

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, January 11, 2012 at 7:00 PM  
Town Hall, Conference Room A

---

The Meeting was opened at 7:04 p.m.

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

Staff present: Margaret Washburn

**Minutes Approved:** December 14, 2011 – *A motion to approve the minutes as amended (Snow/Moennsad) passed 6/0.*

**7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for James St. Germain**

**Property: 2.5 Buteau Road, Spencer, MA DEP#293-0763**

The Commission did a site visit. The Commission is all set with the site. The wetland replication area was under a separate Order of Conditions and needs to be re-addressed.

The proposed conditions are as follows:

- Standard conditions

*A motion to close the public hearing (Moennsad/Reed) passed 4/0, Mr. Grimes and Mr. Snow abstained.*

*A motion to accept plan as submitted with conditions as discussed (Lochner/Moennsad) passed 4/0, Mr. Grimes and Mr. Snow abstained. Order of Conditions to be issued.*

**7:22 p.m. Opened the Public Hearing for Request for Determination of Applicability for John Krol**

**Property: 35 Chickering Road, Spencer, MA**

Scott Morrison from EcoTec, Inc. represented Mr. Krol. He said there is an issue at the base of the driveway along Chickering Road. The water collects and freezes and Mr. Krol ends up with a significant ice problem. Both sides of the driveway are bordered by existing lawn. It is proposed to saw cut the existing driveway and install a 9 inch culvert. The project is proposed to start in June or July of 2012. Rip rap or stone will be installed at both ends of the culvert. Double staked hay bales will be placed at the ends of both sides of the culvert. Ms. Washburn inspected the site and took photos. She said the icy conditions are very unsafe. Ms. Lochner asked how far from the wetland the culvert is.

Mr. Morrison said it's approximately 10 or 15 feet from the wetlands. The Commission has no issues with this project.

*A motion to close the public hearing (McLaughlin/Moennsad) passed 6/0.*

*A motion for a Negative Determination (Snow/Moennsad) passed 6/0.*

### **Other Business:**

**William Casey Estates:** Attorney Phil Stoddard said the stone tracking pads were installed at both the entrance and the exit. The hay bales have been refreshed and the DEP numbers have been replaced. Atty. Stoddard will be meeting with James Talvey tomorrow morning to see what can be done with the stabilization of the bio-mat material. Ms. Lochner asked if it was determined whether or not the area is more than an acre of land that has been disturbed. Atty. Stoddard said it's very close to one acre. The area of the slope is approximately 200 feet by 200 feet. Ms. Washburn said the town engineer feels strongly that it's a classic example of a project that needs a storm water prevention plan. Mr. Grimes said when Atty. Stoddard is ready to develop houses on the lots, the lots must have storm water management plans. Ms. Washburn said there is a storm water management plan on the land now. Ms. Washburn will inspect next week. Ms. Washburn asked if they are just using the entrance to the left. Atty. Stoddard said they will enter on the right and exit on the left. Atty. Stoddard said the lots will be reconfigured and made bigger when all is said and done.

**109 Wilson Avenue:** Ms. Washburn contacted DEP in Worcester regarding Mr. Schold's request to build a pier in Stiles Reservoir. DEP in Worcester referred Ms. Washburn to DEP in Boston. DEP in Boston told Ms. Washburn that Mr. Schold needs to file a Notice of Intent and that the Commission should not respond to informal requests to work in the reservoir. Ms. Washburn called Mr. Schold and told him that.

**93 Lakeshore Drive:** Mr. Lee Jarvis went out and took photographs. He gave the photos to Ms. Washburn to give to the Commission. Mr. Kelley has been taking all the trash from the front of the house and throwing it inside the house. Mr. Jarvis is taking Mr. Kelley to court. Bill Klansek is also looking into the building permit. The building permit expires on 2/12/12. The Commission asked Ms. Washburn to tell Mr. Klansek not to renew the building permit until Mr. Kelley is in compliance with Conservation. Ms. McLaughlin read the Enforcement Order. Ms. Washburn had written the wrong meeting date on the Order for Mr. Kelley to attend. She will send a revised letter and ask that he attend the next meeting on 1/25/12. *A motion to ratify the Enforcement Order with the correct meeting date (Moennsad/Snow) passed 6/0.*

**45 Lake Street:** Ms. Washburn issued an Enforcement Order last year and asked the Commission to ratify the Order. The Wissiup's have indicated that if they are to attend any site visit, it must be before 9 a.m. *A motion to ratify the Enforcement Order issued on August 15, 2011 (Lochner/McLaughlin) passed 6/0.*

**12 Williams Drive:** Ms. Washburn received a complaint on 1/9/12 from a person who wished to remain anonymous. Ms. Washburn was given a photograph allegedly showing Artie Williamson working on the property on 1/1/12. The person complaining claims sand was hauled in, dumped and spread in Stiles Reservoir. No boom is visible in the photo. Ms. Washburn said upon reviewing the file, Special Conditions called for a boom when machinery is within 40 feet of open water; the boom must be laid on ice if present. It also stated that the owner must contact the Commission for a final inspection and permission to remove the boom. No boom was present on 1/9/12. There was no inspection done before the work began, as stated in the Order of Conditions. It is unclear whether all work is complete. The Order of Conditions states that the total area of proposed/permitted alteration/replacement of Land Under Waterbodies and Waterways is “to be determined during the project by the Spencer Conservation Commission”. Ms. Washburn will issue a Notice of Violation and she will contact Artie Williamson.

**134 West Main Street:** On December 20, 2011, Ms. Washburn inspected the site. ESC was mostly good, except that the last 45 feet on the right facing the building needed tightening. On January 9, 2012, Ms. Washburn inspected again. All the ESC was gone. Also, four trees in the riverfront area had been cut. No permits for tree cutting were issued. Special conditions in the Order of Conditions states “the control devices shall be maintained and remain in place until the Commission authorizes removal”. No authorization was give for the ESC removal. Ms. Lochner said to send a Notice of Violation and request that they attend the next meeting on January 25, 2012. Mr. Grimes said to write in the Notice of Violation that they must put silt fence back up within 50 feet of the river.

**Lac Marie Dam:** On January 3rd, holes were drilled into the spillway slab upstream of the crest. On January 10th, grouting was completed. On January 11th, sand slurry was injected into the lower spillway to fill voids. Ms. Washburn said the work is complete. The valve will be closed on January 12th or January 13<sup>th</sup> to let water in the pond come up over the spillways. Ms. Washburn received one monitoring report so far from Tighe & Bond. Two more are expected.

**99 Hastings Road:** Ms. Washburn said she noticed piles of fill in the riverfront area. Mr. Snow and Ms. Washburn inspected on January 10<sup>th</sup> and took photographs. Ms. Washburn said there is a history of violations going back to the previous owner. Ms. Washburn will contact the owner and schedule a site visit.

**26 Main Street:** Ms. Washburn received a complaint about a new garage in the riverfront. Ms. Washburn and Mr. Reed inspected on January 11<sup>th</sup>, pulled a 200-foot tape and took photographs. Two buildings appear to be under construction. The smaller of the two appear to be in the 200-foot Riverfront Area and the larger one may be also. The owner did get a building permit to build the garage. Ms. Washburn will send a letter stating that Mr. Jarmulowicz needs to file a Notice of Intent.

**19 Woodchuck Lane:** Ms. Washburn received a complaint from Cynthia Prouty (333 Main Street) about cutting vegetation possibly in the Buffer Zone. Mr. Snow and Ms. Washburn walked along the driveway at 19 Woodchuck Lane on January 10<sup>th</sup>, saw only storm damage type cutting. Mr. Lemenenger would welcome a site visit to address Mrs. Prouty's complaints, and asked to be notified as to when the site visit will be so he can attend. The Commission indicated no further action was necessary.

**Brooks Pond Road:** Ms. Washburn received a complaint about machines being run starting at 6:00 in the morning. The person who complained works until 11 p.m. or 2 a.m. Ms. Washburn called the forest cutter and logger, and the DCR forester. Ms. Washburn is working on this complaint. Ms. Lochner doesn't think a complaint about the work times on logging jobs is a Conservation Commission issue. Ms. Washburn will contact the DCR forester regarding hours when work is permitted.

**Citation from Land Court:** The Commission looked at and discussed a Citation from the Commonwealth of Massachusetts Land Court, Department of the Trial Court. It was agreed to refer the Citation to the Town Administrator, Adam Gaudette, for his review.

**Envirothon:** Ms. McLaughlin said the topic is Stormwater Management. The team has to come up with a couple places in town that have road washout. The Commission made a couple suggestions for the team. Tentatively, the Envirothon Team will meet with the Commission at the February 8<sup>th</sup> meeting.

**Depot Trail:** Ms. Lochner said she never heard back from the Snowbirds. Mr. Grimes and his wife went out to the trail on Saturday morning and did two hours worth of cleanup. Mr. Grimes said something needs to be done. It is very dangerous on the trail. Mr. Reed never received a response from Mr. Bill Shemeth in regards to Mr. Reed's email. Mr. Grimes would like to have a meeting with the Town Administrator to discuss the removal of the Depot Trail responsibilities from the Parks and Recreation Commission. The Commission is going to clean-up the trail on Saturday, January 21, 2012 from 8 a.m. until 12 p.m.

New Applications: RDA, Meadow Road Sewer work  
ANRAD, 115 Wilson Street

*A motion to adjourn the meeting at 9:16 p.m. (Snow/Reed) passed 6/0.*

Respectfully submitted by:

---

Lisa Daoust, Clerk  
Development & Inspectional Services

**Documents reviewed at 1/11/12 Spencer Conservation Commission meeting:**

Agenda for 1/11/12 meeting.

Minutes from 12/14/11 meeting.

Margaret's report dated 1/11/12.

ANRAD application for 115 Wilson Street.

Citation from Commonwealth of Mass Land Court dated 12/13/11 re: assessor's ID OR27-00001 (Ash St.).

Letter from MA MEMA dated December 2011.

MACC Quarterly dated Winter 2011.

Letter from MACC re: Dana Reed has completed MACC Fundamentals for Conservation Commissioners.

Volunteer to Serve Your Town document from Rick Barrell.

Spencer Conservation Commission 2011 Annual Report.

File regarding Brooks Pond Road complaint about dirt in the road at a logging job.

File regarding a complaint about vegetation being cut at 19 Woodchuck Lane.

Photographs taken at 26 Main St. in response to complaint about a new building in the Riverfront Area.

Enforcement Order issued to the Wissiups at 45 Lake Ave. Extension on 8/15/11.

File on 99 Hastings Road, including photographs taken on 1/10/12.

File on 134 West Main Street.

File on 12 Williams Drive.

File on 93 Lakeshore Drive.

File on William Casey Estates.

File on 35 Chickering Road.

File on 2.5 Buteau Road.