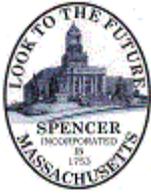


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, October 23, 2013 at 7:00 PM  
Town Hall, McCourt Social Hall

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

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

Staff present: Margaret Washburn

**Minutes:** September 25, 2013 – Tabled to November 13, 2013  
October 9, 2013 – Tabled to November 13, 2013

**Signed:** 26 Laurel Lane, Order of Conditions

### **7:15 p.m. Opened the Public Meeting for Request for Determination of Applicability for Neil Harvey**

#### **Property: 66 Chickering Road, Spencer, MA**

Scott Dupre, from Clearwater Environmental, said Mr. Harvey is upgrading his septic system. The pump chamber and septic tank are in the buffer zone. Everything is pushed as far as possible from the pond.

Candace Ross, from 70 Chickering Road, commented that everybody in the neighborhood said that 68 & 66 Chickering Road have a shared septic system. Michael Ross is concerned about how close the system will be to his property. Mr. Dupre explained the septic system to Mr. Ross. Ms. McLaughlin said she does not see any Conservation issues but they should check with the Board of Health.

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

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

### **7:30 p.m. Opened the Public Meeting for Request for Determination of Applicability for Theodore Antanavica**

#### **Property: 33 Lakeview Drive, Spencer, MA**

Mr. Antanavica said he would like to construct a patio behind the retaining wall. Ms. Washburn said she did an inspection. She said he will have to build two retaining walls that are not described or shown on the plan. The walls will be between the existing house

and the proposed patio on the uphill (house) side. Mr. Antanavica drew the walls on the photos he submitted. He dated and initialed the photos.

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

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

**7:37 p.m. Opened the Public Meeting for Request for Determination of Applicability for Jack Erikson**

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

Mr. Josiah Rich presented the plan. A second story addition will be constructed to the existing home. Also a porch will be added and the deck and stairs will be replaced. Ms. Emerson said there are a lot of trees on the property and it was hard to tell where the erosion controls were going to be placed. She requested that the trees be shown on the plan relative to the erosion controls. Mr. Erikson said two trees will be taken down and the stumps and roots will be removed. One tree is approximately 50 feet from the lake and the other one is approximately 60 feet from the lake. Ms. McLaughlin said the two trees being taken down need to be shown on the plan as well. Mr. Erikson spoke about the grading. He would like to change the pitch and grading on the site. Ms. McLaughlin said the grading needs to be shown on the plan.

Ms. Washburn said the septic system is not shown on the plan and should be. She said there is a concern that pulling the stumps will hurt the septic system. Ms. Washburn said the revised plan also needs to show where roof runoff will be collected and put into a dry well. She also told Mr. Erikson that the revised plan needs to show how close the work will be to the bank and how close the equipment will be to the water.

Ms. Washburn said there are issues with wetlands being filled and vegetation being cut and dumped in wetlands along the driveway as you enter the site. Mr. Erikson said the fill is from a hill that was there. Ms. Washburn said filling and cutting in the buffer zone requires a permit. Ms. McLaughlin said you cannot cut and fill in the wetlands. Mr. Erikson said he is planting apple trees and blueberry bushes in that area. Ms. Washburn said a wetland consultant needs to delineate the wetlands. Mr. Erikson said "it's a mosquito hole". He said the area is just runoff that sits there. Ms. McLaughlin said even if the wetland was created and exists now it's a jurisdictional wetland.

Ms. Washburn said an Enforcement Order could be issued instead of Mr. Erikson filing a Notice of Intent. Ms. Washburn will send Mr. Erikson a list of wetland specialists. The Commission told Mr. Rich that the new sketch submitted must be at a scale of 1" = 40'.

Ms. McLaughlin said the following should be on the revised sketch:

- The septic system needs to be shown.
- The drywell needs to be shown.
- The dumpster needs to be shown.
- If more pipes are installed, they need to be shown.
- Show the closest point of work to the water.

Ms. Washburn said the revised sketch must be submitted by November 6th.

At the request of the applicant the meeting has been continued to November 13, 2013.

**Other Business:**

**Thompson Pond Drawdown:** Ms. Washburn said she thinks that Thompson Pond needs an Order of Conditions for the drawdown. Every other lake in Spencer has an Order. Mr. Tyler told Ms. Washburn that he doesn't want to be responsible for submitting the Notice of Intent. He thinks the Lake Association should be responsible.

**44 Buteau Road, Kuchinski:** Ms. Washburn said complaints have been received from 47 Buteau Road about smoke and dust. Ms. Washburn said she inspected with Lee Jarvis on October 16th. Ms. Washburn read the inspection report.

Ms. Washburn said that Mr. Kuchinski screens gravel and appears to be operating a commercial business at the site without the proper business certificate. There are zoning issues. Mr. Jarvis had said that Mr. Kuchinski can only store construction equipment in a building or on a commercial lot. Mr. Kuchinski cannot create dust that leaves the site.

Ms. Washburn said that photographs were sent to our department showing dirt in the road at 44 Buteau Road. Ms. Washburn called Mr. Kuchinski and asked to have the road swept. She inspected and the road was swept.

Ms. Washburn said that Mr. Kuchinski has many deteriorating fuel storage containers exposed to the elements. There are stockpiles of asphalt chunks as well as soil. A great deal of fill, some of it apparently construction debris, has been pushed into the buffer zone and/or wetlands associated with the pond and stream to the west of 44 Buteau Road.

Ms. Washburn told the Kuchinskis that their property would be discussed at the October 23<sup>rd</sup> meeting and urged them to attend. They are not present tonight. The Commission will do a site visit on Tuesday, October 29<sup>th</sup> at 3 p.m.

**Site Visits:** The Commission will do site visits to 25 Meadow Road and 9 West Avenue on Tuesday, November 5<sup>th</sup> at 3:30 p.m.

**Woodbine Terrace:** Ms. Washburn sent Ms. Petrozzi a letter with requested changes to the site plan. She did not relay the information to Julian Votruba. Mr. Votruba submitted plans on October 22<sup>nd</sup> that do not reflect the requested changes. Today, Ms. Washburn sent him a copy of the letter she had mailed to Ms. Petrozzi listing requested changes. Ms. Washburn said the Fountain Grass that they want to plant is one of the least wanted plants. Ms. Washburn said invasive species is not allowed to be planted after an Enforcement Order is issued. Ms. McLaughlin noticed that it said in the letter that a dead tree was going to be pulled from the water. Ms. Washburn said they cannot do that because they do not own the property. She also said Bill Klansek wrote a letter that stated the shed will not be in compliance.

**115 Wilson Street:** Ms. Washburn inspected on October 16th. There are three problems at this time: Gully erosion leading into Basin 1, erosion on the SE side of Basin 1, and a big patch of bare soil in Array 1. The existing crossing has been restored. The pipes and swamp mats have been removed.

**96 Wilson Avenue:** Mr. Klansek never recorded his Order of Conditions for the house he built. Today, he told Ms. Washburn that he would record the Order by November 1<sup>st</sup>.

**5 Meadow Road – Charlie’s Diner:** Ms. Washburn inspected on October 16th. Some of the ESCs were 25 feet +/- closer to the BVW than shown on plan. They were told by Ms. Washburn to re-install ESCs. Ms. Washburn inspected again on October 23rd and gave permission to start work.

**Gravel Inspections:** Ms. Washburn did the gravel pit inspections at Moschinis gravel pit on Howe Road and at Bond Sand & Gravel on North Spencer Road. There were no issues.

**Clark Road:** Ms. Washburn said she received a complaint today regarding work being done in the buffer zone to an intermittent stream and/or Stiles Reservoir. Ms. Washburn said there has been quite a bit of grading done. The Commission will do a site visit on October 29th at 3:30 p.m.

New Applications:   25 Meadow Road, Daoust, RDA  
                          9 West Avenue, Bergeron, NOI  
                          391 East Main St., Mercury Wire, NOI

*A motion to adjourn the meeting at 9:04 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 10/23/13 Spencer Conservation Commission meeting:

Agenda for the 10/23/13 meeting

Minutes from the 9/25/13 Spencer Conservation Commission meeting (tabled)

Margaret's report dated 10/23/13

Order of Conditions for 26 Laurel Lane (signed)

CORI Acknowledgement Form signed by Brian Roode

RDA file and Negative Determination for 66 Chickering Road (signed)

RDA file and Negative Determination for 33 Lakeview Drive (signed)

RDA file for 40 Briarcliff Lane

Complaint file and photographs taken at 44 Buteau Road on 10/16/13

NHESP letter dated 10/14/13 re: certification of vernal pool at 22 Treadwell Drive solar farm

Letter from "Several residents of Buteau and Clark Road" dated 10/22/13 re: complaint about Ralph Williamson's boat storage

Letter from Julian Votruba dated 10/21/13 re: request to amend OofC for Woodbine Terrace (Sara Petrozzi)

Plant Conservation Alliance fact sheet re: Fountain Grass is an invasive species