

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, July 22, 2015 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, James Bouley

Commissioners Absent: John Haverty

Staff present: Margaret Washburn

**Minutes Approved:** June 10, 2015 – Tabled to August 12, 2015  
June 24, 2015 – *A motion to approve the minutes as amended (Reed/Emerson) passed 5/0.*  
July 8, 2015 – table to August 12, 2015

**Signed:** Point Eastalee, Order of Conditions

**7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Town of Spencer, Utilities & Facilities**

**Property: 3 Lakeview Drive, Sugden Dam, Spencer, MA DEP#293-0849**

The hearing has been continued to August 26, 2015.

**7:16 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Town of Spencer, Highway Department**

**Property: 127 Ash Street, Spencer, MA DEP#293-0851**

The hearing has been continued to August 26, 2015.

**Other Business:**

**0 Woodbine Terrace:** Ms. McLaughlin read Ms. Washburn's inspection report from the July 20<sup>th</sup> site visit. Ms. Washburn said the court ordered that a remediation plan be submitted by July 15, 2015. No plan has been submitted. Ms. Washburn showed the Commission the as-built plan. Mr. Julian Votruba said there is about an inch and a half of sand on the beach mixed with loam. He said the Commission needs to give time for the grass to grow. Mr. Votruba said there were three blueberry bushes and three pine trees were planted. Ms. Washburn said they are not planted where they are supposed to be

planted according to the plan. Ms. McLaughlin strongly emphasized to Mr. Votruba that all remediation plans need to be in writing and submitted to the Commission. Mr. Votruba asked for a consensus from the Commission that what is in the water is stabilized and okay. The Commission agreed.

Mr. Votruba said he will add three more blueberry bushes, two maple trees, and the three arborvitae trees shown on the plan. He said he will submit the remediation plan by noon on July 29, 2015. Ms. McLaughlin said if the plan is not submitted, a \$100 fine will be issued per day. The remediation plan must include:

- How the sand was removed from the lake
- Nine feet of the beach has to be loamed and seeded
- Two red maple trees, three arborvitae, and three blueberry bushes must be planted
- How will the area (not including the beach) be stabilized and vegetated

**74 Donnelly Road:** Ms. Washburn said Mr. Heffernan had called her and asked if it was ok to clear trees outside the buffer zone. Ms. Washburn gave him permission to do so. Mr. Steven Tyler then called Ms. Washburn and told her they had clear cut one and a half acres. Ms. Washburn said they don't have a stormwater permit. Ms. Washburn read the site inspection report. Ms. McLaughlin read a letter dated February 24, 2015 from Mr. Heffernan. Ms. Washburn said when they file the Notice of Intent and the Order of Conditions is issued, that Order will serve as the stormwater permit as well.

Mr. Glenn Krevosky said the septic system and the house will be outside the buffer zone. The Notice of Intent will include any work that will be within the 100-foot buffer zone. Mr. Krevosky said a Notice of Intent should be filed within the next two months. Ms. Washburn told Mr. Heffernan that no stumps can be pulled until the stormwater permit is issued.

**North Spencer Road:** Ms. Washburn gave the Commission the photos she took for review. She said Mr. Jim Caruso does have a forest cutting plan. Ms. McLaughlin read the inspection report. Ms. Washburn issued a Notice of Violation.

Mr. Caruso said they had made a landing according to what the tree guy wanted. He said Steve Tyler told him that he needed a driveway permit. The landing was going to be a temporary in/out. Mr. Caruso said his intention was to build houses. Lee Jarvis and Richard Gobi did perc tests. Mr. Caruso said he hired Judy Schmitz to flag the wetlands before she went to work for DEP. He said he will install hay bales and silt fence at the toe of the slope. He will install the hay bales and silt fence by August 3<sup>rd</sup>. The Commission does not want any more heavy equipment to be used. Mr. Caruso will cut the wood with a chainsaw.

The Commission gave a deadline of September 9, 2015 for Mr. Caruso to file the Notice of Intent.

**22 Bellevue Drive:** Ms. Washburn inspected and had no issues at this time. She recommended issuing a Certificate of Compliance. *A motion to issue a Certificate of Compliance (Snow/Bouley) passed 5/0.*

**Lot 1, 104 Greenville Street:** Ms. Washburn inspected and had no issues at this time. She recommended issuing a Certificate of Compliance. *A motion to issue a Certificate of Compliance (Bouley/Emerson) passed 5/0.*

**9 Sherwood Drive:** Ms. Washburn inspected and had no issues at this time. She recommended issuing a Certificate of Compliance. *A motion to issue a Certificate of Compliance (Reed/Emerson) passed 5/0.*

**44 Buteau Road:** Ms. Washburn said Mr. Kuchinski is not going to meet his Enforcement Order deadline and would like to extend the deadline. The Commission extended the Enforcement Order until the first week of September. Ms. Washburn will revise the Order and send it to Mr. Kuchinski.

**144 Mechanic Street:** Ms. McLaughlin read the withdrawal letter. The letter also requested an additional third-party review. Ms. Washburn obtained estimates for third-party review and will contact Mr. Broyer and let him know how much money he needs to submit.

**22 Laurel Lane:** Ms. McLaughlin and Ms. Washburn said they saw there was cutting done in the buffer zone. Ms. McLaughlin has photos showing they are now driving two vehicles down by the lake. Ms. Washburn said they may need to get a driveway permit. Ms. Washburn will send a Notice of Violation for clearing in the buffer zone and tell them they must attend a meeting.

**Fish Rescue Letter:** Ms. Washburn will send two letters; one to Capen Hill Nature Sanctuary and one to Bonnie Mitchner. She will cc all three state representatives via email.

**RFP for Depot Trail:** Ms. McLaughlin and Mr. Bill Shemeth will write a letter to Adam Gaudette asking for extra hours for Ms. Washburn to write the Depot Trail RFP. Ms. McLaughlin will email Mr. Shemeth the letter once she has it prepared.

**Site Visits:** The Commission will do site visits on Monday, August 3<sup>rd</sup> at 9:30 a.m. and on Tuesday, August 4<sup>th</sup> at 1 p.m.

The Conservation meeting has been changed from November 11, 2015 to November 18, 2015.

New Applications: 91 Meadow Road, RDA  
6 Stiles Ave., RDA  
Howe Village, NOI

*A motion to adjourn the meeting at 9:30 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 7/22/15 Spencer Conservation Commission meeting:

Agenda for the 7/22/15 meeting

Margaret's report dated 7/22/15

Minutes from the 6/10/15 meeting (not approved)

Continuance form for 3 Lakeview Drive (signed)

Continuance form for 127 Ash Street (signed)

NOI file and Certificate of Compliance for 22 Bellevue Drive (signed)

NOI file and Certificate of Compliance for Lot 1, 104 Greenville Street (signed)

Photographs taken by Margaret Washburn at 22 Laurel Lane on 7/15/15

An inspection report for 22 Laurel Lane dated 7/15/15

For 9 Sherwood Drive: a Request for Certificate of Compliance, photographs and an inspection report dated 7/22/15, and a statement from New England Land Survey re: inspection for Request for Certificate of Compliance

For 44 Buteau Road: Inspection report dated 10/29/13, GIS map and photographs taken on 10/16/13

Letter from Steve Broyer at Ecos Energy re: withdrawal of NOI for 144 Mechanic Street Violation file for North Spencer Road (R56-4, James Caruso)

Order of Conditions for Point Eastalee Drive (U-34-37 & U34-37 -2, Bonaventura), signed

Correspondence submitted by Glenn Krevosky for 74 Donnelly Road on 7/22/15

For 0 Woodbine Terrace:

Site plan dated 10/29/13, site plan dated 7/10/15, inspection reports and photographs dated 7/7/15 and 7/20/15