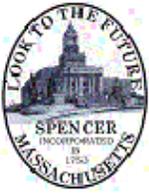


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, September 23, 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, Margaret Emerson, Dana Reed, Warren Snow, John Haverty, James Bouley

Staff present: Margaret Washburn

**Minutes Approved:** September 9, 2015 – Tabled to October 14, 2015

**Signed:** Re-Sign Conservation Restriction, Bixby Road – *A motion to accept the Conservation Restriction from SMOC for 19 Bixby Road (Snow/Bouley) passed 6/0.*

**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**

Ms. McLaughlin recused herself. Briscoe Lang, from PARE Corp., said that the jurisdictional wetland resource areas were delineated by scientists from PARE in May. The project is exempt from the provisions of the Riverfront Act. Mr. Lang said they are requesting a five-year Order of Conditions. Ms. Washburn suggested a condition be made that three copies of a stamped plan be submitted.

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

*A motion to accept plan as submitted with conditions as discussed (Reed/Bouley) passed 5/0.*

**7:30 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**

This filing has been withdrawn.

**7:31 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Spencer Housing Authority**

**Property: 13 McDonald Street, Spencer, MA DEP#293-0861**

This hearing has been continued to October 28, 2015.

**7:33 p.m. Opened the Public Hearing for Notice of Intent for Town of Spencer, Utilities & Facilities**

**Property: Lake Whittemore Dam, Spencer, MA DEP#293-0863**

Briscoe Lang, from PARE Corp., said they are requesting a five-year Order of Conditions. A revised site plan was submitted with a new date of September 15, 2015. Ms. Washburn recommended a special condition that three copies of a plan stamped by a P.E. be submitted before the Order of Conditions is issued. Ms. Washburn asked that the plans stamped by a P.E. be submitted by October 7, 2015. Ms. Washburn said if hydraulic equipment is used to remove the stumps, a hydraulic boom will be needed. *The hearing has been continued to October 14, 2015.*

**7:48 p.m. Opened the Public Meeting for Request for Determination of Applicability for Richard Moberg**

**Property: 72 Bacon Hill Road, Spencer, MA**

Richard Moberg said he wants to level his back yard. He will push the dirt down a slope so they can mow. Ciesla Construction will be doing the work. This permit will serve as a stormwater permit as well.

Conditions are as follows:

- Install wattles or hay bales 50 feet from the pond at the toe of the slope
- No soils to be disturbed within 50 feet of the pond

*A motion to close the public meeting (Haverty/Snow) passed 6/0.*

*A motion for a Negative Determination with conditions as discussed (Snow/Haverty) passed 6/0.*

**8:00 p.m. Opened the Public Hearing for Notice of Intent for James Laney**

**Property: 24 Holmes Street, Spencer, MA DEP#293-0846**

Jim Laney said he would like to build a single-family home. Ms. McLaughlin read the site inspection report. There were no issues. Mr. Laney showed the Commission where the wetlands are on the lot.

*A motion to close the public hearing (Bouley/Emerson) passed 6/0.*

*A motion to accept plan as submitted (Reed/Snow) passed 6/0.*

**8:08 p.m. Opened the Public Hearing for Notice of Intent for Charles Bromage**

**Property: 25 Point Eastalee, Spencer, MA DEP#293-0862**

Mr. Richard Gobi said this project is a septic repair. The new septic will be placed where the current one is. The bottom of the sand in the leachfield is 18" – 24". This is four feet above maximum groundwater. The septic is 80' from the well and 32' from the water.

*A motion to close the public hearing (Haverty/Emerson) passed 6/0.*

*A motion to accept plan as submitted (Reed/Bouley) passed 6/0.*

## **Other Business:**

**96 Greenville Street:** Ms. Washburn said an Order of Conditions for the new house under construction was issued on 10/11/07. Gary Kady, the builder, started construction this year. Ms. Washburn inspected and took photos on 8/15/15. The footprint of the house is significantly larger than the house on the approved plan. The driveway is in a different location than shown on the approved plan. According to Mr. Kady, the sediment controls were not installed as per the plan. The plan showed the closest point of the house as 40 feet from the sediment controls. At the inspection, the house was less than 4 feet from the sediment controls. A curtain drain outlet, not shown on the approved plans, is less than 4 feet from the sediment controls.

Ms. Washburn said she issued Gary Kady a Notice of Violation on 8/15/15, directing him to file to amend the Order of Conditions by 9/9/15. The reason the NOV was issued to Mr. Kady rather than the person who is having the house built is because Mr. Kady requested this. This is not standard protocol.

After the NOV was issued, Ms. Washburn met with Gary Kady. She gave him the DEP policy statement which explains the process of requesting to amend an Order of Conditions. Mr. Kady agreed to request to amend the Order of Conditions by September 9, 2015. He failed to do so.

Mr. Kady has repeatedly stated that he is working hard to do the right thing and that he is under stress. Some of his property was recently stolen from the job site.

Ms. Washburn said there are problems with the revised site plan. It is not stamped by a P.E., the location of the sediment controls is not depicted accurately, only one curtain drain outlet was shown and there is more than one. All curtain drain outlets need to be shown on the plan. The plan needs to be stamped by a P.E. Ms. Washburn said she has played phone tag with his engineer, John Thomasian, regarding what needs to be done.

Ms. Washburn sent Mr. Kady another letter on 9/14/15, telling him he had until 9/23/15 to request to amend the Order of Conditions. Mr. Kady told her on the phone on 9/22/15 that he would attend tonight's meeting, and that he has notified abutters.

Ms. Washburn said Mr. Kady still needs to verbally request to amend the Order of Conditions, or else do it in writing. Mr. Kady verbally requested to amend his Order of Conditions. Ms. Washburn said he also still needs to send DEP a written request to amend, along with an accurate plan and a narrative description of what changes have been proposed.

Ms. Washburn asked John Thomasian to submit three stamped plans showing the location of the hay bales by October 7, 2015. Mr. Thomasian will do so.

**Small Farm, Chapter 61A:** Ms. Washburn told the Commission that they need to write a letter to Adam Gaudette stating that the Commission does not object to Lot 2 coming out of Chapter 61A, in order for the Miczaks to build a house. The rest of the farm is going into APR thanks, in part, to efforts by Common Ground Land Trust. *A motion to approve the withdrawal of Lot 2 from Chapter 61A (Snow/Emerson) passed 6/0.*

**22 Laurel Lane:** Ms. Washburn said an RDA was filed for this property in order for vehicles to access the property next door, 20 Laurel Lane (John and Mary Stone), for a septic repair on Sugden Reservoir. Richard Chaffee, the contractor, did a significant amount of grading in order to install a new driveway because he said he could not get his equipment into the site. This driveway construction was not shown on the RDA sketch, and it is immediately adjacent to the intermittent stream. Mr. Chaffee has altered the Bank of the intermittent stream; this is work in a protected resource area that was not covered under the RDA. Ms. Washburn said a Notice of Violation needs to be issued and a Notice of Intent must be filed for the work because it has altered a protected resource area.

Ms. Washburn will send an Enforcement Order stating the buffer zone must be restored to its previous condition by October 14, 2015. A Notice of Intent must also be filed by October 28, 2015 for the November 18, 2015 meeting.

**Woodbine Terrace:** Ms. Washburn said the remediation work was required to be complete by September 15, 2015. The Commission will do a compliance inspection on Wednesday, September 30, 2015 at 4:30 p.m.

**Site Visits:** The Commission will do site visits on Sunday, October 4, 2015 at 9:30 a.m.

*A motion to adjourn the meeting at 9:25 p.m. (Bouley/Haverty) passed 6/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 9/23/15 Spencer Conservation Commission meeting:

Agenda for the 9/23/15 meeting  
Margaret's report dated 9/23/15  
Minutes from the 9/9/15 meeting (not approved)  
Continuance form for 13 McDonald Street (Howe Village), signed  
Conservation Restriction for 19 Bixby Road (re-signed)  
Site plans for 96 Greenville Street  
RDA file for 22 Laurel Lane  
NOI file for 25 Point Eastalee Drive  
RDA file for 72 Bacon Hill Road, including Negative Determination (signed)  
NOI file for Lake Whittemore Dam  
NOI file for 3 Lakeview Drive (Sugden Dam)  
NOI file for 24 Holmes Street