

Conservation Commission – Town of Spencer

Minutes



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

The Meeting was opened at 7:02 p.m. Ms. Scarlet announced that the meeting is being recorded.

Commissioners Present: Ernie Grimes, Mary McLaughlin, Ram Moennsad, Judy Lochner (arrived at 7:09 p.m.)

Commissioners Absent: Warren Snow

Staff present: Ginny Scarlet

7:16 p.m. Opened the Public Hearing for Notice of Intent for Mercie Vinton Property: 7 Point Eastalee Drive, Spencer, MA DEP#293-0747

Mr. Richard Gobi presented the plan. The current septic system is failing. Special infiltration units are being used to reduce the mounding. Mr. Gobi brought a new plan that shows the trees to be cut. The plan changed to add the relocation of the existing grass boat ramp. The limit of the system work is about 40 feet from the water. There is no other place to put the system. Relocating the ramp requires three trees to be cut and some re-grading for the ramp to go around the end of the system hump. The existing arborvitae will be moved over to the lot line. The “ramp” will stay a grass slope (like the present ramp) and the water entry will not change. ESC will be moved to accommodate the added grading, etc. A hydraulic boom will be needed. The Sugden Association Members no longer have a functional boom. Mrs. Vinton asked where she could get a boom. The Commission did not know. It was suggested to ask Mr. Dave Bercume, the installer. He may have one or know someone who has a boom. Mr. Gobi asked Mrs. Vinton when she plans to start the work. She said the work is supposed to start October 20th.

A motion to close the public hearing (Moennsad/McLaughlin) passed 4/0.

The proposed conditions are as follows:

- Standard ESC conditions
- Hydraulic booms

A motion to accept plan as submitted with conditions as discussed (McLaughlin/Moennsad) passed 4/0, Order of Conditions to be issued.

7:30 p.m. Opened the Public Hearing for Notice of Intent for Patrick Perkins

Property: 43 Lambs Grove, Spencer, MA DEP#293-0748

Damon Hopkins represented Patrick Perkins. The owner of the property is Brian White. The project is to construct a deck extension with limit of work 23 feet from the lake. The ESC is no less than five feet from the edge of the lake. A boom will be required. Four new sonotubes are need for deck supports. The two foot bed of stone along the ground at the edge of the deck/patio will infiltrate runoff from the new hard surfaces and keep it from running to the lake. Stock piles of material excavated for the big foot sonotubes must be covered or removed from the site daily.

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

The proposed conditions are as follows:

- Standard ESC conditions
- Hydraulic booms
- Concrete washout pit requirements

A motion to accept plan as submitted with conditions as discussed (Lochner/Moennsad) passed 4/0, Order of Conditions to be issued.

Other Business:

Lake Street Extension: Mr. Houston and Mr. Simikauskas presented a joint plan. The Commission examined the plan. Between Mr. Houston's and Mr. Simikauskas's houses and the foot of their driveways, a four foot wide trench will be dug and filled with three inch stone. This will minimize runoff the runoff which flows into the street.

Ms. Scarlet said she went to the Wissiups' house today around 9 a.m. because they work at night and said that was the best time to find them at home and awake. Both cars were there but no one answered the door. Ms. Scarlet left 2 copies of a note reminding them of tonight's meeting, one stuck into the door frame and one in the gas filler flap of a car. The note asked them to call Ms. Scarlet if they could not come; they did not call. Ms. Scarlet said if the Commission feels it appropriate, she will have the Constable deliver a Enforcement Order. The Commission agrees.

Ms. Scarlet said the Berrys, who were present, need to provide a swale with rock in it large enough for water to go on down into lake. It should be easy to have constructed; such swales are common drainage structures. Mrs. Berry said there was already a trench along the stone wall. Ms. Scarlet said the town cannot work on the trench to create a swale. It is on private property, draining a private road. Mrs. Berry said she gets the brunt of all the water and doesn't see why she has to install the swale. Ms. Scarlet explained to Mrs. Barry that it is up to them to maintain their property and that they own the road and the drainage right of way, therefore, they need to maintain them. Mr. Berry asked what size stone should be placed inside the swale. Ms. Scarlet suggested a stone 2 inches in diameter or larger – heavy enough not to wash away. Mr. Barry said he knows you are not supposed to dig near a lake; what is he supposed to do when he wants to dig the

swale? Ms. Scarlet said to contact her when they want to dig the trench and she will help with the necessary paperwork.

Ms. Scarlet said all the runoff projects should get done by next spring. Mr. Houston said he can have his plan done in four to five weeks. Mrs. Berry said she has someone who can do the work. Ms. Scarlet said Mrs. Berry should have the worker do a sketch plan and bring it to her and get the paperwork started. Mr. Grimes asked if the Commission would like to do a site visit to these properties. Mr. Moennsad indicated that he would like to do a site visit. A site visit was scheduled for Monday, September 13th at 6 p.m.

Thompson Pond Herbicide Treatment: A parent, Mr. Michael Toomey, emailed Ms. Scarlet saying he spotted the treatment notice posted by Thompson Pond Road as he was driving his son to band practice at Camp Marshall. There were no postings at the camp and no one there knew about it. Ordinarily the band gets hot at practice and then goes for a swim at the beach. This time Mr. Toomey warned everyone.

Ms. Scarlet reported that when she got Mr. Toomey's message, she emailed Marty Nathan and Bert Drexler of the Lake Association and Lycott, Inc. the herbicide applicator about the problem. She strongly recommended that the Commission modify the Thompson Pond Order of Conditions to require that the camp be notified at least a week before treatments and that they supply signs for the Camp to use for posting so all visitors are aware of the treatments. She noted that the camp would need time to adjust activity schedules. Ms. Scarlet also spoke by phone and email with Jeanne Cassavant, the camp Director, copying Lycott, Marty and Bert on the email so all have each other's email addresses and can communicate directly.

Mr. Toomey pointed out that there are people coming from out of state to go to this camp. There is no way for them to know what is going on with the camp unless it is posted at the camp. There needs to be postings all over the camp. Ms. McLaughlin suggested that an "all call" be done including the Camp as they did with Sugden. Ms. Scarlet noted that Mr. Lee Jarvis is the Board of Health agent and has access to the town's call system. Mr. Toomey suggested putting notice on Spencer Cable Access. Ms. Scarlet will bring up to Mr. Jarvis the health aspects and notices and consider other risky activities near beaches which could be posted. Ms. Lochner added that the amendment to the Order of Conditions should state that the applicant notify the Conservation Commission, Board of Health and the Board of Selectman so they will be prepared to handle phone calls as well as doing the posting.

Thompson Pond Bridge: Ms. Scarlet received a call from DEP expressing concern that if Thompson Pond is drawn down, it may cause a flooding problem down the seven mile river by Lake Lashaway where there is drawdown in progress. The timing of the two projects is now being coordinated. Mr. Grimes said that he thinks if it doesn't rain, there won't be a problem. Ms. Scarlet will not issue the Emergency Certificate until sure things are carefully coordinated. Mr. McNeil would like to start drawdown next Monday if he can pull things together. A reverse 911 phone call will go out to Thompson Pond residents. Ms. Scarlet will keep the Commission informed.

Ms. Scarlet is going on vacation from September 23rd through October 11th. Mr. Grimes will be the contact and Ms. Lochner will be the backup. If the Thompson Pond Emergency Certificate is not issued before Ms. Scarlet leaves, she will leave it with Lisa. The Certificate can be signed by any member. Ms. Scarlet will be checking email every couple of days and Lisa may call Ms. Scarlet if necessary by cell phone.

Howe Pond Dam: Repair work on the dam control seems to be completed. DCR does not plan to file a follow-up Notice of Intent. Ms. Scarlet is monitoring the pond level which has not risen, largely due to the drought. There is water reaching Cranberry Brook from a tributary just below the dam but the dam low flow gate appears to be closed.

Spencer Abbey Dam: The Tighe and Bond engineers concluded they need to draw the Abbey pond down even further; about two feet to learn more. Because of the drought, Ms. Scarlet has said that they may not draw down until significant rain is predicted to fall within a week of the start of their drawdown so the pond will be refilled quickly. Ms. Scarlet also said that there must be flow maintained downstream of the dam at all times. The Abbey is complying and cooperative.

Bond Corp. Withdrawal: The Real-time USGS gauge at Cooney Road indicates that Bond is still drawing the river down to practically nothing (less than 0.2 cfs). Ms. Scarlet emailed Richard Hartley, head of DFW Fisheries, asking how to establish a defensible minimum flow that the Commission can require Bond to maintain. So far, no answer. Mr. Hartley did leave a message on Ms. Scarlet's voicemail asking her to email him more specifics. Ms. McLaughlin asked if Bond has installed the meter. Ms. Scarlet said she has not verified that. DEP did send Bond a Notice of Violation letter so she hopes Bond will install a meter soon if they have not yet. Mr. Toomey added he thinks that if Bond is pumping out that much water it is affecting Spencer's TMDL compliance.

Depot Trail fishing pier: Ms. Scarlet has heard nothing from Chris Wallace in spite of emailing to ask whether he intends to pursue the project. Ms. McLaughlin commented that she has Chris in class and she will speak with him. Ms. Scarlet will send a reminder email to Ms. McLaughlin.

Chickering Road Appeal: Ms. Scarlet said that Mr. Fournier has sent a fax to the ODIS office. In the fax he asserts that he extracted taped minutes of the "last meeting". That would be the 8/25/10 meeting since the fax is dated 9/2/10. The meeting was recorded but no one has been to the office to listen to the tape or to re-record the tape of the 8/25/10 meeting. Ms. Scarlet thinks that the rest of the fax goes on to say that one of the Commission members voted and then quotes Ms. Scarlet as having previously told the member that he would not be allowed to vote because of having been absent from previous hearings. She is not sure because the fax is partially illegible. Ms. Scarlet confirmed that she did say Mr. Moennsad could not vote. Mr. Moennsad did not vote. He continued that after the 8/25 vote he, himself, said that although he could not vote, he wished to express his opinion that if the Office of Dam Safety had no concerns, he thought the project should go forward. Ms. McLaughlin pointed out that that information

was not stated in the draft minutes. Mr. Grimes said that it should be added to the minutes.

On the basis of the procedural error he presumed, Mr. Fournier asks the Commission to rescind their decision. *A motion was made to take no action (McLaughlin/Moennsad) passed 4/0.*

31 or 33 Lake Avenue: Ms. Scarlet reported that there is a monster puddle in front of this property. Ms. Scarlet noticed that there is a garden hose and a pump by the road which had been used to pump out the puddle with the discharge into a channel running right into Stiles Reservoir. She also saw another discharge pipe further away on the property that ended at the same channel to the lake. Ms. Scarlet will investigate further.

43 Lake Avenue: The owner wanted to speak with Ms. Scarlet about how to encourage his neighbors to upgrade the road. Ms. Scarlet and the owner talked about betterments and the processes. He will try and put out flyers to his neighbors. Ms. Scarlet told him if he succeeds in getting his neighbors to help out, she has promised to come and talk to everyone and help out with procedures.

Building Code: Ms. Scarlet read the Mass building Code, 7th Edition. The building inspector has told Ms. Scarlet that he will check surface drainage and he asked Ms. Scarlet to let him know about drainage problems she comes across.

Sullivan Street: The detention pond has been cleaned out, the swale fixed and the detention pond flow reconfiguration is in. They were done by the end of Tuesday, their August 31st deadline. Ms. Scarlet said Mr. Jardus can get a Certificate of Compliance and Mr. Kady can get his from DEP once he builds his houses. The statutory extension of all land use permits applies to his Orders so they won't expire until 8/13/13. Mr. Kady and Glenn Krevosky (working for Mr. Jardus) deserve kudos for pushing Mr. Jardus and working out the methods. Mr. Jardus should get some recognition for finally putting up the money to get it done.

Minutes Approved: August 25, 2010 – *A motion to approve the minutes as amended (Moennsad/Lochner) passed 4/0.*

Envirothon: Ms. McLaughlin said the topic this year is Stormwater. She might have Ms. Scarlet come and talk to the kids at school.

New Applications: None

A motion to adjourn the meeting at 9:32 p.m. (Moennsad/McLaughlin) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

List of Documents Used

- Draft Minutes of August 25, 2010
- Notice of Intent, 7 Point Eastalee, DEP file #293-0747 from Mercie Vinton, 8/14/10
- Inspection Report 9/1/10 by Ginny Scarlet
- Site Inspection 8/30 by Ernest Grimes, Mary McLaughlin & Ram Moennsad, Commission members
- Plan of Sewer Disposal System, 7 Point Eastalee Dr., Spencer, by Richard Gobi, R.S. #978, Revised 9-8-10.
- Notice of Intent, 43 Lambs Grove, applicant JEP Contracting, DEP file # 293-0748, 8/17/10
- Sketch Plan of 35 Lake St. Extension, 9/8/10
- Sketch Plan of 35.5 Lake St. Extension 9/8/10
- 11 Photographs of Sullivan Street drainage system taken by Ginny Scarlet, 8/31/10
- Letter received by Spencer Board of Selectmen, forwarded to the Conservation Commission – From the Coalition for Massachusetts Forest Health, dated 8/19/2010.
- 11/29/09 Letter from David R. Foster to “Dear Colleague re Harvard Forest Publication, “Wildlands and Woodlands: A Vision for the Forests of Massachusetts.
- Foster, David et al, “Wildlands and Woodlands, Harvard Forest, Harvard University, Petersham, MA. 23 pp.
- Copy of a letter to Robert Fournier from Adam Gaudette, Spencer Town Administrator, dated 7/21/2010.
- Copy of section 5401.3 of 780 CMR 54.00 (Mass Building Code).
- Copy of 9-2-10 fax from Bob Fournier to Spencer Conservation Commission, Virginia Scarlet.