

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, May 26, 2010 at 7:00 PM
Town Hall, Conference Room A

The Meeting was opened at: 7 p.m.

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

Staff present: Ginny Scarlet

Minutes Approved: May 12, 2010 – *A motion to approve the minutes as amended (Moennsad/McLaughlin) passed 5/0.*

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 applicant's request, the hearing has been continued to June 9, 2010.

7:21 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

A revised plan was reviewed by Art Allen of EcoTech. Mr. Allen emailed that the plan has no revision date but is otherwise ok. Ms. Scarlet said that one copy of the plan appeared on her desk with a stamped date on it of 5/24/10. Mr. Leinonen submitted three more copies of the new plan tonight; the plan has the revision date on it and all sheets have north arrows. The Commission studied the plans. The plans show both the original and EcoTech revised flags. The Commission suggested that if a project plan is created using this delineation, the ORAD approved flags should be shown with the ORAD numbers exactly, but the original flags that are irrelevant be erased to clean up the plans. That will cause a strange numbering sequence so the project plan should have a note that states the flag numbers are from the ORAD. It will make it easier to compare projects with the ORAD plan and to follow where wetland edges are.

A motion to close the public hearing (Snow/Moennsad) passed 5/0.

A motion to approve the delineation as on the plans submitted tonight (McLaughlin/Moennsad) passed 5/0.

Other Business:

Regulations: The Commission reviewed and discussed the regulations. Ms. Scarlet will do another draft and have it ready by the next meeting on June 9th.

Re-Appointments: Ms. Scarlet said that when a Commission member is reappointed, you must also go be sworn in by the Town Clerk again.

Lake Avenue Extension: Ms. Scarlet took photos again and talked with Mr. Adam Gaudette; he is supportive. Mr. Rob McNeil is also supportive because he said the trucks can't get through the road to plow any longer. Mr. McNeil suggested comparing early aerial photos with the recent ones (funded in part by CC Wetlands Fund). Ms. Scarlet made the comparison. The delta visible in the photos spread at least four feet out into the water from 1997; maybe five feet. Between storms, the delta would shrink from wave action dispersal so this is a cumulative net increase and the shore line has bulged out. Ms. Lochner asked how many properties are on Lake Street Extension. Ms. Scarlet said there are four. Ms. Scarlet has drafted a letter asking the four property owners to come to the meeting on June 23rd.

Chickering Road Culvert: The Notice of Intent has been submitted. The plans include reshaping the intersection of GH Wilson Road with Chickering Road for better safety/sight lines and installing a 54 inch culvert under Chickering Road at a level that won't change the water level on either side. Currently, except during large storms, the water levels match. During storms the stream water raises the pond faster than it can seep through under the road and the water rises to a level that floods over the roadway.

Depot Trail Maintenance: The Commission decided to walk the trail on June 1st. Everyone is to meet at the Town Hall at 6pm. Ms. Scarlet said there is no Recreation Commission meeting scheduled yet on the town events calendar which right now goes only through next week. Ms. Scarlet has not received any response from Mr. Bill Shemeth. The calendar should be updated later this week for the rest of June. Ms. Scarlet proposed that she trek to a Recreation Commission meeting and see what they have to say regarding taking care of the trail under present circumstances.

68 East Charlton Road: Ms. Scarlet received a "Notice of Document Availability". Laboratory analytical results of drinking water samples collected on 6/2/08, 1/14/09, 7/7/09 and 1/13/10 are available for review by interested parties at Sugden Library. Ms. Scarlet has not looked yet.

Spencer Furniture: They are bringing a civil complaint against the Town. They claim an 18 inch street drain from Old Main Street feeding into their culvert was not maintained. Therefore, flow from that drain undermined their culvert's structure causing it to fail. All of which led them to face the extreme expense of rebuilding their culvert and going through the onerous permitting process (about \$450,000). They did not claim that the Conservation Commission acted improperly.

2 Bixby Road: The Zoning Board of Appeals received a “Special Permit for Change of Use” application. The plan submitted does not match the Conservation Commission plan and has a lot more detail. The ZBA plan shows parking but does not indicate whether it’s paved or not. It shows an additional catch basin conveying parking runoff to the retention basin; an infiltration area by the building on the Main Street side and plantings but no fence or planting by the retention pond. It’s an old plan done by Gobi Engineering. Ms. Scarlet sent a memo to the ZBA warning about the differences and saying another application to the Conservation Commission might be required if the applicant plans to do the work to match the ZBA plan. Also, a site plan review by the Planning Board might also be needed.

The lawyer, Nelson Ezen, for the potential buyer of 2 Bixby Road came in. He looked at the two plans. His client is the applicant for the ZBA permit and they did not know of the RDA or its associated plan. Atty. Ezen plans to get a new drawing for the ZBA submission that takes the RDA/Determination plan and adds the existing conditions so that the two plans match up and match with the statement that no other outdoor changes are intended or planned. Ms. Scarlet thinks that should work fine.

9 Sycamore Avenue: A request for a Certificate of Compliance was submitted. Ms. Scarlet said it’s well done and all stable. She recommends a Certificate of Compliance.

37 GH Wilson Road: Denise Aucoin asked Ms. Scarlet to inspect the property and tell her whether Ms. Scarlet thinks she has complied fully with her Enforcement Order. Ms. Scarlet thinks she has. Ms. Scarlet will send a letter to Ms. Aucoin saying so.

Ms. Aucoin’s pasture is still being flooded out. She has talked with Mr. Patrick Garner because the dam is on his property. Ms. Aucoin has Mr. Garner’s permission to clean out the existing beaver pipes. She proposes to hire one of the professional wildlife control persons listed on the Fish and Wildlife website to do the actual clearing. Ms. Aucoin will talk with the Conservation Commission when she has that lined up. Since those pipes were permitted when installed, Ms. Scarlet thinks maintenance doesn’t need a new permitting process as long as the water level changes slowly. Perhaps the Commission should interview the professional hired. Ms. Scarlet thinks Ms. Aucoin is doing pretty well at working with the Commission now that we have her attention. Ms. Scarlet will call Ms. Aucoin and let her know a Notice of Intent is needed to put beaver pipe back into working order. The old permit has expired and the pipes have not been maintained for a long time.

33 Kingsbury Road: This is a forest cutting complaint. The land is R25/40. The owner is Willard Legg of Leicester. Access and hauling were through the Pilling land. The complaint came from Mary Mason of 198 Greenville Street. She abuts the land to the east. There are no permits or subdivision applications for the property.

Ms. Scarlet called Guy LaChance, our DCR Service Foster. There is no Forest Cutting Plan. Ms. Scarlet estimates that the logging is right on the edge of the amount for which a plan is required. If the tops are later cut up for cord wood that would put it over the threshold.

Ms. Scarlet will send a letter to Mr. Legg telling him about the Forest Cutting Practices Act and advising him to contact Mr. LaChance within the next two weeks. Meanwhile, Mr. LaChance will be in Spencer next week and will take a walk around the property. Mr. LaChance will follow up with enforcement if he doesn't hear from Mr. Legg. Ms. Mason will let me know if they start cutting up cordwood.

Cranberry Meadow Lake: We've received notice from Lycott that the lake will be sprayed with herbicide on June 8th. The target species are Ptamageton pusillus, (Small Pondweed) and Elodea Canadensis, (Waterweed), both native species. The herbicide is Diquat (brand name Reward); a non-selective herbicide used as a general purpose herbicide for a wide range of macrophytes. At the DEP allowed application rate it "is not expected to cause fish kills" but toxicity is higher for invertebrates. Repeated (5 years in a row) it can cause changes in the food chain, hence the ecology of the water body.

Small Pondweed is a listed "species of Special Concern" i.e. a rare species in Rhode Island and New Hampshire. The plant information implies that the weed problem at Cranberry Meadow Lake is due to shallow water and nutrients rather than invasive exotics.

Ms. Scarlet proposes that she forward the plant and herbicide information to the Cranberry Meadow Lake Association. She notes also that it's possible that Lycott misidentified the small pondweed. In any case, as named, it's not a listed species in Massachusetts.

Brooks Pond: The Conservation Commission has not received a treatment plan or monitoring reports from the Brooks Pond Association (BPA) or their consultants in 2009. This year we've heard nothing yet but the Assessors Office told Ms. Scarlet that Lycott Inc. has recently asked for an updated list of abutters. That implies the BPA has changed consultant/contractors and the treatment is planned for this year. The Order of Condition says treatment plan should have been given to us last fall based on what happened that year. Ms. Scarlet sent an email to the BPA folks reminding them to read their Order and catch up by sending (or having Lycott) monitoring information and treatment plan for this year. Ms. Scarlet added that even if they end up planning no treatment they should keep the Commission apprised at least annually and they should keep watch on pond condition, reporting that too.

Thompson Pond: Marty Nathan emailed a complaint saying that the Highway Department was scraping away the sides of Thompson Pond Road exposing them to erosion. Mr. McNeil responded to my questioning email that the towns' sweeper was hit by a passing truck and put out of action until repaired. They're not certain that it's

repairable. The town excavator is scraping up winter sand at road margins. This year scraping is being removed in a truck, not just shoved off the side.

Ms. Scarlet went and looked at Thompson Pond Road. Only the causeway area was affected. As far as she could see no sand was pushed over the side. A berm with grass was left on each side except at the lowest spot where water has always poured off into the pond. Mr. Nathan is correct that there will be some erosion, however, until that causeway is rebuilt, Ms. Scarlet sees little other option. Closing off the low point outlet will first cause hazardous road flooding and then when the water breaks out, worse erosion. Ms. Scarlet would add that this is the first year that sand wasn't just shoved over the edge.

New Applications: Chickering Road Culvert, NOI
33 Oakland Drive, RDA

A motion to adjourn the meeting at 9:23 p.m. (Lochner/Snow) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services