

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, June 22, 2011 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at: 7:02 p.m.

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

Staff present: Ginny Scarlet

Minutes Approved: June 8, 2011 – *A motion to approve the minutes as amended (Snow/Moennsad) passed 6/0.*

Other Business:

The Commission requested that Margaret Washburn, the new Wetland/Soil Specialist for the Town of Spencer, email her work hours to the Commission.

2 Howe Road: Ms. Scarlet did a site inspection and took photos to show the Commission. Ms. Scarlet said the grass is growing well and the driveway is stabilized beautifully. A dry well was installed for the roof runoff. Ms. Scarlet recommended that the Commission grant a Certificate of Compliance. Mr. Jankauskas, the property owner, also provided pictures taken on June 21, 2011 and described the stabilization status. Mr. Jankauskas mentioned that the reinforced gravel surface cost less than paving with 2” asphalt with a proper base. *A motion to issue a Certificate of Compliance (McLaughlin/Lochner) passed 6/0.* The Certificate was signed.

Open Space Action Plan: The Commission has not had time to absorb the information yet so had no comments at this time. Ms. McLaughlin asked Ms. Scarlet to email her a copy of the OSP again. Ms. Scarlet said the OSP will be posted on the town’s website. An Open Space Plan Open Forum will be held on Wednesday, July 6th at 7 p.m. Ms. Scarlet asked which Commissioners would be able to attend. Mr. Grimes, Mr. Snow, Ms. McLaughlin and Mr. Reed can attend. Mr. Moennsad is not sure yet and Ms. Lochner cannot attend. Ms. Scarlet said the Planning Board will have a hearing for the Open Space Plan. No date has been set yet.

Mr. Charlie Wyman, Mass Audubon, said the open session regarding the Sibley Farm project will be presented to the Board of Selectmen on Monday night and DCU will

decide before that. The appraisal is underway. The deadline for the application to be submitted is July 14th. Mr. Wyman mentioned the wish of some to have fewer restrictions. The land can be divided into five sections matched with fund sources. There is a convoluted piece with active fields for APR. The rest of the 247 acre piece of land will be subject to the land grant. The town and the Conservation Commission will be asked to apply to purchase a Conservation Restriction on the 247 acres then Audubon would own manage it as part of the wildlife sanctuary. How to split the ownership interests can be discussed after the Land Grant application. *A motion to preserve the land and work out the details at a later date (Snow/Reed) passed 6/0.* Mr. Wyman will come to the July 13th meeting to have the Commission sign the application.

158 Greenville Street: The property owner is Nelson Labelle. A complaint to the Police Department led to observation of the Board of Health, Wetlands, and Zoning problems. There were numerous unregistered cars and a tow truck over the weight limit for the RR Zone as well as lots of metal and who knows what else in the wetland and buffer zone. Lee Jarvis, the Fire Chief and the Building Inspector plan to do a site visit on July 18th when Lee gets back from vacation. Ms. Scarlet suggests Ms. Washburn go along. Ms. Scarlet contacted DEP to ask for advice and suggested a possible visit by DEP Bureau of Waste Prevention. The BWP regulates auto service and car disposal facilities.

54 Smithville Road: Ms. Scarlet said she met with the property owner, Travis Reilly. She believes the violation was because Mr. Reilly was not aware of the wetlands laws. Mr. Reilly is very cooperative. He will file a Notice of Intent by July 15th. Ms. Scarlet said she cautioned Mr. Reilly that restoration will likely be required. At the hearing, the Commission can decide what restoration they will require and which changes Mr. Reilly proposes will be permitted. The Order of Conditions might require restoration as a first stage with a deadline then have the other work only happen when the restoration is complete to the Commission's satisfaction.

34 Meadow Road: Ms. Scarlet said a Notice of Violation letter went out today. The letter required a cease and desist and gives a deadline to contact Ms. Scarlet on June 30th at noon plus a deadline to file a Notice of Intent. Ms. Scarlet said the Commission can permit the stone wall or require restoration as they see fit. It looked to her as though the work was decreasing flood storage and might affect wildlife habitat. How much and how significant would be for the Commission to determine.

Hastings Road oil spill: Ms. Scarlet reported that a truck went into the ditch on the west side, opposite #50. The Fire and Highway Departments both called Ms. Scarlet because there was water flowing in the ditch and some crank case oil spilled. They had put in absorbents at the spill plus in the ditch for 50 feet downstream and called DEP. The water was running clear after the first 20 feet or so and DEP emergency response had arrived by the time Ms. Scarlet got there. DEP planned to order a clean-up truck. Ms. Scarlet double checked at Turkey Hill Brook and the outfall showed no signs of oil having gone through.

Lake Street Extension: Ms. Scarlet drove by the properties of Mr. Simakauskas and Mr. Houston. After the heavy rain, it showed that they have finished their work as the Commission ordered and as they promised. Ms. Scarlet said there is one problem; the Simakauskas's stoned basin is not picking up most of the driveway runoff. The water needs to be better directed toward the basin. Mr. Houston's looks ok.

Ms. Scarlet walked down to the Lake Whittemore end and it showed that Lake Street Extension deteriorated further over the winter and the discharged silt into Lake Whittemore is still building up in spite of winter wave action washing some away.

Ms. Scarlet hopes to talk with Mr. Simakauskas and Mr. Houston next week then contact the Wissiups to let them know they now must get their runoff under control. Ms. Scarlet suggested the Commission contact Mrs. Bell when the Wissiups actually start work to prepare her to do her part.

26 Laurel Lane: Richard Barrell is before the ZBA for a Variance to build an addition and garage at the top of his lot outside the buffer. There are impervious surface and runoff issues brought up by Jody Bolafka, the abutter who came to the RDA hearing for the lower part of the lot. Ms. Bolafka called Ms. Scarlet because Mr. Barrell is proposing catch basins by her account and she wanted to know what effect that would have. ZBA will be doing a site visit.

Lake Herbiciding: Lycott has been doing well about notice. The dates were posted on the Conservation Commission website page with help from Lisa. Ms. Scarlet doesn't think that many folks saw it but placing the herbiciding dates on the website should be routinely done.

Bond Gravel pit Reclamation: Ms. Scarlet reported all is going well and the paperwork is in order. The contractor gave all his subcontractors a copy of the Order of Conditions and had them read it then sign the certification. The major subcontractor is Anthony Moschini. The supervising contractor is Jim Talvy.

51 Borkum Road: Ms. Scarlet said that the ZBA is rehearing the 51 Borkum Road ATV activity case. The matter was remanded back to the ZBA by the Court with instruction that the ZBA must render a decision making clear how much ATV activity is allowed on private property in the RR Zone. They are meeting tonight, 6/22/11. The newspapers have been saying that the wetlands problems were caused by the ATV activity. Ms. Scarlet thinks that is unfair. The 21E cleanup left the upland largely denuded. Then the exceptional October, 2005 and April, 2006 rains caused the huge gully down into the wetland with resulting siltation. But the 21E cleanup final report concluded that there was no impact on wetlands from the cleanup work or from the original hazardous material problems caused by the previous auto salvage yard. That report was written at the end of the cleanup but before the rains.

Ms. Scarlet said how far the ATV track construction had progressed by the rain is debatable. Her recollection is that there had not been much. Mr. Gabriel and ATV Realty Trust complied with the Enforcement Order completely. The wetlands issues should not be entwined with the zoning questions.

Sewer Station: The test boring was done yesterday.

New Website: Ms. Scarlet said the date for going live has slipped to August 1st. There will be a Conservation page with links and a separate Stormwater Page.

Deer Run II: Ms. Scarlet reported that the Planning Board met with a potential buyer last night. The “buyers” had a concept plan for completing the project. Ms. Scarlet was unable to be at the meeting but asked Michelle Buck to make sure that they understood that there are Conservation requirements not yet met, which would be inherited with the title.

Sugden Dam: The control is in but the gate house is not up yet.

CSX Railroad: The vegetation control spraying along the railroad line was done on June 20, 2011. They have a Determination and Yearly Operation Plan as requested and they have done a proper job. They re-marked the wetland associated no-spray zones before spraying and observed them.

Site Visits: The Commission will do site visits on Monday, July 11th at 6pm; meet at the Town Hall.

Commissioner Summer Schedule: Ms. McLaughlin will not be at the 7/27/11 meeting. Mr. Snow will not be at the 7/13/11 or the 8/10/11 meeting. Mr. Grimes will not be at the 8/10/11 meeting.

New Applications: 29 Kittredge Rd., NOI
11 Delude Ave., RDA

A motion to adjourn the meeting at 9:08 p.m. (McLaughlin/Moennsad) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

LIST OF DOCUMENTS USED, June 22, 2011

- Agenda, Conservation Commission Meeting, June 22, 2011.
- Draft Conservation Commission Meeting Minutes from June 8, 2011.
- Inspection & site meeting report Re 54 Smithville Road by Ginny Scarlet, dated 6/13/11
- Final Certificate of Compliance Inspection Report for 2 Howe Road, by Ginny Scarlet, dated 6/16/11
- 13 photographs of 2 Howe Road property taken by Jay Jankauskas and also a description of the gravel driveway reinforcement grid utilized.
- 8 photographs of 2 Howe Road, taken by Ginny Scarlet during the final inspection on 6/16/2011.
- Oil Spill response Report by Ginny Scarlet, dated 6/13/11
- Sugden Dam repair inspection report by Ginny Scarlet, dated 6/16/11
- Inspection Report re Bond Gravel Pit reclamation project at 62 Cranberry Meadow Road, by Ginny Scarlet, dated 6/16/11
- 5 photographs of Bond Gravel Pit, taken by Ginny Scarlet on 6/16/11.
- Last Ginny Report – 6-22-11