

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, March 14, 2012 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Ernie Grimes, Judy Lochner, Mary McLaughlin, Warren Snow

Commissioners Absent: Ram Moennsad, Dana Reed

Staff present: Margaret Washburn

7:15 p.m. Opened the Public Hearing for Request for Determination of Applicability for Joann Demore

Property: 62 East Charlton Road, Spencer, MA

Tim Oliverie presented the project which was to re-locate a driveway. The job has already been done. Mr. Grimes said the Commission did a site visit and the work was well done. Exposed soils were mulched and in the spring it will be loamed and seeded.

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

A motion for a Negative Determination (Lochner/McLaughlin) passed 4/0.

7:20 p.m. Opened the Public Hearing for Request for Determination of Applicability for Janice Fogarty

Property: 54 McCormick Road, Spencer, MA

Janice Fogarty said the project is for a septic repair. Ms. Washburn inspected and had no issues. Ms. Lochner asked if Ms. Washburn had any issues with only silt fence being installed. Ms. Washburn said the land is pretty steep and would probably be better to have hay bales installed as well. Several trees will be cut which were not identified on the plan. Mr. Grimes said not to cut any more trees than absolutely necessary. The Board of Health has approved the plan. The Commission told Ms. Fogarty to have the contractor install hay bales also.

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

A motion for a Negative Determination with a condition to install hay bales along with the silt fence (McLaughlin/Snow) passed 4/0.

7:27 p.m. Opened the Public Hearing for Request for Determination of Applicability for CTC Electric

Property: North Brookfield Road, Spencer, MA

Mr. John Henry from O'Reilly, Talbot & Okun is the Engineer for the solar farm project. Ms. Heather Comee from Pioneer Environmental, Inc. presented the plan. The entire site was assessed. They did identify a wetland but it was approximately 180 feet away. They did not find any other resource areas. There is a perennial stream that is approximately 500 feet from the property line. The site contains a field along North Brookfield Road. The whole easterly portion of the property is forested. There are cart paths throughout the property used for snowmobiling. Mr. Grimes asked if the Snowbirds snowmobile trail goes through the property. Ms. Comee did not know. Mr. Henry said there is a snowmobile trail on the property and they have contacted the Snowbirds to discuss the trail. Mr. Grimes said the trails are very important to this town. Ms. Washburn walked most of the property. Ms. Comee showed the Commission where she and Ms. Washburn did the site walk.

Kim Foley, abutter, said the trails on the property are not used by the public at all. Susan Foley said she got in touch with the President of the Snowbirds and told him he would have to get in touch with the people purchasing the land.

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

A motion for a Negative Determination (Snow/McLaughlin) passed 4/0.

Minutes Approved: February 8, 2012 – *A motion to approve the Minutes as amended (Snow/McLaughlin) passed 4/0.*

February 22, 2012 – *A motion to approve the Minutes as amended (Lochner/McLaughlin) passed 4/0.*

Signed: Order of Conditions, 73 West Main Street
Order of Conditions, 109 Wilson Avenue

Other Business:

22 Longview Drive: The Commission did a site visit here. Mr. Grimes explained there is a 25 foot by 12 foot stone wall pier out in the lake. There was no permission to do any of that work. Mr. Lockhart, abutter, showed the Commission pictures that he had taken over the past years and recent pictures. Mr. Lockhart has spoken with Attorney Mike Meloche. Attorney Meloche recommended to Mr. Lockhart that he hire a site surveyor. Mr. Lockhart submitted a letter that he had written to the Town. Mr. Grimes said a letter needs to be drawn up to Mr. Paul Huard of 22 Longview Drive. It must be pointed out that he is in violation of Mass General Law Wetlands Protection Act and the Town of Spencer Bylaws. Also activities were conducted without filing a Notice of Intent, Order of Conditions, no DEP number, no ESC, etc. He must come before the Conservation Commission at the next meeting and ALL work must desist. The letter must be delivered by Constable. Ms. Washburn will write a Notice of Violation letter then email it to Ms. Lochner for review. Ms. Lochner suggested issuing an Enforcement Order instead of a

Notice of Violation. The Commission agreed. Ms. Washburn will have the Enforcement Order delivered by the Constable.

Depot Trail: Volunteer day for Depot Trail will be held on March 31st at 8 a.m. until 12 p.m. Meet at the South Spencer Road Entrance.

158 Greenville Street: Ms. Washburn inspected on 2/29/12 with Lee Jarvis and Bill Klanssek. Lori Dick, Glenn Krevosky and Nelson Labelle were present. Grass has grown back over the septic system and the ATV trail behind the house. The replication area was previously deemed satisfactory at a site walk by the Conservation Commission. The septic system is satisfactory, according to Lee Jarvis. Nelson Labelle now has three car huts in the buffer zone. He is storing yard sale items in the huts. Glenn Krevosky said that no soil was disturbed to construct the huts. *A motion to issue a Certificate of Compliance (Lochner/McLaughlin) passed 4/0.*

35 Oakland Drive: Ms. McLaughlin is an abutter and cannot vote on this Certificate of Compliance. Ms. Washburn did an inspection on 2/28/12. All areas are stabilized. The as-built report from Tom Fancy, received 3/14/12, describes several things that have been constructed on the property that are not shown on the Notice of Intent plans. Mr. Snow read Ms. Washburn's inspection report. Ms. Lochner said the owner needs to request an amendment to the Order of Conditions, after the fact. Ms. Washburn will send a letter informing the owners they must submit a request to amend their Order of Conditions along with a new plan with a scale of 1" = 40'. There must be a hearing for this amendment and the owners must notify their abutters.

Lac Marie Dam: Ms. Washburn received a request for a Certificate of Compliance. The Commission will do a site visit on Tuesday, March 27th at 5:45. Meet at Town Hall.

Sibley Farm Dump: An RDA was submitted for capping an old farm dump. Ms. Washburn inspected the site with Gary Magnuson of CMG Environmental, Inc. on March 13th. She has no issues at this time as long as they adhere to the plan. The Commission will do a site walk on March 25th at 7 a.m. Meet at Ahearn's.

116 Charlton Road: Ms. Washburn recused herself from this discussion. Mr. Grimes said there are three different DEP numbers issued for this site. Two of the three projects are completed. There is a Certificate of Compliance request for the tree removal. Ms. Lochner said a letter should be sent stating that the site is not ready for a Certificate of Compliance at this time. There are some areas that need to be cleaned up and the Commission would be happy to meet the owners there to point out those areas. Mr. Grimes said there is also a building that was supposed to be removed and has not been removed yet. Ms. Lochner will draft a letter and forward it to Lisa to send to the owners.

Change of bylaws for supervision of the Depot Trail: Mr. Snow said the Commission needs to speak with Bill Shemeth to see if he is interested in maintaining the trail because if he is not the Conservation Commission will end up doing the maintenance anyway. If he does have the interest of taking the responsibilities, that's great. Mr. Grimes said Mr.

Shemeth did go before the Finance Committee to ask for \$10,000 to have the drainage work done by Artie Williamson. Ms. Lochner said she got the feeling that Mr. Shemeth will work towards maintaining the trail. The Commission agreed not to request to change the bylaws and leave the supervision of the trail to the Recreation Commission.

Operating budget: There was a request received from the Town Administrator to transfer money from the Wetlands account to the operating budget. Mr. Snow said those fees are to support the Conservation Commission and he doesn't believe the Commission is getting the support they need when people are out sick or on vacation. Mr. Grimes said the money helps pay Ms. Washburn's salary and Lisa's salary which does support the Commission. The Commission would like to know how much money is in the account and request that money is made available for training for the Commissioner's when needed. *A motion to transfer \$10,000 to the operating budget (McLaughlin/Snow) passed 4/0.*

134 West Main Street: The Commission did a site visit. They did not write a report. The silt fence is a mess. Mr. Grimes did not see a whole lot of wash from the site. He doesn't see a lot of potential for a washout. Ms. Lochner asked what will happen between the edge of the stone and the stream. Ms. Washburn said the Order states that the area has to be re-vegetated before a Certificate of Compliance can be issued.

DEP request for wetland replications: Ms. Washburn reviewed the NOI files for the time period of 2004 to 2008 and compiled a list of files for the DEP. She sent DEP the list and asked them to let her know when they would be coming to Spencer.

Stump Pond: On Tuesday, March 20th at 6pm, there will be a site visit to view the public access to Stump Pond at New England Auto Gateway. Members will meet at Town Hall parking lot at 5:45 p.m.

5 Cedar Road: Ms. Washburn inspected this lot where it is proposed to construct a house on an existing foundation. All work is more than 100 feet from Sugden Reservoir, but there is a potential for sediment to enter the pond due to exposed soils and improperly entrenched silt fence. Ms. Washburn contacted Mr. Tuominen, who said he would entrench the silt fence and install hay bales behind the silt fence between the exposed soils and the pond.

New Applications: RDA, 460 Main Street (capping an old dump on the Sibley Farm)

A motion to adjourn the meeting at 9:34 p.m. (Snow/McLaughlin) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

Documents reviewed at the 3/14/12 Spencer Conservation Commission meeting:

Agenda for 3/14/12 meeting.

Minutes for the 2/8/12 meeting and 2/22/12 regular meeting of the Spencer Conservation Commission.

Margaret's report dated 3/14/12.

Order of Conditions for 73 West Main Street.

Order of Conditions for 109 Wilson Ave.

File for 62 East Charlton Road RDA.

File for 54 McCormick Road RDA.

File for North Brookfield Road solar farm RDA.

File and Certificate of Compliance for 158 Greenville Street.

File and Request for Certificate of Compliance for 35 Oakland Drive.

Regarding 22 Longview Drive: Photographs taken by Mary McLaughlin, photographs taken by Laura and Edwin Lockhart, a letter dated 3/13/12, written by Laura and Edwin Lockhart, and the assessor's maps for the subject property.

File and Request for Certificate of Compliance for 116 Charlton Road.

Photographs taken by Margaret Washburn for 5 Cedar Road.

File for Sibley Farm RDA.