

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, October 12, 2011 at 7:00 PM
Town Hall, Conference Room A

The Meeting was opened at 7 p.m.

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

Commissioners Absent: Ram Moennsad

Staff present: Margaret Washburn

Minutes Approved: September 14, 2011 – *A motion to approve the Minutes as amended (Reed/McLaughlin) passed 5/0.*
September 28, 2011 – *Tabled until October 26, 2011*

Signed: 1-year Extension, Deer Run, Phase II

NO HEARINGS

Other Business:

Attendance: Ms. Lochner and Mr. Snow will not be at the October 26, 2011 Conservation Commission meeting. Mr. Grimes will be late for the October 26th meeting. The hearings will start at 7:30p.m.

127 Ash Street: Mr. Bill Klewicz was issued an Enforcement Order on July 12, 1992 for altering a BVW, a bank, land under water body (dredging), and bordering land subject to flooding. Mr. Klewicz filed an incomplete Notice of Intent in August, 1992 asking to dig out a 1,000 square foot pond. He was issued a letter stating the NOI was incomplete based on missing plan requirements for a NOI for large projects. Ms. Washburn suggested the Commission schedule a site visit before making any decisions on this property. Mr. Klewicz went to apply for a loan and the bank said the Enforcement Order was attached to the deed. Mr. Grimes said EO's are not supposed to be recorded on the deed. Mr. Klewicz wants to know how he can get this EO taken care of. Mr. Klewicz has not done anything on his property in 20 years. Ms. Lochner said the Commission has come across a recorded EO in the past. The Commission had created their own form releasing that Enforcement Order. Mr. Grimes said he doesn't think a site walk is

necessary, as he is familiar with this property. Ms. Washburn will create an Enforcement Order Release form and the Commission will sign it at the October 26th meeting.

2.5 Buteau Road: Mr. St. Germain does not have all his paperwork completed yet. He asked if the Commission would give him until next meeting, October 26, 2011, to file the paperwork. Mr. St. Germain gave the Commission some sketches he has drawn. He asked if he could use the original land plan from his Engineer, Mark Farrell. Ms. Washburn said Mark Farrell only flagged little pieces of wetlands on either side of the driveway at the crossings and there are a lot more wetlands on the property that Mr. St. Germain is doing work near. She does not believe the original flagging will be sufficient. Mr. St. Germain will hire an Engineer to flag the areas he is working in. Mr. St. Germain will install hay bales and silt fence down slope from the work.

Ms. Washburn said she is not clear if the wetland replication has been completed. Mr. St. Germain said it was worked on. There were plantings done. Ms. Lochner said he should have his Wetland Specialist look at the replication. Mr. Grimes said the replication area should be a wetland now and must be delineated. Ms. Washburn showed and explained the plan to Mr. St. Germain. Mr. St. Germain said he will do everything he can.

Mr. St. Germain will file another Notice of Intent application with a new plan. The Commission will do a site visit when the NOI is submitted.

64 Jolicoeur Avenue: Ms. Washburn issued a letter asking Mr. Gardner to bring the following to tonight's meeting: a plan to redirect runoff from the property to minimize the volume reaching Jolicoeur Avenue, a date by which he will commit to start the work, and a construction schedule including a completion date. Ms. Washburn showed the Commission the photos she took. The Commission discussed their site visit to the property. Attorney Phil Stoddard said if the Commission explains what size common sense detention area is needed then he and Mr. Gardner will give feedback. Ms. Washburn said there is a sketch for the Commission to look at that a neighbor had brought in to show what they did. Ms. Washburn also suggested lining the storm water conveyance with rip rap which would slow the water flow and keep the soil from washing away. Atty. Stoddard said they will figure out a plan of attack and will report back to the Commission.

Depot Trail: Ms. Washburn sent a letter to Mr. Bill Shemeth regarding maintenance of the trail. Mr. Shemeth said the proper thing to do is to put something in the Capitol Plan, therefore, Mr. Shemeth is looking for guidance on what to write up and possible prices. Mr. Grimes said Artie Williamson has looked at the trail. He did measurements and came up with a quote of \$10,000. There should be a quote in the Depot Trail file. Ms. Washburn will give Mr. Shemeth a copy of that quote.

Mr. Shemeth asked if there is anything else the Commission would like done on the trail. Mr. Grimes would like a dozen signs made up that say "No ATV's" because the activity is increasing. The Commission will put up the signs. Three rails need to be replaced on the split rail fence on the South Spencer Road side of the trail. Ms. Washburn also

mentioned that she noticed some truck tire tracks that were on the trail. Ms. Washburn thought maybe putting up a rope or chain would help. Mr. Grimes said that can't be done because it becomes a safety issue.

Mr. Shemeth also suggested installing a couple more benches along the trail. Ms. Lochner said she doesn't think it's a good idea to buy benches if they can't get the money to repair the trail. The trail should not be enhanced until it can be repaired. Mr. Shemeth said the bench request would be separate from the repairs.

Mr. Grimes also wants the washouts repaired, the trail resurfaced with stone dust, the stones removed from the ditches and the water flow reconfigured. Ms. Washburn said there is one spot on the trail where the margin of the trail has collapsed. The top of the bank has caved in. She did take a photo of it.

Budget for Conferences and Training: Mr. Snow said the town cannot pay for conferences or training unless it is in the budget. Mr. Grimes said he thought a letter was already sent to the Board of Selectmen. Mr. Snow said a letter was sent and there was never a response back to the Commission. Mr. Snow said there is a fund, a wetlands account, which can be used to pay for conferences. Ms. Washburn asked Lee Jarvis and he said the town does not budget for members to go to conferences. In the future if a member wants to attend a conference, a line item can be placed in the budget with an amount and sent for approval annually. Ms. Lochner suggested that the letter to the Board of Selectmen be re-sent with a cover letter saying the Commission has not received any response. Mr. Snow suggested that the Commission budget \$600 per year for conferences and \$600 per year for trainings. *A motion was made to budget \$600 for conferences and \$600 for trainings (Snow/Lochner) passed 5/0.* Ms. Washburn will re-send the letter to Town Administrator Adam Gaudette with a cover letter.

45 Lake Street Extension: On October 6th, a constable delivered a letter into their hands with a single fine for \$100. On October 12th, a plan of action with a deadline and a sketch was dropped off at the Town Hall. There was a note attached, with a cell phone number, stating that they both work nights. The Commission reviewed and discussed the plan. After much discussion, the Commission decided to send a letter to the Wissiup's with the following comments and requests:

- Thanking them for submitting their plan,
- the stones must be four to six inch angular stones,
- if they want to create a parking lot, they must submit an engineered plan,
- a driveway contractor must appear on the Wissiup's behalf with a plan that states how deep the trench will be and what pitch the driveway will be.

St. Joseph's Abbey: A forest cutting plan, prepared by Kurt Leslie, was received on October 3, 2011. Ms. Scarlet told Ms. Washburn that he has a good track record and suggested that Ms. Washburn does not need to visit the site as there are no proposed stream crossings, wetland crossings, or harvesting in the wetlands.

67 Jolicoeur Avenue: Ms. Washburn inspected the site on September 6th and took photos. The ESC is allowing sediment-laden water to flow under it toward the cove of Cranberry Meadow. Ms. Washburn issued a NOV on September 6th, giving Mr. Bouley five days to re-install the ESC on the right side of the driveway as one enters the site. Mr. Grimes said to send both Mr. Bouley and the contractor an Enforcement Order to stabilize the bare soil with mulch by October 26, 2011.

2 Thompson Pond Road: Bill Klansek, the building inspector, contacted the owner, Rusty Powell, regarding piles of fill located on town property along Route 31 just before Thompson Pond Road. Mr. Klansek told Mr. Powell to remove the fill and dispose of it more than 100 feet from any wetlands. Mr. Powell agreed to begin removal but says he can only do it on the weekends.

Brooks Pond: Ms. Washburn received a phone call from Jim Barnhill saying he wants to meet to fill out paperwork to cut trees around Brooks Pond. Ms. Washburn returned his call and left a message.

Brooks Pond Bridge: Ms. Washburn said the Commission should request a copy of the permit issued by the Office of Dam Safety to Mass Highway to do work on the private dam. This is the only permit that the Commission has not seen. Mr. Reed said the Commission will have to submit a request for that permit under the Public Records Law. Ms. Lochner said they can just ask Bill Clougherty for a copy.

11 Jolicoeur Avenue: On October 12th Jill Gallagher asked Ms. Washburn if her husband can remove a tree on the bank of Cranberry Meadow Pond that split during Hurricane Irene. Half the tree fell in Cranberry Meadow Pond and half fell on the shed in their yard. Ms. Washburn gave permission to do the storm related work by October 27th, as per the DEP storm related regulations, provided no unstable soils are left after the tree is removed.

134 West Main Street: Gary Kady, contractor, contacted Ms. Washburn asking for a permit to rip up the old driveway and put in a new crushed asphalt driveway. Ms. Washburn inspected on October 5th. There is an existing crossing over a perennial stream on the driveway. Someone from Dr. Goguen's office came in and picked up the NOI packet.

Cranberry Meadow Road: Ms. Washburn inspected Bond's gravel pit on Cranberry Meadow Road on October 4th. New England Organics is reclaiming portions of the site. Ms. Washburn met with Cheryl Poirier of MA DEP, Jim Talvy of New England Organics, and Ed Hubacz of Bond Corp. The access to the northeast part of the pit crosses the Cranberry River which flows through the site. Bond has been maintaining the access roadway to minimize direct runoff to the river, but recent heavy storms have compromised the stabilization of the crossing. Evidence of some erosion causing sand to enter the river on the downstream side of the crossing was observed. Ms. Washburn asked Bond Corp. to stabilize the edge of the crossing with rip rap and they said they would do this soon.

North Spencer Road: Ms. Washburn inspected this gravel pit on October 4th. In 2010, Bond Corp. installed a water meter in compliance with the DEP Water Management Act to register water withdrawal from the Seven Mile River. Ms. Washburn observed the meter in operation. It read that 700 gallons of water per minute were being withdrawn from the river. The water is used to wash gravel and then pumped into a string of settling ponds to infiltrate and recharge the groundwater without releasing sediment into the wetlands or river. The settling ponds are cleaned out once a year and the fines are stockpiled next to the ponds. All the water withdrawn from the river is recharged on site except for losses due to evaporation. No other wetland impacts were observed in spite of parking, access, and some of the activity in the buffer zones and riverfront area. Some of the activity on site is in riverfront area or in wetland buffer. This site is well monitored; personnel are on site.

57 Wilson Street: Ms. Washburn inspected on September 29th. The silt fence was okay but he did not put any winter rye down.

New Applications: Water Street, RDA
 17 So. Spencer Rd., NOI

A motion to adjourn the meeting at 9:34 p.m. (McLaughlin/Reed) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

Documents reviewed at 10/12/11 Spencer Conservation Commission meeting:

Agenda for 10/12/11 Spencer Conservation Commission meeting:

Draft minutes from 9/14/11 meeting

File for 127 Ash St.

Margaret's report dated 10/12/11

A narrative plan and site sketch dropped off by Margaret and Mary Wissiup, 45 Lake St. Ext.

Aerial photographs and a surveyor's map of 45 Lake St. Ext.

A letter from the Board of Selectmen re: license renewals

Site plan for 2.5 Buteau Rd., dated 9/24/03