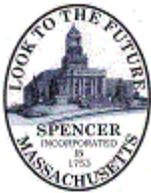


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, November 13, 2103 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Warren Snow, Dana Reed, Margaret Emerson, Brian Roode

Staff present: Margaret Washburn

**Minutes Approved:** September 25, 2013 – *A motion to accept the minutes as amended (Emerson/Snow) passed 5/0.*  
October 9, 2013 – *A motion to accept the minutes as amended (Emerson/Snow) passed 5/0.*  
October 23, 2013 – *A motion to accept the minutes as amended (Snow/Emerson) passed 5/0.*

### **7:15 p.m. Re-Opened the Public Hearing for a Request to Amend the Order of Conditions for Sara Petrozzi**

#### **Property: Woodbine Terrace, Spencer, MA DEP3293-790**

Mr. Julian Votruba said the dock will still be constructed. A six-foot wide sandy area will be along the side of the dock. The rest of the beach will be loamed and seeded. He said there are two rows of hay bales; one row will be installed at the edge of the shore and the other existing row is above the unpermitted beach. There will be three high-bush blueberry bushes planted where the beach was and two more high-bush blueberry bushes along the southern border of the lake. Red maple trees near Woodbine Terrace and arborvitaes will be planted along the border on the northern side. There will not be any sheds on the property. The gravel driveway will be built as on the original Order of Conditions. There is a dead, broken tree in the water that will be removed. Ms. Petrozzi said the tree is on the neighbor's property and she will get permission in writing to remove the tree. The Commission had no issues with the broken tree being removed as long as there is permission from the neighbor.

The proposed conditions are as follows:

- Standard conditions including placing a hydraulic boom in the water.
- If a chainsaw is used to remove the tree in the water, environmentally friendly bar oil must be used for the chainsaw.

- The applicant may use existing topsoil once the sand is removed from the beach remediation area, or they may loam before seeding.

*A motion to close the public hearing (Reed/Emerson) passed 5/0.*

*A motion to issue an amended Order of Conditions with conditions as discussed (Reed/Emerson) passed 5/0.*

**7:50 p.m. Opened the Continuation of Public Meeting for a Request for Determination of Applicability for Jack Erikson**

**Property: 40 Briarcliff Lane, Spencer, MA**

Josiah Rich is representing Jack Erikson, property owner. Mr. Rich explained the plan to the Commission. The revised plan addressed the issues raised at the last meeting concerning the work on the house. A report from Scott Morrison, of EcoTec, was submitted on November 6<sup>th</sup>. It showed the delineated wetlands that are within 100 feet of the disturbed area.

*A motion to close the public meeting (Reed/Emerson) passed 5/0.*

*A motion for a Negative Determination (Reed/Emerson) passed 5/0.*

**7:59 p.m. Opened the Public Meeting for a Request for Determination of Applicability for David & Lisa Daoust**

**Property: 25 Meadow Road, Spencer, MA**

The project is for an addition of a two-car garage with living area and bathroom above. Ms. McLaughlin asked where the shed will be moved to. Mr. Daoust said the shed will be moved to the edge of the land on the left side in the corner. Ms. McLaughlin asked where the fence will be moved to. Mr. Daoust said the fence will be connected to the back corner of the property. Mr. Daoust said there will be a drywell installed. He drew the location of the shed, fence and drywell on the plan and initialed it. The Commission gave permission to install hay bales only. No silt fence is needed. Mr. Reed asked when the construction will begin. Ms. Daoust said the foundation will be put in before the freeze. She said hopefully the project will be completed by spring.

*A motion to close the public meeting (Reed/Emerson) passed 5/0.*

*A motion for a Negative Determination (Emerson/Snow) passed 5/0.*

**8:05 p.m. Opened the Public Hearing for Notice of Intent for Raymond Bergeron**

**Property: 9 West Avenue, Spencer, MA DEP#293-814**

*At the request of the applicant, the hearing has been continued to December 4, 2013.*

**8:08 p.m. Opened the Public Hearing for Notice of Intent for Mercury Wire Products**

**Property: 391 East Main Street, Spencer, MA DEP#293-815**

Mark Farrell, from Greenhill Engineering, presented the project. Mercury Wire proposes to repave the lot. A deep sump catch basin will be installed to improve stormwater management. Also, a stone check dam will be installed three-feet down from the outlet of

the pipe. Hay bales will be installed along with rip rap. Excavated materials will be hauled off site.

Ms. Washburn had sent a copy of the NOI to Steve Tyler for review. Steve Tyler sent an email to Ms. Washburn requesting regular sweeping of the parking area. The Commission requested Mr. Farrell to specify on the plan the height of the stone check dam, which will be six to nine inches. He also noted on the plan that the accumulated sand from the check dam will be cleaned twice a year.

*A motion to close the public hearing (Reed/Emerson) passed 5/0.*

*A motion to accept the plan with conditions that are noted on the plan as discussed (Snow/Reed) passed 5/0.*

### **Other Business:**

**Clark Road:** Ms. Washburn said she and Ms. Emerson inspected the site on October 29<sup>th</sup>. Ms. Washburn said there was an anonymous complaint about boat storage. Ms. Washburn and Ms. Emerson observed that fill has been pushed into the buffer zone and/or wetland associated with the intermittent stream that flows under Clark Road. The Commission looked at the photos taken at the site visit and Ms. McLaughlin read the inspection report. Ms. Washburn said the boat storage issue is a Zoning issue and the building inspector will get in touch with Mr. Williamson. Ms. Washburn suggested issuing a Notice of Violation to have a wetland specialist flag the wetlands and to determine if the wetlands were filled. The deadline will be December 31, 2013. If the Notice of Violation doesn't achieve results, an Enforcement Order will be issued.

**44 Buteau Road:** Ms. Washburn said a site inspection was done on October 29<sup>th</sup>. Commission members found a great deal of fill, some of it apparently construction debris, which had been pushed into the 100-foot buffer zone and/or wetlands associated with the pond and stream to the west of 44 Buteau Road. The fill is approximately 20-feet high in places.

Ms. Washburn said there are two parcels involved: R05-4 is the parcel where the house at 44 Buteau Road is located. The owners are Karen Ricard and Stanley Kuchinski. R05-5 is between R05-4 and the pond. The owner is Stanley Kuchinski. Ms. Washburn said if Enforcement Orders are issued, there will have to be an Enforcement Order for both properties.

Ms. Washburn said that Adam Gaudette called her on November 12th. He told her that Mr. Kuchinski and his neighbor have settled some aspects of their dispute in court. The neighbor requested that if we issue an Enforcement Order, and it involves moving material with equipment, that this be delayed until after April 1, 2014.

Mr. Gaudette also told Ms. Washburn that it would be good to write the Enforcement Order having the wetlands within 100 feet of disturbed areas flagged and shown on a remediation plan. The plan would have to be reviewed and approved by the Commission

by the March 26, 2014 meeting. If any removal of fill from the wetlands has to take place, it can commence after April 1, 2014.

The Commission told Ms. Washburn to issue an Enforcement Order to have the wetlands flagged and to submit a remediation plan, with a deadline of March 5, 2014.

**12 Williams Drive:** *A motion to issue a Certificate of Compliance (Reed/Emerson) passed 5/0.*

**40 South Spencer Road:** *A motion to ratify the Enforcement Order (Reed/Emerson) passed 5/0.*

**40 Briarcliff Lane:** *A motion to ratify the Enforcement Order (Emerson/Snow) passed 5/0.*

**Depot Trail:** Ms. Washburn said she revised the RFP and Dick O'Brien approved all revisions. She prepared a public advertisement for the December 7<sup>th</sup> site walk from 10 a.m. to 12 p.m. (foul weather date is December 14<sup>th</sup>) and Dick O'Brien approved the advertisement. Ms. Washburn sent the public notice to the Telegram & Gazette as a Press Release to see if they will print it for free. If not, it will be published for a fee.

**Site Visits:** The Commission will do site visits on November 26<sup>th</sup> at 3 p.m.

New Applications: 49 Meadow Road, NOI, Howard

*A motion to adjourn the meeting at 9:20 p.m. (Snow/Emerson) passed 5/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 11/13/13 Spencer Conservation Commission meeting:

Agenda for the 11/13/13 meeting

Minutes from the 9/25/13, 10/9/13 and 10/23/14 Spencer Conservation Commission meeting

Margaret's report dated 11/13/13

NOI file for 391 East Main Street, including Order of Conditions (signed)

Continuance form for 9 West Avenue (signed)

RDA file for 40 Briarcliff Lane, including Negative Determination (signed)

RDA file for 25 Meadow Road, including Negative Determination (signed)

Clark Road site inspection file (U27-73), Ralph Williamson

File to Amend Order of Conditions for Woodbine Terrace, Sara Petrozzi

Site inspection folder for 44 Buteau Road

Certificate of Compliance for 12 Williams Drive (signed)

Enforcement Order for 44 Briarcliff Lane (ratified)  
Enforcement Order for 40 South Spencer Road (ratified)  
Faxed letter from Bob Fournier re: water level in Stiles Reservoir