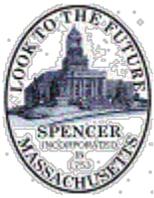


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, September 22, 2010 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Ernie Grimes (Chairman), Mary McLaughlin, Warren Snow, Ram Moennsad

Commissioners Absent: Judy Lochner

Staff present: Ginny Scarlet

Minutes Approved: September 8, 2010 – *A motion to approve the minutes as amended (Moennsad/McLaughlin) passed 4/0.*

Signed:
43 Lambs Grove, Order of Conditions
7 Point Eastalee, Order of Conditions
78 Donnelly Road, Cert. of Compliance
78 Donnelly Road, Cert. of Compliance

No Public Hearings

Other Business:

78 Donnelly Road, DEP#293-612 and DEP#293-645: Ms. Scarlet met with Donna Flannery, representative for the property owners. Mr. Snow read Ms. Scarlet's inspection report. Mr. Grimes asked if the Certificate is issued now and silt fence is not supposed to be removed until December, what happens if it is not removed. Ms. Scarlet said it will be written on the Certificate that the silt fence must be removed. Ms. Scarlet said if the silt fence is left there, it is affecting the wetland and the Conservation Commission can enforce. *A motion to approve both Certificates of Compliances (McLaughlin/Moennsad) passed 4/0.*

Depot Trail Pier: Chris Wallace and his dad were present. The Commission looked at the photos taken at the site showing possible locations. Chris also drew plans for the pier. Picture 1 shows the location Chris chose. It's on Robert Moschini's property, not on the trail right of way. Permission will have to be sought from Mr. Moschini. Chris believes his suggested location has deep water and is easier because the supports would not have

to be in the water. That would also prevent winter ice damage to the structure. The cost estimate is approximately \$3,000 or \$4,000. The ramp length is not final. It depends on the actual slope of the hill. The deck of the pier will be composite material and will have a rail with a wheel chair grip. Ms. Scarlet will contact Mr. Moschini and seek his approval. She will research how to protect from liability for accidents, etc. Ms. Scarlet will check with the DCR trails program and/or the Handicapped Access Board.

The Commission asked about funding and what Chris could do to get help with the funding. Chris said his troop will help and local businesses may donate materials.

Ms. Scarlet reported on the DCR trails grant workshop she attended. Maintenance of Depot Trail has a good chance of landing a grant. The grant application deadline is November 1st. Mr. Grimes asked Artie Williamson if he is willing to put together a cost estimate for materials and labor. Also he reports that the Snow Birds have said they might help. Dan Gould wrote the original grant application for creating the trail. Mr. Grimes will work on the project and Ms. Scarlet will pitch in when she returns from vacation.

Mr. Moensad asked if there is a maximum on the grant which is allocated for the purpose of trail projects. Ms. Scarlet said up to \$50,000. The grant comes from the Federal Government; it is part of the Transportation Bill, which is going to get reauthorized. Ms. Scarlet went on to say that there is money for this round of grants but after that, unless the reauthorization of the Transportation Bill includes trail money, there won't be any more trail grants. Ms. Scarlet said the money from the bill that is appropriated and specifically earmarked for trails and such projects, goes to the Massachusetts Department of Transportation, where they obligate some portion of the money. Then the money is passed to DCR to parcel out in grants. Massachusetts Department of Transportation has been leaving money on the table because they are only spending half of the dollars that they are appropriated and can't use that money for anything else. Ms. Scarlet said we could be mentioning the loss to our legislators at the State level and try to find out why that is the case. It doesn't make sense to leave federal money unused if it's available.

45 Lake Street Extension: Enforcement Order – Ms. Scarlet said she has not heard anything from the Wissiups but the Constable reported that he did deliver the letter face to face. Ms. Scarlet and Mr. Grimes met with Alice Berry Friday. Ms. Barry has agreed to make the swale that was discussed at the last meeting. Ms. Scarlet will offer Ms. Berry a friendly Enforcement Order so that she has no fees and a short time line. *A motion to ratify the Enforcement Order (Snow/Moensad) passed 4/0.*

Boom Sources: Ms. Scarlet researched where booms could be rented. She found a place called National Rental and Alpine Industrial in Worcester on Route 20. Mr. Grimes added Mechanics Bliss in Worcester.

Herbicide Treatments: Ms. Scarlet said that Ms. Lochner pointed out to her that Orders of Conditions for lakes/ponds cannot be amended without a hearing and all the abutters

being notified. Ms. Scarlet said notifying all the abutters of all the lakes in Spencer would be outrageous. Ms. Scarlet suggested drafting guidelines and sending the guidelines along with letters. Also, the person that makes the Reverse 911 call to residents will make the call no less than 48 hours before treatment to the lakes/ponds. Mr. Grimes asked if the Commission received notice of treatment seven days prior to the treatment. Ms. Scarlet said yes. Mr. Moennsad asked if the guidelines have been written before. Ms. Scarlet said no; she just wrote them today. It was the consensus of the Commission to consider the draft guidelines at the next meeting and then decide.

Mr. Grimes announced that he may not be attending the next meeting on October 13th. Mr. Moennsad announced that he may not be attending the next meeting on October 13th. Mr. Snow will be able to attend the October 13th meeting.

Thompson Pond Bridge: Ms. Scarlet said the grouting was done on Monday. The Highway Department worked on the embankment today. The flash boards are scheduled to go back in tomorrow. The divers were going to check the low flow gate but were rescheduled to next Monday.

Chickering Road Culvert: Mr. Fournier appealed to DEP. DEP has accepted his appeal and Joe Bellino will come to Spencer on October 13, 2010 for a site visit at 10 a.m. Today Ms. Scarlet discovered there is an added complication. The most recent permit we have in our files is a Superseding Order of Conditions from DEP with an expiration date in 2008. Stiles had a drawdown in 2009. Ms. Scarlet emailed Phil Nadeau of DEP asking if there's been an Extension or a new Order. Ms. Scarlet copied Mr. McNeil on the email. There is no answer yet. If Stiles cannot do a drawdown, the Chickering Road project application may be moot.

Rustic Lane: Ms. Scarlet sent a letter to the owner, a realty trust based in Pennsylvania, regarding land clearing. A neighbor of the property who wishes to remain un-named says a contractor doing the work was Richard Monette. Ms. Scarlet does not have direct evidence of that so she cannot send a Notice of Violation.

Sevenmile River: Ms. Scarlet emailed Richard Hartley, Head of DFW Fisheries asking how to establish a defensible minimum flow that we can require Bond to maintain. He passed the question on to Todd Richards. Mr. Richards has not yet answered. In the meantime, Susan Connors of DEP Water Supply sent an email saying she visited Bond and a meter has been installed on the water intake as required by DEP's NOV. Mr. Hubacz showed her that two dams upstream were minimizing flow and tried to tell her that the flow fluctuations at the gauge only show up during such low flow conditions. Ms. Scarlet says that is not true. The flows went down to 0.1 cfs before Ms. Scarlet contacted DEP. Ms. Scarlet's collection of graphs shows that the fluctuations are still visible at 10 cfs, 100 times the flow Bond pulled the river to. Happily, in spite of the continuing drought, the flow has stayed above 0.5 cfs since the meter was installed.

Site Visits: Site visits have been scheduled for Sunday, October 3, 2010 at 9 a.m.

New Applications: 48 Lambs Grove

A motion to adjourn the meeting at 8:30 p.m. (McLaughlin/Snow) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services