

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, October 26, 2011 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7:10 p.m.

Commissioners Present: Ernie Grimes (Chairman), Ram Moennsad, Mary McLaughlin, Dana Reed

Commissioners Absent: Judy Lochner, Warren Snow

Staff present: Margaret Washburn

Sign: Enforcement Order Revocation, 127 Ash Street

7:15 p.m. Opened the Public Hearing for Notice of Intent for Town of Spencer, Water Department

Property: 17 South Spencer Road, Spencer, MA DEP#293-0762

Steven Tyler, U&F Superintendent, presented the plans to the Commission. The project is to construct a concrete pad to place an emergency generator on. Double staked hay bales will be installed. Mr. Tyler said the project is technically exempt because it is a utility project, but Mr. Tyler decided to file a Notice of Intent anyway.

The proposed conditions are as follows:

- Install double staked hay bales

A motion to close the public hearing (Moennsad/Reed) passed 4/0.

A motion to accept plan as submitted with conditions as discussed (Reed/Moennsad) passed 4/0, Order of Conditions to be issued.

7:25 p.m. Opened the Public Hearing for Request for Determination of Applicability for Spencer Sewer Commission

Property: Water Street, Spencer, MA

Mark Robidoux, Superintendent for the Water Department, presented the plans to the Commission. The project is completed because there was a crushed sewer pipe on Water Street. An Emergency Certificate was issued by Margaret Washburn to replace the sewer pipe. Mr. Robidoux said they had to add an additional manhole between manhole #14 and 14A. Mr. Robidoux said they did not install hay bales or silt fence because there is a curve on the low side which would contain any runoff. All the catch basins had silt socks

installed in them. Mr. Grimes asked how close the stream was. Mr. Robidoux said the stream runs under the road.

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

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

**7:31 p.m. Opened the Public Hearing for Notice of Intent for Stephen Goguen
Property: 134 West Main Street, Spencer, MA DEP#293-**

Ms. Washburn commented that she believes that this project would fall under the exemption, 1058.5B, previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, etc. She went on to say if they want to remove the pavement off the driveway and replace it with a pervious surface, they could be exempt from the Notice of Intent and just file an RDA. It would be considered an improvement to the resource area and the ability of the river to provide its functions and values.

Mr. James Casey said the intent is to use crushed gravel which is pervious. He asked if the existing asphalt is removed and crushed gravel put down, would the project be allowed with filing a Request for Determination of Applicability. Ms. Washburn said it would depend whether the footprint of the driveway will be increased. Mr. Casey said there will be no widening, lengthening, or increase in height of the driveway. Ms. Washburn said ESC must be installed and they will have to submit an explanation of how the materials will be removed off site. Mr. Casey said hay bales will be installed to protect the wetlands along the western edge of the driveway. *At the request of the applicant, the hearing has been continued to November 9, 2011.*

Other Business:

Commission Attendance: Mr. Grimes will not be at the November 9th meeting.

Landscape Partnership: Charlie Wyman requested that the final public hearing be held on November 9, 2011 at the Conservation Commission meeting. Mr. Grimes said he would like an Agenda for the Chairperson at that meeting listing who will be speaking and in the order they will speak. Mr. Grimes will not be the Chairperson at the meeting.

Mr. Wyman said the APR program remains very interested. The two state grant programs that Mass Audubon and the town applied to are working through the system and it is anticipated that sometime in November the state will make the announcement on the grants.

Mr. Wyman said the state announced a new grant back in August. It is called the Landscape Partnership Program. It is designed to foster and encourage partnerships between non-profits, towns, and state agencies to protect large blocks of land with a minimum of 500 acres. Mr. Wyman said it sounded like a good fit but the catch is the land has to be 500 acres unbroken by any roads. There is only one property in addition to

Sibley that would get us to 500 acres and that is the Spencer Country Inn. But the Ekleberry family is not interested.

If the undeveloped lands on the west side of Greenville Street can be included, there will be over 500 acres and be eligible for the program. DCR has been contacted and they are interested because they want to protect the mid-state trail and snowbirds trail which both pass through the land. Mr. Wyman said they are on the verge of submitting a Landscape Partnership Grant application which is due on Friday. Mr. Wyman has spoken to all the land owners, there are six owners, and they all seem interested.

Mr. Wyman gave the Commission copies of a table that was created so people can see what uses are allowed under the different scenarios and what kinds of amenities are provided. The Commission discussed the scenarios and amenities that should be allowed. Mr. Wyman will revise the table and email it out to the members for review before the November 9th forum.

Minutes Approved: September 28, 2011 - *A motion to approve the minutes as amended (McLaughlin/Moennsad) passed 4/0.*
October 12, 2011 – *A motion to approve the minutes as amended (Reed/Moennsad) passed 4/0.*

2.5 Buteau Road: Mark Farrell came into the office on October 25, 2011. Ms. Washburn asked him to look at Mr. St. Germain's NOI with her, since Mr. Farrell's name and stamp were on the site plan. Mr. Farrell said he had never seen the site plan that Mr. St. Germain submitted. Mr. Farrell said he sent the old plan to Mr. St. Germain on CAD and Mr. St. Germain generated the plan he submitted. Ms. Washburn said upon her review, there are several items missing. On October 25th, Ms. Washburn sent Mr. St. Germain a letter listing all the deficiencies in the filing. Mr. Farrell is going to contact Mr. St. Germain. The NOI plan submitted shows no new wetland flags or buffers thereto.

Sugden Reservoir: Ms. Washburn inspected the dam today at Steve Tyler's request for a Certificate of Compliance. She took photos to show the Commission. There are a few bare spots, all of which have seed spread on them. One is where the access road meets the dam. The second is an area of dead crabgrass and exposed soils around the structure on the dam, an area about 30 feet long ranging from 6 to 12 feet wide. The third is about 60 feet from the end of the dam, a circle about 6 feet in diameter. A portion of the access road has exposed soils that have been seeded. The area is about 50 feet long and 7 to 9 feet wide.

64 Jolicoeur Avenue: On October 20th, Ms. Washburn met with Mr. Gardner and Steve Tyler at the site. They discussed lining the ditch on his land with 4 to 6 inch angular stones or possibly installing a perforated pipe. They discussed putting in a retention area or a rain garden on the neighbor's land where the water leaves Mr. Gardner's land. They discussed putting in a catch basin at the intersection of Jolicoeur Avenue and the common driveway that leads to 67 Jolicoeur Avenue. Nothing was decided. Mr. Gardner indicated that he wishes to be cooperative with the Conservation Commission. After

attending MACC Fundamentals, Units 5 and 6, Ms. Washburn does not think any kind of pipe is a good idea because it would constrict flows.

45 Lake Street Extension: On October 13th, Ms. Washburn called Margaret Wissiup. She said she can't afford to take time off from work at night to attend a Commission meeting and she can't afford to pay a driveway expert to come to a meeting. She said "It has taken more than a year for the road to get like that, and it is going to take more than a year to fix it". Ms. Washburn sent her a follow up letter. Ms. Washburn will also contact DEP and see if they will get involved before there is a court hearing.

Brooks Pond Dam: Ms. Washburn received three documents from Bill Clougherty: The Office of Dam Safety (ODS) permit dated 7/1/10; a report from Fuss & O'Neill dated 5/21/10, and a letter from GEI to MA DOT dated 10/3/11. On 10/20/11, Jim Barnhill of BPW came in and Ms. Washburn helped him fill out NOI forms for removing all vegetation and root systems from the dam (and across the road from the dam) and 20 feet into the wetlands. The BPW has been ordered to do the work by ODS. Mr. Grimes wants to see the documentation from ODS.

Depot Trail: Ms. Washburn sent Artie Williamson's estimate to Bill Shemeth. She asked for a revised estimate but Mr. Williamson did not respond until after she had sent Mr. Shemeth the old estimate. Mr. Williamson is still interested in doing the work. The determination expires on 2/25/14.

Tax Properties: The Commission discussed properties to be auctioned. They will do site visits on the properties.

Site Visits: The Commission will possibly do site visits on November 20th. They will confirm the date at the next meeting on November 9th.

New Applications: 2.5 Buteau Road, NOI

A motion to adjourn the meeting at 9:35 p.m. (McLaughlin/Moennsad) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

Documents reviewed at 10/26/11 Spencer Conservation Commission meeting:

Agenda for 10/26/11 Spencer Conservation Commission meeting
Draft minutes from 9/28/11 and 10/12/11 meetings
RDA for Water Street sewer line replacement
NOI for 17 South Spencer Road (Cranberry Well)
NOI for 134 West Main St.
Site plan submitted by James St. Germain for 2.5 Buteau Rd.
Revocation of Enforcement Order for 127 Ash St.
List of tax receivables properties to be auctioned and assessor's maps for same
Photos taken by Margaret Washburn on 10/26/11 of Sugden Dam.
Margaret Washburn's report dated 10/26/11
A list provided by Charlie Wyman of allowable uses/amenities provided for
Sibley-Warner property