

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, January 25, 2012 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 7:04 p.m.

Commissioners Present: Ernie Grimes (Chairman), Judy Lochner, Warren Snow, Ram Moennsad, Dana Reed, Mary McLaughlin (arrived 7:37 p.m.)

Staff present: Margaret Washburn

**Minutes Approved:** January 11, 2012 – *A motion to approve the minutes as amended (Snow/Moennsad) passed 5/0.*

**Signed:** 35 Chickering Road, Determination  
2.5 Buteau Road, Order of Conditions

### **7:15 p.m. Opened the Public Hearing for Request of Determination of Applicability for Spencer Sewer Commission**

#### **Property: Meadow Road, Spencer, MA**

Mr. Greg McVeigh, Engineer, said the project is to perform some maintenance work that will be done along the west side of Meadow Road. Erosion controls will be installed during excavation. The Commission reviewed the plan. Mr. Grimes expressed concerns of whether or not a Determination would cover the work within the 200 foot riparian of Muzzy Brook. Ms. Lochner said there are exemptions. Ms. Washburn had a copy of the exemptions. This RDA was filed in preparation for an upcoming NOI for the replacement of the existing sewer pump station on Meadow Road.

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

*A motion for a Negative Determination (Lochner/Moennsad) passed 5/0.*

### **7:24 p.m. Opened the Public Hearing for Abbreviated Notice of Resource Area Delineation for Carl Wilson**

#### **Property: 115 Wilson Street, Spencer, MA DEP#293-0766**

On January 25<sup>th</sup>, Ms. Washburn received plans reflecting changes made at the request of the third party reviewer, JMM Wetland Consulting Services. The revised plans also show the delineated isolated wetland that is mostly on Dr. Timothy Hoffman's land at 67 Paxton Road. On January 23<sup>rd</sup>, Ms. Washburn reviewed and approved the delineation of this isolated wetland with Dr. Hoffman's permission. Ms. Washburn asked the

Commission if they want JMM Wetland Consulting Services to review the revised plans. If so, does the Town need to obtain fees from the applicant to pay for the review? Mr. Grimes said since there are not a lot of changes, it is not necessary for the plan to be reviewed again.

*At the request of the applicant, the hearing has been continued to February 8, 2012.*

### **Other Business:**

**4 Wilson Street:** On January 18<sup>th</sup>, Ms. Washburn received a request to extend the Order of Conditions from Dean Chaffe, DEP#293-0604 and 293-0605. The Orders of Conditions were originally issued on 3/23/06 and previously extended on 2/25/09 for three years. The Commission had no issues. *A motion to grant a three year extension (Moennsad/Reed) passed 5/0.*

**12 Williams Drive:** Ms. Washburn received a complaint about work done on 1/1/12. Ms. Washburn issued a Notice of Violation on 1/18/12. She met with Mr. Artie Williamson, contractor, and Ben Minsk, property owner, on 1/24/12. Both claimed that no sand was dumped in the reservoir. Mr. Williamson said he used a boom. The NOV required the applicant to attend this meeting. Mr. Artie Williamson said he was here tonight to address the complaint. Mr. Minsk is out of town. Mr. Grimes said the Order was never recorded and there were no inspections done on the ESC before the work began. The boom was supposed to remain in place until the Commission had inspected. Then it could be removed.

When Ms. Washburn met with Mr. Minsk, he said he would record the Order and post the DEP number. Mr. Minsk had asked Ms. Washburn what he would have to fill out to remove a rickety wooden dock. Ms. Washburn said the dock appears to be very unsafe. Mr. Minsk has no plans to replace it. Mr. Grimes has no issues with removal of the dock. Ms. Washburn will issue a letter stating the dock may be removed.

Mr. Stiles said they did do a good job removing the rocks and filling in some holes. Mr. Stiles asked if they can do some raking and more filling in. Mr. Williamson said he could use his skid steer and will install the boom in the water. Mr. Williamson will call for inspection when he has the boom installed. The Commission granted the request for additional work.

**134 West Main Street:** On January 18<sup>th</sup>, Ms. Washburn issued a Notice of Violation because no DEP number sign was posted, all silt fence had been removed, and trees were cut in the Riverfront Area. On January 23<sup>rd</sup>, Gary Cady, the contractor, came to speak with Ms. Washburn and told her that he did not remove the silt fence. The NOV required the applicant to attend tonight's meeting, which he has. Ms. Washburn called Dr. Goguen's office on January 23<sup>rd</sup> to remind them to re-install the silt fence within 50 feet of the perennial stream.

Dr. Goguen said he did not know what the DEP number was because he never received any notice from DEP of what the number was. Ms. Lochner told him that the DEP number is on every page of the Order of Conditions. Dr. Goguen said he did not cut any trees. He said that National Grid was there cutting the trees. Dr. Goguen took the blame for taking down the silt fence. The weather was changing and he said he was either going to take it down or destroy it by plowing snow. He decided to take it down. Ms. Washburn inspected today and no silt fence has been replaced. Ms. Lochner suggested that Dr. Goguen and Ms. Washburn set up a site visit and Ms. Washburn can tell Dr. Goguen where the silt fence needs to be replaced. Ms. Washburn said she was there today. Mr. Grimes asked for Ms. Washburn's opinion if there will be any erosion going into the stream if the silt fence is not re-installed. Ms. Washburn said if we get a really big storm there could be erosion. Dr. Goguen will re-install two 50 foot pieces of silt fence at the crossing. Dr. Goguen said the sand that was installed in the new driveway is erodible and will wash away. He asked if he could put in ½ inch or ¾ inch stone. Ms. Lochner said he would have to request an amendment to the Order of Conditions. Ms. Lochner checked the Order of Conditions to see if it specified whether or not only processed gravel had to be used. The Order said install new crushed stone and gravel, and compact it. Dr. Goguen can install the ½ inch or ¾ inch stone without an amendment.

**Conservation Commissioner:** Mr. Andrew Sweet is looking to volunteer and be on the Commission. He asked if there is a three year commitment. Mr. Grimes said yes, generally it is a three year commitment. Mr. Grimes said there are two requirements: 1.) the volunteer has to be a resident of Spencer, and 2.) the volunteer has to be smart enough to volunteer to serve for the Conservation Commission. Mr. Sweet has been a self-employed carpenter for years. He can read a plan very well. He does work for all the surrounding towns. He is available on Sunday mornings for site visits. He is also available for evening site visits during the Spring and Summer. Ms. Washburn will send an email to Adam Gaudette, Town Administrator, recommending Mr. Sweet.

**North Brookfield Commissioner:** Tim Simon from the West Brookfield Conservation Commission sat in on tonight's meeting. He said tonight's meeting seemed to have the same common issues as the meetings in West Brookfield.

**109 Wilson Avenue:** Ms. Washburn said Glenn Krevosky is seeking guidance from the Commission regarding filing fees for a Notice of Intent for rebuilding a pier. Ms. Lochner said there is a note from DEP stating it is a limited project which is a DEP Category 2, E. Mr. Krevosky wants to know which Category this project falls under for the Town fees. The Commission agreed it would be a Category 2, E. Ms. Washburn will email Mr. Krevosky the Commission's decision.

**St. Joseph's Abbey Open Space Preservation:** Paul Beauchamp is the Realtor representing the Abbey in this matter. A map of the subject property was received today. The Abbey wants to sell and/or preserve 872.5 acres of land with about one mile of frontage on either side of Route 31 from the Lac Marie Dam to Northwest Road. Mr. Beauchamp has already spoken to Michelle Buck, Town Planner, Charlie Wyman,

Greater Worcester Land Trust, Ginny Scarlet, and the APR Program requesting a group meeting to discuss the land preservation within two weeks. The Commission read the email from Mr. Beauchamp. Ms. Washburn will send an email inviting Mr. Beauchamp, Ms. Buck, Mr. Wyman, and Ms. Scarlet to attend a meeting with the Conservation Commission on February 8, 2012 from 6:30 pm until 7:15 pm. Mr. Grimes wants an agenda of who will be speaking. This meeting will not be posted as a public hearing.

**ODIS Checklist:** The ODIS personnel are now reviewing forms and procedures used by the Town of Northbridge to use as a model. Ms. Washburn is 100% in favor of adopting such a checklist. Ms. Washburn submitted changes of wording for the Commission's review. The Commission agreed on the checklist.

**New Driveway Aprons:** Ms. Washburn said in the Commission's packets is an email from Steven Tyler, Town Engineer, stating that all new driveways, even if proposed to be gravel, must have a paved apron approximately 10 feet long and the length can vary according to site conditions.

**Depot Trail Cleanup:** Mr. Grimes said they had a respectable amount of volunteers show up to help clean the trail. They were out there for four hours. The Commission agreed on February 4<sup>th</sup> for the next cleanup date.

New Applications: None

*A motion to adjourn the meeting at 9:15 p.m. (Moennsad/McLaughlin) passed 6/0.*

Respectfully submitted by:

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Lisa Daoust, Clerk  
Development & Inspectional Services

Documents reviewed at 1/25/12 Spencer Conservation Commission meeting:

Agenda for 1/25/12 meeting.

Minutes from 1/11/12 meeting.

Margaret's report dated 1/25/12.

Order of Conditions for 2.5 Buteau Road.

Determination of Applicability for 35 Chickering Road.

RDA and Determination of Applicability for Spencer Sewer Commission, Meadow Road:

Disconnecting Wastewater Force Main from Existing Bypass Line.

ANRAD application for 115 Wilson Street.

Request to extend Orders of Conditions for 4 Wilson St.

Map of land proposed for preservation at St. Joseph's Abbey, North Spencer Road.

Copy of email from Paul Beauchamp requesting a meeting to discuss preserving land at

St. Joseph's Abbey, North Spencer Road.

Town of Northbridge Building Permit Procedure for Single Family Homes.

Town of Northbridge Application to Construct, Repair, Renovate or Demolish a One or Two Family Dwelling.

Margaret Washburn's proposed text change for the Spencer Conservation Commission re: proposed ODIS checklist.

MA DEP NOI fee schedule.

Town of Spencer Conservation Commission fee schedule.

Volunteer form for Andrew Sweet, Sr.

NOI File for 134 West Main Street.

NOI file for 12 Williams Drive.

Flier from UMass Keystone Program.