

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, March 9, 2011, at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at: 7 p.m.

Commissioners Present: Ernie Grimes (Chairman), Judy Lochner, Dana Reed, Ram Moennsad, Warren Snow

Commissioners Absent: Mary McLaughlin

Staff present: Ginny Scarlet

Minutes Approved: February 23, 2011 – *A motion to approve the Minutes as amended (Snow/Moennsad) passed 5/0.*

No Public Hearings

Other Business:

3-year Extension request, 135 West Main Street: Mr. Grimes said this project had expired in April, 2009, but because the State Legislature extended all permits an additional two years, the project is now up for expiration in April, 2011. Ms. Lochner asked if anything changed with endangered species. Ms. Scarlet said she contacted the Natural Heritage program. They found the file and their letter approving the project and there are still no problems with the project. *A motion to grant a 3-year Extension (Reed/Lochner) passed 5/0.*

2 Howe Road/122 Charlton Road: Ms. Scarlet reported that she gave the list of requirements, which the Commission discussed with the Terrys on February 23rd, to the Terrys in the form of an Enforcement Order. *A motion to ratify the Enforcement Order (Lochner/Moennsad) passed 5/0.*

Notice of Intent for the Town of Spencer: Ms. Scarlet gave the Commission draft conditions for the town's routine work on public roads. The Commission reviewed them. Ms. Lochner said she agreed with conditions 1 through 5. Ms. Lochner commented that in condition #7 there should be a time period before work starts for the Commission or its agent to review the markings. Ms. Scarlet agreed but mentioned another problem with this condition. She continued that the list submitted by Mr. McNeil for work that will be

done is town-wide work. Running around marking every resource area all around town all at once is not going to be feasible. Mr. Grimes agreed. Ms. Scarlet recommended deleting “before work may start” from the condition. Ms. Lochner thought that only certain projects would need to be done within a resource area. Mr. Reed agreed. Roads skirt the margins of most areas. Ms. Scarlet said the roads go right through flood plains and riverfront, which all should be marked. Mr. Reed asked when they should be marked when the work is planned or should they be marked just in general. Ms. Scarlet said Mr. McNeil is hoping the areas will eventually be permanently marked. Ms. Scarlet doesn’t believe all the areas can be marked by the time this year’s work begins. Ms. Lochner asked if Mr. McNeil proposes to mark all the areas. Ms. Scarlet said he does propose to mark them, but did not set a schedule. Ms. Lochner suggested the condition read that all areas must be marked before the Order can be extended. Ms. Scarlet will revise the condition.

Other changes were agreed. Ms. Lochner commented that condition #8 should be moved and become a general condition. Ms. Scarlet said on condition #9, she would like to change it to read 21 days, not 14 days because of when the Commission meets. Mr. Grimes agreed. Ms. Lochner said to keep condition #11. Mr. Grimes said if protection measures are being installed, the Commission wants to make sure they were installed correctly.

Mr. Grimes said if the Highway Department is replacing a culvert or a catch basin they should have at least a couple oil absorbent pads on site; but it’s not always necessary to have the whole spill kit on site. Ms. Scarlet will write the condition for culvert replacements and catch basins to state there must be site-specific oil absorbent materials (boom or pads) adequate to be effective for site equipment and configuration.

Condition #13 was changed to cite the paragraph in the “Project Types and Sequence of Work” section of the Notice of Intent for routine Highway maintenance.

Ms. Lochner commented that corrections need to be made in the project list for the resource areas specific to each item. Ms. Scarlet asked if the Commission wants her to re-write them in the Order of Conditions. She believes that would be best because if the Notice of Intent is altered, the NOI would have to be re-submitted to DEP. Ms. Scarlet said a project list could be attached, to the Order or incorporated into the Special Conditions, in the Order of Conditions. Mr. Grimes and Ms. Lochner agreed. Ms. Lochner commented that Ms. Scarlet had done a very good job drafting the Conditions.

A motion to approve the Conditions as discussed (Moennsad/Lochner) passed 4/0.

Ms. Lochner asked if the last paragraph of the findings was going to be deleted. Ms. Scarlet said yes, it will have to be deleted.

Lake Street Extension Enforcement: Ms. Scarlet took photos today and gave them to the Commission. Neither Mr. Houston nor Mr. Simikauskas have communicated with Ms. Scarlet about why nothing has been done. Ms. Scarlet asked the Commission to issue Enforcement Orders; she had prepared drafts for signature. The deadline for work completion in the Enforcement Orders is June 30, 2011. *A motion to issue the Enforcement Orders for Mr. Houston and Mr. Simikauskas (Snow/Reed) passed 5/0.* The Commission signed the Orders.

10 West Main Street: A Certificate of Compliance request was received from Al Letendre. Ms. Scarlet did a site inspection and everything looks fine. Ms. Scarlet recommends that the Commission issue a Certificate of Compliance. The design engineer, Jason Dubois of Bertin Engineering, sent a letter certifying that the work matched the approved plan. Ms. Scarlet will attach the Operation and Maintenance Plan, to the Certificate so it, too, will be recorded at the Registry of Deeds. *A motion to issue a Certificate of Compliance for Country Spirits (Lochner/Moennsad) passed 5/0.*

Highway Department Culvert Cleaning: Ms. Scarlet received a list of culverts that the highway department needed to clean due to road flooding. Ms. Scarlet gave Eben Butler, Highway Foreman, an Emergency Certification to clean all the culverts on the list. *A motion to ratify the Emergency Certification (Moennsad/Snow) passed 5/0.*

Fishing Pier: Chris Wallace is unable to do the project due to too much red tape and high cost.

Sugden Dam repair schedule: Ms. Scarlet gave a copy of the email from Mr. McNeil with the repair schedule to the Commission. Completion date is set for May 27, 2011. If there is a lot of rain, it will not be possible to lower the reservoir and that will delay the project. Last summer's meddling with the low flow gate by unknown persons make it harder to lower the lake rapidly. If the weather cooperates, the completion date should be met.

85 Cherry Street: A complaint was received that there was intermittent pumping of some kind of discharge to a stream north of Cherry Street. Ms. Scarlet investigated and it was a sump pump discharging clean ground water.

Letter to Adam Gaudette: Ms. Lochner had been asked to revise the letter to Adam Gaudette regarding funding for clerical and training activities. Ms. Lochner read the letter. The Commission agreed the letter was well written. *A motion to approve the letter (Snow/Moennsad) passed 5/0.* A copy will also be submitted to Lee Jarvis and the Board of Selectmen.

Snowmobile Bridge: Ms. Scarlet followed up on Mr. Lapierre's request to rebuild the snowmobile bridge over the Seven Mile River near McDonalds. Ms. Scarlet said a DEP Chapter 91 permit is needed because it is a navigable river, an Order of Conditions is needed from the Conservation Commission and a 401 water quality certification must be obtained from DEP in order to rebuild the bridge. Ms. Scarlet got some encouragement from Adam Gaudette and Michelle Buck that the project could be a joint town project because trails are a high priority in the Open Space Plan.

Mr. Grimes will be late to the next meeting on March 23, 2011.

New Applications: None

A motion to adjourn the meeting at 8:48 p.m. (Snow/Reed) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

LIST OF DOCUMENTS USED
CONSERVATION COMMISSION MEETING
March 9, 2011

Agenda, Conservation Commission Meeting, Wednesday, March 9, 2011
Annotated Agenda, Conservation Commission Meeting, Wednesday, March 9, 2011
Notes taken of Conservation Commission Meeting, March 9 2011 by Ginny Scarlet
Sign In Sheet for Conservation Commission Meeting, March 9 2011 by Ginny Scarlet
Order of Conditions, DEP File # 293-0603, 135 West Main St, Spencer
Extension Permit for Orders of Conditions, DEP File # 293-0603, 135 West Main St, Spencer.
Notice of Intent for Routine Maintenance of Public Roads Town-wide, DEP # 293-0754, Spencer Department of Utilities and Facilities.
Draft Findings & Conditions for DEP # 293-0754
Letter to Kristin Houston dated 3/9/11 from Ginny Scarlet
Letter to Alan Simakauskas dated 3/9/11 from Ginny Scarlet
Inspection Report from Ginny Scarlet, re Lake Street Extension, 3/9/11
Photographs of Lake Street Extension taken by Ginny Scarlet, dated 3/9/11 ; 5 pages, 19 photos.
Enforcement Order to Kristin Houston dated 3/9/11 re 35.5 Lake Street Extension
Enforcement Order to Alan Simakauskas dated 3/9/11 re 35 Lake Street Extension
Enforcement Order to David and Michelle Terry
EPA website information re Construction Site Runoff Control download dated 2/13/2011.
Order of Conditions re DEP# 293-0724,10 West Main Street, Country Spirits, LLC, dated 3/9/11.
Certificate of Compliance for DEP# 293-0724,10 West Main Street, Country Spirits, LLC, dated 3/9/11
Email from Robert McNeil, to Alan Stolarczyk et al, re Sugden Dam Repairs, dated March 7, 2011
Letter to Adam Gaudette from Conservation Commission re clerical support, dated 3/9/2011
EPA website information re Construction Site Runoff Control download dated 2/13/2011.