

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, April 27, 2011, at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Ernie Grimes (Chairman). Mary McLaughlin, Dana Reed, Warren Snow

Commissioners Absent: Ram Moennsad, Judy Lochner

Staff present: Ginny Scarlet

Minutes Approved: April 13, 2011 – *A motion to approve the minutes as amended (Snow/McLaughlin) passed 4/0.*

7:18 p.m. Opened the Public Hearing for Request for Determination of Applicability for Raymond Chapin

Property: 82 Chickering Road, Spencer, MA

Mr. Chapin said the deck was destroyed by the snow from this past winter. With the deck being destroyed, there was only one means of egress for the house; therefore, the deck needed to be done right away. Hay bales and silt fence have been installed. The deck will hopefully be completed within the next two weeks.

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

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

Other Business:

Envirothon Students: Jesse, Amy and Nicole from David Prouty High School were present to discuss wetlands and vernal pools. They asked what recreational activity is damaging to the vernal pools. Mr. Grimes answered that the 4-wheeler and dirt bike activity damage the vernal pools. A student asked if there are other wetlands, other than vernal pools, that are affected by that activity. Ms. Scarlet said there is a property that the Commission needs to investigate because it is being used as a dump and there are machines crossing back and forth through a perennial stream. Ms. McLaughlin said the kids are supposed to visit a place where there are vernal pools. Ms. Scarlet said they should start on the Depot Trail from the Chestnut Street end and walk down. There are a number of wetlands on the left. Mr. Grimes added that if they start on the trail that goes

to the dump, there is a stream out there. He doesn't know if there is a bridge there to cross the stream.

One of the students asked how many acres of wetlands there are in Spencer. Ms. Scarlet will research the answer and get back to them. Jesse asked if there are any wetlands that have a hydrologic connection to the municipal drinking water system or waste water system. Ms. Grimes said yes, approximately two thirds of town.

Ms. Scarlet said boats and jet skis cause shore erosion. Ms. McLaughlin asked if the snowmobiles cause any damage. Ms. Scarlet said the snowmobilers are pretty good; they stay on the trails and are used when the ground is frozen.

Another question asked was how to tell the difference between a culvert and a drainage pipe. Ms. Scarlet said sewer pipes carry sewage only and are all tied underground. Drainage pipes are only supposed to carry clean water but there are all types of misconnection.

It was asked if there are any recent newspaper articles on the wetland protection in Spencer. Ms. Scarlet said the New Leader usually doesn't cover that. Mr. Grimes said the last thing he can remember is the article about 51 Borkum Road. They said the ATV activity destroyed the wetland, which Ms. Scarlet said isn't true. The rain storm activity ruined the wetland. The ATV's didn't help.

Signed: 33 Browning Pond Road, Order of Conditions

Public Hearing: Conservation Commission Draft Regulations to implement Spencer's local wetlands bylaw: This is the version approved by the Commission at the meeting of March 23, 2011. No members of the public appeared to comment. *A motion to adopt these regulations (McLaughlin/Snow) passed 4/0.*

15 Sherman Grove: Ms. Scarlet said everything is done beautifully and she recommends issuing a Certificate of Compliance. *A motion to issue a Certificate of Compliance (McLaughlin/Snow) passed 4/0.*

8:00 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Michael Archambeault

Property: 75 Jolicoeur Avenue, Spencer, MA DEP#293-758

Mr. Jason Dubois, Bertin Engineering, is the representative. The project is to excavate a real basement where only a crawl space exists. The excavated material will be trucked away as it is dug out. A French drain will be installed on the road side of the house to catch any water that comes from Jolicoeur Avenue. It will come out approximately 25 feet from the water. They do not expect to hit groundwater when digging. A second story may be added to the building but that would not involve any site work. The basement will have a poured slab floor and, if the existing foundation side walls don't go deep enough, they will be extended down.

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

The proposed conditions are as follows:

- Hydraulic boom required
- dirt is to be trucked away
- ESC to be the limit of activity
- if groundwater is reached, must confer with the Commission
- attenuation at end of the drainage pipe.

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

Muzzy Pond clean-up: Will be on May 14th, Spencer Pride Day. Ms. Scarlet talked to Eben Butler. The Highway Department will provide the trucks to haul the trash. Mr. Butler suggested lowering Muzzy Pond up to a foot. He doesn't want to do it without the Commission's permission. Ms. Scarlet asked if the Commission is officially going to sponsor this clean up. It will be placed on the website. Ms. McLaughlin will put up notices at the High School. Mr. Grimes asked how many Commissioners can be there. Mr. Snow cannot be there, Mr. Grimes cannot be there, Mr. Reed cannot be there and Ms. McLaughlin has a prior commitment but does think she will be able to make part of it. Ms. Scarlet will check with Ms. Lochner and Mr. Moennsad. Ms. Scarlet can be there. Ms. Scarlet said she will ask Mr. Butler if he can provide gloves. *A motion to co-sponsor Spencer Pride Day Muzzy Pond Clean up with the First Congregational Church, Spencer, on Saturday, May 14, 2011 (Reed/Snow) passed 4/0.*

Condon Drive: Property R21/11. There is evidence of some dumping along with a possible wetlands violation. Ms. Scarlet will investigate and report back to the Commission.

Cell Tower off Donnelly Road: Mr. Grimes reported there is erosion down the tower access road that goes along the road into the intermittent stream. The drainage under the driveway is plugged also. Ms. Scarlet will find out the owner's name and will enforce.

67 Jolicoeur Avenue: Ms. Scarlet sent Enforcement Orders to both the contractor and owner. A fine was also sent to the owner. Ms. Scarlet inspected yesterday and there is still no action. Ms. Scarlet told the owner and contractor about the new compliance inspection fee structure. The Commission could not ratify the Enforcement Order due to the fact that Ms. McLaughlin is tied to the applicant, so there is not a quorum to vote. Ms. Scarlet took a poll of Commissioners that are in favor of ratification. Mr. Snow is in favor, Mr. Reed is in favor and Mr. Grimes is in favor. Ms. McLaughlin abstained. Ms. Scarlet will ask for the Enforcement Order to be ratified at the first meeting with a suitable quorum.

DEP funding: Mr. Snow said he believes it is appropriate to send the letter to our legislators. Mr. Reed is not comfortable telling the legislature how to do their budget. Ms. Scarlet said it is Mr. Reed's job as a citizen. Mr. Reed said it is his job; he is just not comfortable doing it as part of the Commission. *A motion to send a letter to State*

Legislatures in support of DEP funding (Snow/McLaughlin) passed 3/0, Mr. Reed abstained. Ms. Scarlet will draft the letter and Mr. Grimes will sign it on Monday night.

109 Wilson Avenue: There was hydraulic machinery on site without a boom. Ms. Scarlet had a talk with the supervisor that was on site and he gave her the name of the contractor. Ms. Scarlet got in touch with the contractor and told him he needs the boom. She will inspect again.

129 Wilson Avenue: The owners have been cutting wood and dumping the saw dust into the wetlands. Ms. Scarlet will send a Notice of Violation letter.

Ms. Lochner and Mr. Snow will be unable to attend both May meetings.

New Applications: NONE

A motion to adjourn the meeting at 8:48 p.m. (Snow/Reed) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

LIST OF DOCUMENTS USED 4/27/11

- Annotated Agenda, Conservation Commission Meeting, Wednesday, April 27, 2011.
- DRAFT Minutes of April 13, 2011
- Request for Determination for Raymond Chapin, Property: 82 Chickering Road, Spencer, MA
- Determination for Raymond Chapin, Property: 82 Chickering Road, Spencer, MA
- Draft Spencer Conservation Commission Rules and Regulations, Adopted April 27, 2011
- Request for Certificate of Compliance for 15 Sherman Grove.
- Certificate of Compliance for 15 Sherman Grove.
- Order of Conditions for 33 Browning Pond Road, DEP#293-757
- Notice of Intent for Michael Archambeault, Property: 75 Jolicoeur Avenue, Spencer, MA DEP#293-758
- Certificates of Mailing of Notice to Abutters for DEP#293-758
- Copy of letter from Lee Jarvis, Health Agent to Nicholas Guerin owner of Map R21/Parcel 11 off Condon Drive, Spencer, MA, dated April 24, 2011
- Conservation Commission Inspection Fee Schedule Effective April 15, 2011 – June 30, 2011.
- Enforcement Order to James Bouley, Jr. issued 4/26/2011 Re 67 Jolicoeur Ave, Spencer with fine, inspection fee schedule, and cover letter.
- Enforcement Order to Cyrus Rich, issued 4/26/2011 Re 67 Jolicoeur Ave, Spencer with, inspection fee schedule, and cover letter.