed elevation of the pond. Stiles water level is approximately two (2) feet down because of orders from the Office of Dam Safety to keep the water two feet below the spillway. When the dam is fixed and the lake restored to spillway elevation, the pipe will likely be completely under water according to Mr. McNeil.

The project schedule is dictated by the time period during which FEMA funding will be available. The Town has made a request to FEMA for extension of the funding period to the end of 2010. The Town plans to do the culvert work in October at the start of this year’s annual drawdown during the lowest water elevation of the year to minimize construction impacts. Mr. McNeil anticipates having the road closed for several days during culvert construction and again when the intersection is improved the following year.

Mr. Snow asked whether this is really two separate projects. Mr. McNeil answered, “one project.” Mr. Grimes said, “It’s one project to be done in two phases.”

Mr. Snow asked whether fishermen would be able to park on the grass road margins. They now park on the wide pavement at the intersection. Mr. McNeil replied that there’s now reason that they couldn’t park on grass.

Mr. Snow asked whether the new culvert would drain the pond below elevation. Mr. McNeil replied that there is no attempt for any drainage to occur; just to allow the water to pass through the roadway. Mr. Snow remarked that would bring the pond to 837.

Mr. McNeil said that the small pond would not drain dry because that’s important to maintain a refuge pool for fish. There are certainly fish in the pond.

Ms Scarlet commented that the lake can only be lowered to 836’ because of limitations at the dam control.

Ms. Lochner asked what kind of pipe is there now.

Mr. McNeil explained that there’s no pipe. There is only a collection of large stones and the water moves through the voids between. He was surprised at how much water goes through. The rest of the causeway is solid material. The stones would be removed, the pipe placed, and then backfill put around it.

Ms. Lochner asked how far along the road the more permeable large stone area extends.

Mr. McNeil said it is limited to the area where the culvert will go. Water goes through the rest of the embankment readily but the significant flow will go through the new pipe. The groundwater level under the whole causeway matches the lake level. Total width of pipe installation trench will be 10 ft. Work will be done largely in the dry. At that time the lake level will be near the invert of the culvert. At seasonal lake refill the water will be about 6’’ below the roof of the pipe. When finished the embankment of the causeway will still leak but the main force of flow will go through the new culvert pipe,

Ms Lochner asked what erosion controls will be used.

Mr. McNeil replied that for culvert work hay bales/silt fence and absorbent booms will be used. Standard “good practice” will be used for the roadwork. The rusted outlet pipe from a catch basin up by GH Wilson Rd will be replaced with plastic. The decision whether road is to be reclaim or just ground and repaved will be made based on conditions found at the time.

Ms. Lochner asked who would do that road work. Mr. McNeil reported that the Town does the drainage work; the paving contractor will depend on that year’s paving program. Ms. Lockner asked whether the Town gets credit for the broken asphalt. Mr. McNeil said not but that it’s recycled by the contractor.

Mr. Grimes asked how will the stream flow be handled during pipe installation.

Mr. McNeil said that the water will be pumped over; clean water to clean water

Stan Kulesza, a Stiles Lake resident at 44 Lake Ave, described the green film that grows on the pond in summer. It looks to him like duck weed. “It almost looks like green seeds with little shoots dangling off.”

Mr. Kulesza stated that he is not aware of that plant being in the lake. He is concerned that the proposed pipe will allow those plants into Stiles Reservoir. He’d like to see the plants filtered out with a telephone pole and chain device to prevent the plants from getting into the reservoir –or some other filtering system. Mr. Kulesza said that he believes no resident of Stiles wants those plants to get into the lake. What’s there now is a good filtration system.

Mr. Kulesza also expressed that the improved road alignment would cause faster driving and when frost heaves at the culvert cause puddles, followed by iced puddles; cars will spin out. Cars, trucks, or school buses may go over into the pond or reservoir. He advocates guard rails and a new speed limit.

Mr. McNeil stated that he appreciates the public input and thanked Mr. Kulesza for coming. He said he knows little about the natural history of the plants at Stiles and does not know what kind of growth may be occurring. Maybe Ms. Scarlet may be able to speak on that. He thinks the potential damage comes from keeping the water level down right now, which is done for safety at the dam. He understood from conversations with Mr. Fournier that “the association” is under a strict schedule to complete improvements on the dam. Once the repairs are complete and the water level restored to the elevation of the spill way, the new culvert inlet will be underwater. Then surface weed material will not enter the culvert. He believes the culvert will benefit wildlife, especially turtles trying to cross the road. He pointed out that gravel and stones from the road shoulder have washed into the reservoir repeatedly. The project aims to eliminate that situation.

Mr. McNeil remarked that there are presently concrete bollards from five or slightly more feet apart along Chickering Road. There is no plan to put up guard rails. Missing bollards will be replaced in kind. The project will not change the shape of Chickering Road, so Mr. McNeil does not think speeds will increase. The existing road intersection alignment is dangerously wide, requires double stops, and has poor sight lines.

Ms. Scarlet commented that everyone agrees there’s green stuff in the pond. Duck weed is already in Stiles, and in virtually every other water body in the state. Duck weed is not a problem. She consulted Tom Flannery of the Dept. of Conservation and Recreation Lakes and Ponds Program. Neither he, nor Ginny found any species of invasive plant in the pond. The great majority of detrimental aquatic plants are imported by humans.

Judy Maloney asked for signs to warn people parking in the area to stay in the grass road ROW. Mrs. Maloney also pointed out that there’s another low spot in the road where water puddles.

Mr. McNeil said that there is no current plan to add another catch basin. The grading for repaving and reshaping the intersection will most likely eliminate that without need for another catch basin. He believes fishermen will use the obvious available parking. He asked whether there was a history of problem parking on private property. Mrs. Maloney said, “No.” He also mentioned that he will contact the power co. to see whether the low wires along the area can be relocated.

Bob Fournier introduced himself and said that he has been a consultant “for a few years.” He commented that Mr. McNeil and Ms. Scarlet had made the plans available to him including copies to take home. They met with him. There’s now a group of concerned inhabitants concerned about the money to be spent to fix the dam, “which has nothing to do with this.” Mr. Grimes commented that the Commission is not concerned with the dam. The dam is in Leicester.

Mr. Fournier said that because “we” didn’t think the culvert is big enough, “we” measured the box culvert under GH Wilson Road which he reported as 60” wide and 4 feet high. He quoted Mr. McNeil as saying, “fine we’ll put two pipes in.” Mr. Fournier said Chickering Road is a “County Road” not a town road. The concrete pipe proposed is “one of the lowest grades of reinforced concrete pipe (RCP). It is proposed to put the pipe in with only 12 inches of air space”. Mr. Fournier reports that the (unnamed) environmental, professional engineer on retainer for his corporation has looked at the whole thing and says that pipe should be 12 inches below the crest of the spillway; the invert of it, with only 12 inches of water in the pipe so that the hydraulic load that comes through the watershed which has not been calculated, has open space to go and fish can move if they have to. You don’t want to suck all that mud out of Watson Mill Pond.

Mr. Fournier added that another concern is the bedding around that pipe. "We don't know what's down there. It could be peat." Mr. Fournier said that in a phone call, Mr. Bob Kimball of DEP had confirmed the project is not subject to Wetlands Protection Act stormwater regulations but that Mr. Kimball gave a different explanation from that which Ms. Scarlet got from DEP upon inquiry.

Mr. Fournier discussed the depth of cover over the culvert and agreed that insulation would prevent a hump (frost heave?). He reiterated that there are serious problems concerning the elevation and the type of pipe and that it's a County Road. He also mentioned that when the reservoir lake level was lowered for construction of Parker Road Bridge, his well went dry. He has a letter, received after he appealed, that says if his well goes dry again the Water District must drill him a new well. He summarized the problems as: the size of the pipe, the elevation of the pipe, the pipe material, and the bedding of the pipe, and "DEP told me today that it's the town's responsibility to give us calculations showing that 2 pipes will do the job." Mr. Fournier said he was sure Mr. McNeil could do the calculations, he could help. "I do a lot of that, I do a lot of dam inspections. I have the USGS maps. DEP told me today that should have been done, but DEP suggested that the specifications be put into the Order of Conditions." He added that he agreed with Ms. Malony that if you put grass there it's going to be a mess. It's a hazard. "They'll have picnic tables and 55 gal. drums and fires if you put grass there."

Mr. McNeil replied about bedding. He doesn't anticipate substrate problems simply because of the boulders that are currently in place along the culvert alignment. He agreed with Mr. Fournier that there should be enough trap rock or rip rap to keep the pipe from settling. The town will ensure that the pipe is rated for H2O loading. Similar pipe is in use under Lloyd Dyer with even less than the proposed cover. He mentioned that Mr. Fournier had undertaken to give Mr. McNeil stormwater calculations Mr. Fournier already has in his possession. Mr. McNeil expressed that he would be happy to look at them. He repeated that he believes the situation to be created is better than the current situation out there today. He admitted that the town had not spent the time and money to be certain that the water will never again over top the road but the likelihood will be greatly decreased and the frequency reduced.

Mr. Snow asked how much more flow would you get with the new pipe than you get now?

Mr. McNeil answered that it would be much more based on pipe versus percolation through the stones.

Mr. Fournier commented that "you get volume and velocity together."

Mr. Snow asked, "So you don't really need to know the number? It will be better than it is."

Mr. McNeil responded that it would certainly be nice to know and that if Mr. Fournier provided the calculations it would be helpful.

Ms. Scarlet asked whether an estimate of flow could be generated from Stream Stats.

Mr. McNeil responded that many things could be done. The pipe will be laid flat. There's no intention to take advantage of hydraulic capacity of the pipe by sloping it to put more flow through it. It will be a flat, equalized, to allow water to flow either way but water comes from the stream so the pipe will be hydraulically charged from the pond to the reservoir. He anticipates that the 4 and a half foot void will significantly reduce the times it overtops.

Mr. Fournier stated that he would agree that anything is better than what we have. He added that "you can't put rip-rap under wire reinforced pipe and that bedding is important." He repeated that it's a County Road; Dyer Drive is not. Bedding should be "3/4 packed or 3/8" or whatever. He returned to concerns about the pipe elevation in relation to the dam spillway elevation. Unless the (implied normal) water in the pipe is 12 inches or less, when there's a

storm, water from the watershed has to push water out of the way. This stream is the biggest flow that comes into this lake. He asserted that the Commission wouldn't believe how far back the watershed goes.

Mr. Grimes commented that yes he would.

Mr. Fournier insisted that there is need for specifications in the Order of Conditions in order to get maximum return of money spent. He repeated his wish that the project go forward and that anything is better than where we are.

Mr. McNeil stated that Mass DOT specs would be used for the pipe bedding. He can provide "detail" drawings. He stated that he is not sure what Mr. Fournier means about his engineer having concerns about the pipe elevation. After the dam is repaired the pipe will be completely submerged.

Mr. Fournier offered to have his consulting engineer call Mr. McNeil to clarify and jointly work out the best thing. Mr. Fournier returned to the subject of a plant filter. He asserted that there's "Mariophyllis, sic, (Myriophyllum?), milfoil that comes down." He suggested telephone poles wired together at the pond side of the pipe that he believes would hold the plants aside. He said he agreed with "Ginny" (Ms. Scarlet) that weeds don't grow in the pond. They need still water. There's too much flow there; they're flushed out. He reported that his calculations show that the pond is filled and emptied 4 times a year. The floatation containment boom would keep the plants out of the lake. He reiterated that he is willing to have his engineer call Mr. McNeil and that it wouldn't cost the town anything.

Mr. Grimes remarked that if the pipe was installed to have only 12 inches of water in it at dam height there would have to be a "hill in the road." He could work that out from just his knowledge.

Mr. Fournier said that he didn't know that; he had not worked out the elevations. He did not like to assume that. He reiterated that "my guy and Rob can work it out" and that he'd like to offer that. "If you don't want it, you don't want it."

Mr. McNeil responded to suggestion for a linked telephone "stop-log" pipe inlet protection. That type of protection is used at large dams to hold back large debris during flood. He is not comfortable using that. The problem will be eliminated after dam repair makes the pipe under water subsurface. In the meantime, putting creosoted wood in the water is problematic and small material such as plant fragments would still pass through

Mr. Snow commented that based on Ms. Scarlet's explanation, nothing was needed because there are no unwanted plants in the pond that aren't already in the lake.

Ms. Scarlet added that duck weed could be found along the lake shore in the still-water coves. In the main lake wave action disperses it.

Mr. Fournier recounted that in 1660 a stone wall was built to create a pond for harvesting ice. "Watson's Mill Pond" is a mud pond now because the water can't pass through fast enough. As soon as the two pipes are put in that deep in the water, mud will be washed into the lake (Stiles). The water comes through that pond so fast everyone on the lake will be asking what's going on to create such a mess. It will ruin the pond water quality for a long time to come...

Ms. Lochner remarked that the Commission should take Mr. McNeil's offer to have the drainage calculations done and get some back up for the proposed pipe elevation.

Mr. Fournier explained that his only recourse is to appeal. He doesn't want to do that. Mr. Fournier indicated that when he spoke with Robert Kimball of DEP, Mr. Kimball remarked that when DEP checked over the plans when they were received the plans didn't have enough detail to criticize it. The Order of Conditions should include specifications for the pipe. DEP will take another look before October. Mr. Fournier said it's a good idea to find out the watershed hydraulic load.

Mr. Grimes said that the Commission knew that.

Mr. Fournier repeated the size of the GH Wilson culvert, that a lot of water comes out of the watershed and through mud filled Watson's pond and that he didn't know whether even two pipes would do it. He speculated that even 24 inch pipe would be better than current conditions, that the pipe level is critical for water quality.

Mr. Grimes asked whether the Commission had gotten any comments from DEP (directly).

Ms. Scarlet let said only the usual file number form letter had been received. It had no indication that more information was needed.

Mr. Fournier asked whether Ms. Scarlet had asked DEP for comments. She explained the standard system. When DEP receives a copy of a NOI, they check over the submission and issue a form letter assigning a file number and listing any missing required information.

Mr. Fournier said, "I sent your standard form to my engineer."

Ms. Scarlet said, "It's a different form."

Mr. Fournier: "You didn't give me a copy of that one."

Ms. Scarlet agreed that she hadn't. DEP's file number letter wasn't part of the information Mr. Fournier had requested, the Notice of Intent. The file number assignment was received later without any notation about missing information.

Mr. Fournier repeated that Bob Kimball's office said there wasn't much detail in the plan. Mr. Fournier reported that he had called Mr. Kimball then Mr. Kimball had one of the DEP engineers, Martin Jablonski, call back. Mr. Fournier asked whether stormwater information had to be included in the NOI. Mr. Jablonski, who Mr. Fournier believed had discussed it with his boss, said not, but then gave a different explanation of the negative than Ms. Scarlet had given him. Mr. Fournier said, "That's stuff we don't need to be discussing here." He thanked the Commission for listening.

Mr. Harry Hatch, resident at 7 Sycamore Drive arrived during this discussion.

Mr. Grimes asked Mr. Hatch whether he wished to say anything.

Mr. Hatch expressed concern about water quality in Stiles. He wants to avoid a mud plume. He asked if the usual hay bales and silt fence plus boom in the water would be used for erosion control.

Mr. Grimes said, "yes" and added that the water flow would be pumped around the work site.

Mr. Fournier interrupted to adding there was supposed to be a silt box.

Ms. Scarlet said that a silt box was only needed for muddy water.

Mr. Fournier asserted that any water from Watson's Mill Pond to lower the water level would be muddy and that, "You wouldn't be pumping water from Stiles." It's going to be from Watson's Mill Pond. "You put a screen down there with a trash pump you better go with a silt box or you're going to have a discharge problem with DEP, Ginny. This is a big deal."

Ms. Scarlet said that she didn't disagree that it's a big deal.

Mr. Fournier repeated that a silt box must be used. He doesn't want DEP to stop the project. He suggested blocking the GH Wilson

Ms Lochner suggested using a silt sack.

Mr. Grimes reminded that they explode.

Ms. Scarlet said their capacity is too small.

Mr. McNeil stated that the means would depend on the conditions during work. The work is scheduled during drawdown and low flow conditions and is planned to be done in the driest time of year. Only the stream flow would have to be handled. The inlet would be just below the pond surface close to the stream. He wishes to avoid putting in a temporary dam.

Mr. Fournier described at some length how and why the mud had accumulated in Watson's Mill Pond and gave the opinion that it would be tough to dewater that pond. He described several alternative means he thought might work to accommodate stream flow and avoid sucking mud from Watson's Pond including blocking the culvert under GH Wilson Road and holding the water in the large wetland upstream.

Mr. Grimes remarked that couldn't be done. It would flood other people's property.

Mr. Snow asked whose stamp would be on the final plans.

Mr. McNeil said that the project was a town culvert replacement not needing a stamp.

Mr. Fournier asked why there were requirements for private people that a town could skip. Why is there no stamp on the plan? A professional stamp is required for plans. There's a liability involved. He knows. He stated that he's in court all the time about this. That plan should be stamped.

Mr. McNeil: "Maintenance of a culvert."

Mr. Fournier: "You're on a high risk dam."

Mr. Grimes: "Maintenance of a public way."

Mr. Fournier: "You're on a high risk dam that can kill people down at Stiles."

Mr. Grimes: "There's no dam there."

Mr. Fournier: You're talking about 400 acres of water here, 30 feet deep. You get this out of control and we've got a problem with our dam." (*The implication is that Mr. Fournier's three comments above refer to Stiles Reservoir.*)

Mr. McNeil repeated that the idea is to better conditions. If there's enough resistance to the project it will be abandoned in favor of one of the many other high priority projects facing the town.

Mr. Kulesza asked whether Chapter 90 money could be used to put in guard rails.

Mr. McNeil said only bollards were contemplated. The option of guard rails had been commented upon as a detriment to the area by residents who stopped by during the test pits and others over the last year and a half who looked at the project.

Mr. Fournier interjected, "Jersey barriers."

Mr. Grimes, "Aw come on, now we're really getting ugly."

Mr. Grimes, "We discussed that already this evening."

Mr. Snow, "Rob already went over that." He said that guard rails and loading over the pipe were not Conservation issues.

Mr. Grimes asked Mr. McNeil to get the Commission the stormwater calculations or an approximation and for an elevation for the mud in the "mud pond."

Mr. McNeil pointed out that the pond bottom elevation is shown on the plan. The invert of the culvert is proposed to be a foot above the bottom.

Mr. Fournier commented that the pond behind it is not on the plan.

Mr. Grimes agreed that yes, there is a pond behind that pond, yes.

Mr. Fournier said, "You don't like me."

Mr. Grimes said "there's a stream between the two ponds."

Mr. Fournier: "Why don't you like me?"

Mr. Grimes: "I have no opinion whatsoever".

Mr. Fournier: "Ah, Mr. Grimes."

Mr. Grimes: "I have no opinion whatsoever. I am here running a meeting sir."

Mr. Fournier: "Let's not put that in the way of science and engineering."

Mr. Grimes: "I am not a scientist. I am not an engineer. I am a resident of the Town of Spencer who volunteered. That's my qualifications to sit here, Sir."

Mr. Fournier: "I respect that."

Mr. Grimes: "You want to bring personal things into this meeting, go right ahead and you will be able to hear me."

Mr. Snow: "Ok so we know where the mud is, 834.9 ft."

Mr. Fournier asked if there was any chance of a site visit. The Commission stated that they had already been at the site.

Mr. Fournier suggested putting some boats in to show them the mud.

Ms. Lochner asked whether he was disagreeing with the elevation shown.

Mr. Fournier said he was unsure of all the elevations because there's no stamp on the plan. He asked who did the plan. There's no name in the title box.

Mr. Grimes pointed out that at the beginning of the hearing Mr. McNeil had said that BSC did the base plan and the he had drawn the project work.

Mr. Fournier gave his understanding of a meeting he, Mr. Kulesza, and Mr. Hazard had with Mr. McNeil at which Mr. McNeil made the plan available. Mr. Fournier attributed to Mr. McNeil a statement that his interest was only in fixing the road intersection and that there was no money for anything else. That Mr. McNeil specifically told him not to call BSC about the plan.

Ms. Scarlet pointed out to Mr. Grimes that he was listening to hear-say.

Mr. Grimes commented that there was lot of that going on.

Mr. Fournier said he thought all of it was hearsay.

Ms. Lochner asked Mr. McNeil whether if the pipe didn't go in there would be more erosion and undermining of the road into Stiles and the pond.

Mr. Fournier answered that the water floods over the road about twice a year during flash rain and it will continue to flood.

Ms. Lochner clarified that she was asking about erosion and the road bed material.

Mr. Fournier declared that the fines were all gone.

Ms. Lochner repeated that she was asking Rob the question.

Mr. McNeil stated that since the Dec. 2008 ice storm he had seen the water flood over the causeway 4 times. The depths were up to 6 inches. It becomes extremely unsafe particularly because it can continue to flow after the rain has stopped and people no longer expect water on the roadway. If Mr. Fournier took his comments out of context at the previous meeting, Mr. McNeil repeated that he considers the culvert replacement project primarily a public safety project using the meager FEMA funding to prevent the whole roadway from collapsing in the future because of continued piping of water through the stone road bed. He also pointed out that volumes of road embankment and road bed material is already being washed in to fill the adjacent water bodies. The town has been replacing material repeatedly over the years. The total is substantial and possibly less than the potential addition of pond mud which would be temporary. Mr. McNeil expressed again that he appreciated the resident comments and contrasted the current procedure with the historic process that took in less input. Considerable effort has been expended to minimize impacts from the project. The result won't create perfection but will definitely be improvement for the traveling public. Mr. McNeil repeated that he would be happy to look at any calculation Mr. Fournier would provide.

Mr. Fournier said he has no calculations.

Mr. McNeil clarified that he was referring to a previous report Mr. Fournier had mentioned.

Mr. Grimes agreed that Mr. Fournier has mentioned something like that.

Mr. Fournier indicated that he had read a report which he has in his files. He himself had not and was not qualified to do the calculations; that he is not an engineer. He promised to search for that report.

Mr. McNeil repeated that he'd be happy to look at it.

Mr. Grimes asked Ms. Scarlet whether she had further comments from her expertise.

Ms. Scarlet said she wished to make clear that there is a significant stretch of stream between Watson's Mill Pond and the smaller pond by Chickering Road. In her opinion that the installation of the culvert is sufficiently lower than the Mill Pond that it will not affect the flow through the Mill Pond in any way. She had walked that stretch of stream and there are many riffles. She added that she, herself, had been on Chickering Road during flooding. The water was significantly deeper than 6 inches and she had to back her Rav4 out. She offered to dig out the date of that incident in order to identify amount of rain from that particular storm.

Ms. Scarlet, speaking as a Limnologist, it is her Best Professional Judgment that the project will not cause a change in the plant composition in Stiles Reservoir. She stated that her background includes a Bachelors Degree in Ecology from Cornell University and a Masters Degree in Limnology, also from Cornell.

Mr. Fournier asked whether she would give that information to "the District" in writing.

Mr. Grimes commented that it would be public record in the Minutes.

Ms. McLaughlin pointed out that it would then be in writing.

Mr. Fournier asked would she put that on a separate sheet.

Mr. Grimes said copies of the Minutes would be available.

Ms. Scarlet said, "Sure, if the District, itself, asks for it."

Mr. Fournier then asked Mr. McNeil whether the town had the District's permission to work on District property and that the District is a political subdivision. He asked whether the Town of Spencer could just work on it. As soon as the high water line is reached, "you're on our deed."

Mr. McNeil said that he expected all the work to be in the road right of way, but if the final plans show that some work is on District, then easements would certainly be sought from the District.

Mr. Fournier asked what sort of headwall would be on the pipe outlet or the inlet. The plans had no section or detail of where the pipe through the embankment. It would be normal to use rip-rap to prevent erosion.

Mr. McNeil said, There is a similar project that's been finished on North Brookfield at a farm pond near Rt. 31 which Mr. Fournier could look at.

Mr. Fournier: "Thank you."

Mr. Grimes asked the Commission for their thoughts.

Ms. Lochner said that based on Ms. Scarlet's assurance that no plants or invasive plants would affect Stiles and if Mr. McNeil could provide information on the drainage and a typical headwall design.

Mr. Grimes asked Mr. McNeil if that was possible.

Mr. McNeil said he could do that.

Ms. Lochner asked to confirm that the project time would be October. Confirmed.

Mr. Snow remarked that drawings generally have a number, a revision date, and the name of the person who made the drawing so that the Commission could have faith that the drawing was correct.

Mr. Fournier asserted that "they took the existing elevation and the 24 inch differential. Naturally they didn't go to the other side to get a number to work with." He suggested that be in a note on the plan.

Mr. Snow said that he had no issue with the drawing itself but he wanted an indication of who had responsibility for representing correct information.

Mr. Fournier repeated that a note of the elevation at the spillway should be included. The water level at the time it was used for the drawing might not have been precisely 24 inches below the dam. "We" try to keep it at that level but...

Mr. McNeil said the 1988 NAVD vertical datum, so the elevations are all on the same datum (including the spillway).

Mr. Fournier reiterated that the water level at the time of drawing could have been 30 inches below the dam, or 18 or 16 inches. He doesn't measure the water level daily. It is very important to know the level of the crest of the dam. He asked whether the Commission would allow his engineer to talk with Rob about that.

Ms. Lochner commented that the Commission probably couldn't stop them.

Mr. Grimes asked Mr. Fournier to say who his engineer is.

Mr. Fournier: "Mark Donohoe of Acton Survey and Engineering." He offered to give Mr. McNeil Marks phone number and Mark Rob's phone and suggested again they could talk over the elevations, highway standards, and the load it could carry.

Ms. Lochner said she believed that Mr. McNeil has all the pipe specifications.

Mr. Fournier pointed out that the class of pipe isn't on the plan. The pipe he had seen at the highway barn had a hole in it and wire reinforcement was exposed to view.

Mr. Grimes asked whether Mr. Fournier was sure he was looking at the right pipe.

Mr. Fournier: Thank you. Mr. Grimes.

Mr. Grimes: "I'm just proposing a question." He then asked Mr. McNeil whether he could talk with Mr. Fournier's engineer. Mr. McNeil assented.

All agreed to continue the hearing to July 14, 2010. Mr. Grimes announced the date. Mr. McNeil gave his phone number to Mr. Fournier. Mr. Grimes thanked the residents who had come to speak. The Commission signed the continuation.

The Commission postponed consideration of amending their regulations to another meeting because the meeting had already been long. The Commission instructed Ms. Scarlet to write the letter to Mr. Norris and repeated for her the contents they had agreed upon.

Other Business:

Mr. Snow commented that he would not be at the July 14th meeting. Ms. McLaughlin said she would be returning to town on July 13th. Ms. Scarlet emphasized that it is important to have a quorum of Commission made up of the members from this meeting to complete the Chickering Road hearing.

9 Sycamore Dr. The Commission asked for Ginny's final inspection report. It was very positive.

A motion to issue a Certificate of Compliance (Lochner/McLaughlin) passed 4/0.

Ginny Report:

Depot Trail: Ginny has not been able to get response from the Recreation Commission. The Commission asked Ginny to go over the notes of measurements made during their site visit and use them to calculate material needed for repairs. In addition to drainage and resurfacing work, the Bixby Road area has dumped brush and debris and that section is most urgently in need of repair. It was suggested that the previous RDA might have information to use for material calculations.

Ginny suggested that the Commission move on the project without the Recreation Commission. The Spencer General Bylaws assign the trail oversight to the Rec Com. Ms. Lochner suggested

that Ms. Scarlet seek Rec. Com cooperation and communicate with Adam Gaudette about the problem.

Mr. Grimes added that the Commission needs to recruit some volunteers with equipment and knowledge as well as seek in kind donations. That was done when the trail was originally constructed. He reported that the Commission saw two beavers and that the beaver dam protecting the large culvert at the pond is in good condition.

Mr. Grimes commented that water at Cranberry River by South Spencer Road is up again. The beaver dam is being pulled apart at the bank edge by the south side property owner and it is eroding the bank Ms Scarlet said that she would speak to the Highway Dept and the abutting land owner. Mr. McNeil had already told her that the dam beaver were active again and that the Hwy Dept. would respond again as allowed in the existing Order of Conditions.

2 Bixby Road: There have been modifications to the plan for the detention basin outlet, making changes from the approved Determination plan. The water has the same destination but the inlet from the pond must be lower than the elevation of the driveway catch basin. The catch basin is at the drive's lowest point, right by the street. If the overflow is set too high, the detention basin water will back up to discharge out of the CB and then run into the street. Ms. Scarlet agreed to the changes as within the original scope of the Determination and creating no more impact. An as-built plan will be submitted.

A National Grid high tension line tower replacement by Thompson Pond is planned. The power company has agreed to file a Request for Determination.

Schedule Site Visits - Lake St Extension Thurs 6/10 5:30 p.m., meet at Town Hall. Ginny will send an email.

New Applications for next meeting: None

Adjournment at 9:55 p.m.

Respectfully Submitted:

Lisa Daoust, Clerk
Development & Inspectional Services