

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, March 24, 2010 at 7:00 PM
Richard Sugden Library

The Meeting was opened at 7:02 pm.

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

Commissioners Absent: Mary McLaughlin, Chris Plant

Staff present: Ginny Scarlet

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

Signed & Notarized: None

7:15 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

At the applicant's request, the hearing has been continued to April 28, 2010. Mr. Grimes with concurrence of the rest of the commission said this is the last continuance that the CC will allow.

7:17 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Donald O'Clair

Property: 91 Meadow Road, Spencer, MA DEP#293-0743

The strategy developed at the March 10th hearing looks feasible based on an informal meeting with the Building Inspector, Mr. Sadowski, Mr. O'Clair and Ms. Scarlet on March 22, 2010. It was decided that the proposed plan would be feasible with respect to getting a building permit and aquifer zone requirements.

Mr. Sadowski presented the revised plan. The hay bales have been relocated, the proposed southwest deck expansion has been reduced in size, the area under the deck will be enclosed, the existing sheds within 100 feet of the river will be removed/demolished and the retaining wall will be completed. When the retaining wall is completed, it will involve some fill in the 100 foot flood zone. Mr. Sadowski suggested that removing the sheds from the flood plain would result in compensating the floor storage volume.

Mr. Grimes pointed out that the Commission never permitted the work already done on the retaining wall. The fill placed behind the wall has already reduced the flood storage volume. The previous Order of Conditions plans were checked. Neither the 1993 nor the 1998 approved plans show a retaining wall.

The Commission required that both sheds be removed and enough earth by the lower north side shed be excavated and regraded to compensate for the flood storage lost by filling needed to finish the retaining wall. The Commission approved the completion of the wall and other lot changes shown on the plan; Mr. Sadowski marked those changes on the plan. Mr. Sadowski will provide the Commission with a revised, signed plan.

The proposed conditions are as follows:

- Standard ESC
- No work can start until a final revised, stamped and signed plan is submitted to the Commission
- The plan must show all resource areas: wetlands, wetland buffer, 100' riparian boundary, 200' riparian boundary and 100 year flood plain boundary and all structures as proposed
- The plan must include a note that the whole lot is in the public water supply Aquifer Overlay Zone

The work must be completed within one year, or if there is a problem, Mr. O'Clair must come and talk with the Commission before December 31, 2010 to revise the schedule.

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

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

Other Business:

Water Street: The pavement margin has been undermined causing a hazard to traffic. In addition, multiple gullies have formed from the street down the bank to the brook. The drain at the low point near/over the brook is not functioning. The pipes have collapsed and some detached. The Highway Department requested an Emergency Certification. Eventually the Highway Department plans to redo the drainage down Water Street and will file a full NOI when ready to do that project. Ms. Scarlet has typed up the Emergency Certificate and the Commission agreed to issue the Emergency Certificate when the Highway Department can start on the immediate repair.

31 Point Eastalee Drive: The applicant, Dominic Brescia, has decided to switch from sand to grass or flower beds in area F (the "beach") and to change the proposed retaining wall to landscape timbers instead of concrete block. Ms. Scarlet gave permission for those changes. Mr. Brescia also said that the current timbers are severely rotted and asked to do the wall replacement now. He had no plan for a coffer dam to create a dry

area. Ms. Scarlet had told Mr. Brescia “no”; he can only do that work during lake drawdown.

118 Charlton Road: The ESC is broken and covered. Construction has started on a deck not shown on the Order of Conditions plan. The deck is on the wetland side of the house and the stair ends in the edge of the wetland. Ms. Scarlet phoned the owner, Ron Gresty, and alerted the Building Inspector. Ms. Scarlet sent a Notice of Violation letter to Mr. Gresty.

122 Charlton Road: The recent rains sent silt over the ESC into the wetland. The ESC is generally in poor condition. Ms. Scarlet phoned the owner, David Terry, and sent a mild Notice of Violation letter. Mr. Terry said he would correct the problem. Ms. Scarlet will re-inspect on March 25, 2010.

Bond Corp. Cranberry Meadow Road gravel pit: Reclamation is proposed to convert the finished area into hay field using an application of recycled paper mill waste. The waste would be trucked in and mixed on site with compost from Mr. Moschinis, a small amount of fertilizer and waste sand from the pit. Then it will be spread and planted. Some of the work is in the RFA by Cranberry Brook so an NOI will be needed. Since the work is restoration of an existing lot, Ms. Scarlet thinks there will be no problem permitting the activity.

Sullivan Street: Atty. Damien Berthiaume brought a draft agreement for Mr. Kady and Mr. Jardus to sign. The Commission reviewed the agreement and agreed it fits the Enforcement Order requirement to include a schedule and identify the personnel for completing the required work. The agreement was then signed by Mr. Kady and Mr. Jardus at the meeting.

Sugden Reservoir: Ms. Scarlet reported that Tom Flannery asked to change the timing of Sugden Reservoir spring reports required by the Order of Conditions to allow assessment of what treatment is needed based on actual conditions. Mr. Flannery suggested making the deadline the same as the Thompson Pond Order of Condition deadline; report by the end of May each year. *A motion to make the change to require spring reports to be submitted at the end of May (Lochner/Snow) passed 3/0.*

Open Space brochure: Paul Gagnon, a Spencer resident and graduate student at U Mass Amherst, has created a map and brochure of Spencer’s Open Space and Recreation lands and facilities. The Commission looked at drafts of the documents and said it is excellent. Mr. Gagnon has asked for comment and for any changes to go in the final draft. Ms. Lochner asks that the “Spencer Rail Trail” name be changed to “Depot Trail” because there was much discussion about the name when the trail was constructed and that name was the agreed designation. The Commission is in favor of posting the final version of maps, etc. on the Conservation Commission website.

6 Northwest Road: Ms. Scarlet described the pond/dam situation. She gave permission to remove the pipe exposed by storm erosion and allow the stream to revert to its natural condition. The pipe now serves no purpose. This will cause the pond level to drop somewhat. Ms. Lochner asked how long the pipe is. Ms. Scarlet said approximately six to eight feet. The Commission reviewed the photos of the pipe and dam and agreed no filing is needed for what nature has done and that the pipe now serves no purpose.

Site Visits: The Commission will do site visits on Monday, March 29th at 5 p.m. Meet at the Town Hall.

Flood/FIRM Maps: The Conservation Commission received a letter from FEMA. New FEMA digitized maps and reports will be issued in December, 2010 and effective in 2011. The digital maps will be based on the same (old) data used for the current paper maps but should work better in GIS to accurately show the flood zone boundaries. The currently available Mass GIS flood layers do not align with other layers.

Ms. Scarlet will be on vacation from March 30th until April 7th.

New Applications: 6 Lamoureux Lane, RDA
 10 Washburn Terrace, RDA
 116 Charlton Road, NOI
 232 Greenville Street, RDA

A motion to adjourn the meeting at 8:30 p.m. (Lochner/Snow) passed 3/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services