

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, February 9, 2011, at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at: 7:01 p.m.

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

Staff present: Ginny Scarlet

**Minutes:** January 31, 2011 – *A motion was made to table the Minutes until the next time the Commission meets (McLaughlin/Snow) passed 5/0.*

### **7:30 p.m. Opened the Public Hearing for Request for Determination of Applicability for Mercury Wire Products**

#### **Property: 391 East Main Street, Spencer, MA**

Mark Farrell, Green Hill Engineering, represented Mercury Wire. The project is to cut down trees near the wetlands. Trees had already been cut and Ms. Scarlet told them to stop cutting until the proper paperwork was filed. Ms. Scarlet said the wetland itself was not disturbed. Mr. Farrell said the concern with the trees was that a lot of them were overhanging in the parking lot. They are not planning to take any more down. Ms. Lochner asked how many trees were cut down. Mr. Farrell said approximately 30 to 40 trees. Ms. Scarlet suggested using winterberry shrubs to re-vegetate the slope.

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

The proposed conditions are as follows:

- Standard conditions
- Stabilize the slope
- Further activity is limited to mowing only.

*A motion for a Negative Determination with conditions as discussed (Snow/Moennsad) passed 5/0.*

### **Other Business:**

**2 Howe Road, aka 122 Charlton Road:** Ms. Scarlet said this is an enforcement issue. The house is not the same as on the approved plan. There is a porch on it that was not on the original approved plan. The major issue, Ms. Scarlet said, is a concern that the house was placed closer to the wetland than what was originally on the plan. Mrs. Terry said

when they purchased the land from Glenn Moore he had all the engineering plans done on the property. Mr. Moore had some issues from the Commission that the Terry's were not made aware of when they bought the property. The Terry's applied for the building permit and the building plan included a farmer's porch. After the house was completed, the Terry's had a plot plan done and they were informed that they were within the setbacks. There is a discrepancy between actual on-the-ground observations, what the surveyor has surveyed and what is on paper.

The house cannot be moved. Ms. Scarlet suggested a retaining wall be constructed in the back to protect the wetlands due to the fact that the slope is too steep. Mrs. Terry said there is not enough room for equipment back there and it will cause more issues to the wetlands. Mr. Terry suggested he put down coconut fabric or rip rap by hand. Ms. Scarlet said there are hay bales there that have not been maintained, despite several letters and a fine from Ms. Scarlet. Mrs. Terry said they should have known what they were getting into with wetlands but the Terry's hired professionals and paid thousands of dollars in surveying. No one told them they had to stake out the foundation; no one told them they had to stake out the septic system; they just did the staking. The Terry's were floored when the project was completed and there were issues with Zoning and Conservation.

Mr. Moenns asked what the solutions are now. Ms. Scarlet said she suggests a retaining wall to stabilize the slope and repair of the erosion control line which has been deteriorated. They could also stabilize the slope by using dry wells to take the runoff from the slope. The Terry's were already required to have a permeable driveway, but the driveway is not paved yet. Ms. Scarlet said the area is shady and not sure if the simple coconut fabric will work. There are technical reinforcement fabrics that will work.

Ms. Lochner said the Commission should visit the site in the spring when the snow melts to go over all the Terry's options at that time. Mrs. Terry said they need some kind of solution because there is a potential buyer for the property. Ms. Lochner asked if there was an as-built issued for the septic system. Mrs. Terry said, yes, it has been issued. Mrs. Terry asked if Glenn Moore's Certificates of Compliance have been issued yet. Ms. Scarlet said the project is complete for the first Order of Conditions but no Certificate of Compliance has been issued yet. The second Order of Conditions is non-compliant and Ms. Scarlet will compile a list of things that must be completed on this property in order for a Certificate of Compliance to be issued. She will present the list at the next meeting after the site visit.

The Commission will do a site visit on Sunday, February 13th at 9:15 a.m.

**Signed:** At this time, the Commission signed the following documents:

63 Cranberry Meadow Road, Order of Conditions  
14 Bellevue Drive, Order of Conditions  
Sugden Reservoir Dam, Order of Conditions

**GH Wilson Road:** Ms. Scarlet, the regional forester and the consulting forester met at the site yesterday morning. The problem is that the landing space at the road is very narrow. In order for the landing to be functional, it has to overlap the wetland. The area that will be overlapped has approximately double the square feet of the applicants' table

(Ginny pointed to the table). The consulting forester has written in the plan that the work must be done in hard, frozen conditions. It will also be required that corduroy be placed across the wetland corner, the same way they did the mats for the power lines. The consulting forester will be on site when they are working and the regional forester will drop in. Ms. Scarlet will be notified when the work starts so she can monitor also.

Ms. Scarlet had asked the forester to make the buffer zone of no cut wider. Both foresters agreed that was a good idea. The forester regulations allow them to cut in buffer, but only selected trees. The consulting forester said she only marked four (4) trees to be cut down. Ms. Scarlet told the consulting forester that the trees must be winched out.

**Depot Trail Maintenance:** Mr. Grimes needs to talk to Artie Williamson. The Commission needs to get the information to Dan Gould so he can put together the grant application; the clock is ticking. Ms. Scarlet will speak with Mr. Moschini about placing the peer on the property.

**Snow Disposal:** Snow disposal has been done at O’Gara Park for the past two years. The Highway Department has been working with Ms. Scarlet to make sure the snow disposal reaches the DEP requirements for snow disposal and does not impact the wetlands. The Highway Department has constructed a settling pond for the runoff near the entrance road. This pond can be cleaned out easily and routinely. The Recreation Commission started getting leery about permission for people to dump snow in the park. The Recreation Commission held a meeting last night to discuss what their policy will be. This issue came up because Spencer Savings Bank asked for permission to dump snow in the park. Laura Torti didn’t know who could give permission. She asked Ms. Scarlet, Mr. Adam Gaudette and Mr. Rob McNeil. They all gave interim permission.

Last night, the Recreation Commission decided who will be allowed to dump snow at O’Gara for this year only because O’Gara is filling up. The Recreation Commission would like Ms. Scarlet to call the six (6) people that formally have permission to dump snow at O’Gara. They are the only ones that do have permission. Mr. Grimes said he knows Highway has been dumping snow behind the Pleasant Street School. Ms. Scarlet said Highway is thinking about dumping snow in the empty upper lot of the Town Hall. It is illegal to dump snow in the Spencer Fairgrounds because of the Aquifer.

**Commissioner Appointment:** Ms. Scarlet polled the Commission about appointment of Dana Reed becoming a Conservation Commissioner; the consensus was yes. Mr. Snow abstained because he did not attend the last meeting.

New Applications: None

*A motion to adjourn the meeting at 9:00 p.m. (Snow/Moennsad) passed 5/0.*

Respectfully submitted by:

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Lisa Daoust, Clerk  
Development & Inspectional Services

## LIST OF DOCUMENTS USED 2-9-2011

Agenda, Conservation Commission Meeting, Wednesday, February 9, 2011  
Partial draft minutes of 1/31/11  
Order of Conditions, 63 Cranberry Road for signature  
Order of Conditions, 14 Bellevue Drive for signature  
Order of Conditions, Sugden Reservoir Dam for signature  
Draft letter from Ginny Scarlet to Carl Dworman dated 2/1/11  
Email dated 10-27-10 4:22 PM from Virginia Scarlet to Mary Barrell  
Plot Plan of Land in Spencer, MA For Jay Jankauskas, stamped and signed by Donald A. Para, R.R.L.S., dated 1/4/10  
Order of Conditions for 122 Charlton Road, R23-34, MassDEP File Number 293-0705, issued to Glenn Moore 8/21/08.  
Compiled Plan Showing Wetland Delineation, etc. and Proposed Restoration on Land in Spencer, Mass. Owned by Glenn A & Carol A. Moore, Trustees of the Howemapple Realty Trust, Dec.8, 2007, Revised Mar. 8 2007. Prepared by Donald A. Para, Land Surveyor,k  
Inc.  
Plan of Sewer Disposal System, Lot 3R of Moore, Howe Road Spencer, prepared and stamped by Richard D. Gobi, R.S. No 978, dated 6-5-08.  
Request for Determination of Applicability for Mercury Wire Products. Property: 391 East Main Street..  
Proposed Site Plan, Mercury Wire, 391 East Main Street, Spencer. Dated 17 January 2011, prepared by Green Hill Engineering, signed and stamped by Mark R. Farrell, R.S.. No 1065  
Rail-Trail Maintenance & Operation, published by Rails-to-Trails Conservancy Northeast Regional Office, July 2005, 40 pages.