

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, February 8, 2012 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 7:00 p.m.

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

Staff present: Margaret Washburn

**Envirothon Team:** David Prouty High School's Envirothon students had the following question and answer period with the Conservation Commission:

Q: What do you think is an example of a storm water infrastructure that is protecting wetlands and is it working well?

A: Country Spirits on 10 West Main Street is a good example of working storm water infrastructures. Deer Run II off of Kittredge Road is not a good working storm water infrastructure.

Q. What is the biggest point source of pollution in Spencer?

A. Mr. Grimes said it is street runoff. Ms. McLaughlin said that would be non-point because it's an accumulation of everything that was there. Mr. Snow said the open sewer lines would be a point source.

Q. What are the local Stormwater Management issues and who works on the issues?

A. Ms. Lochner said one big issue is runoff into the street that picks up and carries sediment into the catch basins that go into the streams and rivers.

Q. What are the land uses that have a direct impact on water quality?

A. Ms. Washburn and Mr. Grimes said agriculture because the agricultural fields are in highly erodible areas. Any of the fertilizers or other nutrients applied to the land can leach into the water.

Q. Is there any way that the flow to the catch basins could be redirected so the sediment doesn't flow into the streams and ponds?

A. Ms. Lochner said for a new development now, the contractor is asked to put as much water as possible back into the ground before it leaves the site. This is called recharge. This recharge is highly encouraged by the Conservation Commission. Mr. Grimes said

that at Ahearn Equipment, there is detention basin behind the building that catches the storm water runoff from the catch basins where runoff is filtered before it leaves the detention basin. Mr. Grimes also said the roof runoff goes into an underground recharge system. Ms. McLaughlin said Country Spirits has a catch basin associated with their whole system as well. Mr. Moennsad said Candlewood Drive is a good example of a catch basin for housing.

Q. What is the main environmental impact of storm water?

A. Mr. Reed said erosion and unstable earth. Ms. Washburn said that eroded soil then becomes sedimentation.

Q. Are there any projects in Spencer that will improve storm water?

A. Mr. Grimes said outside of individual construction sites that have storm water management, he doesn't know of anything going on for the town streets. Ms. Lochner said there is a town wide Order of Conditions for replacement of pipes and catch basins. When they make the replacements of pipes and catch basins, they are going to use new processes.

Q. What water issues are you most concerned with and how are these issues related to storm water?

A. Mr. Grimes said road sand is a big issue. Ms. McLaughlin told the students to inspect Lake Street Extension and to look at the Storm Water Bylaw that is posted on the website.

Q. Are there examples of low impact development in Spencer?

A. Mr. Snow said there was a proposal for Mr. Sielis's land on Greenville Street but nothing has been built on the property yet.

Q. Are there specific places in Spencer where nutrients, pathogens or toxins affect the water cycle?

A. Ms. Washburn said Jolicoeur Avenue. The private driveways across the street from Cranberry Meadow Ponds are nothing but sand and gravel. Every time it rains, large amounts of that sand and gravel go across the road onto other people's properties and sometimes right into the lake.

Q. Where do you think it would be most beneficial to build a rain garden?

A. Ms. Washburn asked if it has to be on public land. The student said it has to be built on public land. Mary Baker-Wood is coaching one of the Envirothon Teams. Their project is to look at a rain garden. The possibility of a rain garden being put in at the Library was discussed.

The Envirothon Students thanked the Commission for their time.

**7:25 p.m. Opened the Continuation of Public Hearing for Abbreviated Notice of Resource Area Delineation for Carl Wilson**

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

Tom Liddy, Professional Wetland Scientist with Lucas Environmental, Charlie Barbonti, Borrego Solar, and land owner, Carl Wilson, were present. This ANRAD is to confirm the boundary and resource area designation of the wetlands. A Notice of Intent will be submitted for a passive solar array project in early spring following approval of the wetland line. Mr. Liddy explained where the wetlands and ponds are on the property. A peer review of the wetland line was done by Jim McManus. Mr. Liddy said that Mr. McManus noted an additional isolated wetland, wetland #5. It is approximately 1,500 square feet. This area was flagged and surveyed. Both streams are intermittent. There is no riverfront area on this portion of the property. The watershed is .08 square miles in area. Wetlands number 4, 5, and 6 are all isolated.

Ms. Lochner asked Ms. Washburn if she inspected the isolated wetlands. Ms. Washburn said she did look at the one on the Hoffman property. Ms. Lochner said wetlands 4 and 5 seem close but not connected. Ms. Lochner said she is having a hard time seeing the bank delineation on the two smaller wetlands. She asked if there are flags for the banks. Mr. Liddy said yes there are, there are six flags total.

A note will be put in the ORAD that the bank to the stream has not been delineated, and if and when they propose to cross or impact, someone will delineate the bank.

*A motion to close the public hearing (Lochner/McLaughlin) passed 6/0.*

*A motion to issue the ORAD approval based on the information received*

*(McLaughlin/Moennsad) passed 6/0, Order of Area Resource Delineation to be issued.*

**Other Business:**

**62 East Charlton Road:** Ms. Washburn saw disturbed soils near a pond. The work is approximately 50 feet from the pond. Mr. Tim Oliviere attended this meeting at the request of Ms. Washburn. Mr. Oliviere had gone into the office and met with Ms. Washburn and Lee Jarvis. He was given a Request for Determination of Applicability form to bring to the owner, Joann Demore. She submitted the application today. Mr. Oliviere was told to immediately install hay bales and silt fence between the disturbed soils and the pond, and to cover exposed soils with mulch or erosion fabric until the growing season begins. Ms. Washburn went and inspected again today. The soils are heavily mulched and hay bales and silt fence have been installed. Ms. Washburn showed the Commission the pictures she had taken. Mr. Oliveire said originally when the house was built the driveway was not in compliance. Now the homeowner wants to sell the property so the driveway has to be corrected. The driveway must be 10 feet from the property line. The driveway is actually on the abutter's property so they are going to relocate the driveway. Mr. Oliviere had to give the town a \$2,000 bond to be held for two years. The Commission will do a site visit on February 19<sup>th</sup> at 9 a.m.

**Site Visits:** The Commission will do site visits on February 19, 2012 at 9:15 a.m.

**Signed:** Lot 2, Wilson Street, 3-year Extension  
Lot 3, Wilson Street, 3-year Extension

**Minutes Approved:** January 25, 2012 – *A motion to approve the minutes as amended (Reed/Snow) passed 6/0.*

**73 West Main Street:** On 2/8/12, Ms. Washburn inspected with Scott Morrison of EcoTec. She approved the wetland delineation and Mean Annual High Water Line delineation. She recommends issuing an Order of Conditions. Mr. Grimes asked what was being done there. Ms. Washburn said they are removing an underground oil storage tank and switching over to city gas. They are taking out a concrete pad under the pump near the river and replace it with a new concrete pad. They are replacing the sewer line and electrical connections. They are replacing the sidewalks and will do some work around the pumps. They are right on the edge of the NHESP habitat so he sent it to NHESP to confirm they are, in fact, not in the habitat.

**109 Wilson Avenue:** A NOI was received on 2/1/12. Ms. Washburn sent an email to Glenn Krevosky on 2/6/12 stating that the Notification to Abutters form was not submitted. This Order of Conditions did not give permission for any work to be done in the reservoir. Mr. Grimes said they are currently in violation for work in the reservoir. Ms. Washburn said Mr. Krevosky is claiming he is rebuilding an existing pier but there is only a pile of rubble. There is no existing pier. Ms. Washburn said it does not say on the plan how high the pier is going to be. The plans do not satisfactorily show the side view or the height of the pier. Mr. Krevosky asked permission to do the work and Ms. Washburn was told to ask DEP. She asked DEP and they told her to tell Mr. Krevosky to file a NOI that way he can appeal to them if the application is denied by the Commission. When the Commission does the site inspection, they would like the old expired plan to look at also. The Commission discussed issuing an Enforcement Order.

**134 West Main Street:** Ms. Washburn inspected on 2/8/12. Dr. Goguen showed her a DEP sign that has yet to be put up. The silt fence has been erected near the stream crossing but is not entrenched at all. Ms. Washburn told Dr. Goguen that it needs to be properly entrenched. Crushed stone has been laid down on the driveway. Dr. Goguen currently has a Notice of Violation. Mr. Grimes said the next step is an Enforcement Order.

**12 Northwest Road:** Ms. Washburn inspected on 2/6/12. She met with Mr. Bouvier, who wants to possibly put in a driveway that would have to cross three braided stream channels. Ms. Washburn explained the process to Mr. Bouvier. He claimed that fallen trees have widened the stream. Ms. Washburn said machine tracks were visible in the stream. He admitted to driving in there to get trees out. She told him not to drive in the stream any more until he gets a permit. Ms. Washburn will issue a Notice of Violation instructing him not to drive in the stream until he gets a permit.

**71 East Charlton Road:** On 2/7/12, Ms. Washburn met with Herb Seymour, who wants to clear land within 10 feet of wetlands for the purposes of making hay and pastures for cows, sheep, goats and maybe pigs. She photographed the proposed work areas. As of 2/7/12, the land was not in 61A or 61B. Much of the area Mr. Seymour wants to clear was previously forested, clear-cut within the last two years, and is in wetland buffer zones. The land clearing would involve grubbing stumps, grading, cultivating and seeding. Mr. Seymour says he has had chickens, turkeys, cows, and sheep there in the past. He currently has fruit trees, blueberries, raspberries, pens for turkeys and chickens, and the frame of a small greenhouse has been erected. The areas he wants to make fields and pastures have not recently been in agriculture, but were forested until clear-cutting took place. The Tennessee Gas line runs through his property. He would need to drive the tractor and possibly other heavy equipment on the gas line through obvious wetlands in order to construct the fields and pastures. The animals would also have to pass through obvious wetland to get to the pastures. Ms. Washburn asked Mr. Seymour to begin the process by coming before the Commission on 2/8/12 or 2/22/12 with an aerial photograph with his proposed fields and pastures drawn on it in magic marker. He said he may try to put the land in 61A or 61B before then. Ms. Washburn will send a letter to Mr. Seymour stating any work within the buffer zone requires a filing with the Conservation Commission and he cannot do any more work until he files.

**Depot Trail:** On 1/31/12, Ms. Washburn went to the trailhead signs to try the keys Ginny said might open the boxes. The keys did not fit so Ms. Washburn taped signs to the glass asking volunteers to help clear fallen trees on 2/4/12 and 2/18/12 from 8 a.m. until noon. Both pieces of glass are broken at the Chestnut Street Trailhead. She also posted two signs at the Town Hall. Bill Shemeth has sent an email asking the Conservation Commission members and Ms. Washburn to attend the 2/14/12 meeting with the Capital Needs Committee to obtain funding for trail repairs.

**St. Joseph's Abbey:** Mr. Reed will attend the meeting at St. Joseph's Abbey and will report back to the Commission.

New Applications:    109 Wilson Ave., NOI  
                                  73 West Main Street, NOI

*A motion to adjourn the meeting at 9:20 p.m. (Snow/Moennsad) passed 6/0.*

Respectfully submitted by:

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Lisa Daoust, Clerk  
Development & Inspectional Services

Documents reviewed at 2/8/12 Spencer Conservation Commission meeting:

Agenda for 2/8/12 meeting

Minutes from 1/25/12 meeting

Margaret's report dated 2/8/12

Extension of Orders of Conditions for 4 Wilson Street

ANRAD application for 115 Wilson Street

RDA File for 62 East Charlton Road

Notice of Intent File for 109 Wilson Avenue

File for Sewage Disposal System Upgrade Plan for 109 Wilson Avenue, Revision date 8/16/12

File for 71 East Charlton Road

Spencer Conservation Fee Schedule effective 4/15/11