

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, November 18, 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, Dana Reed, Margaret Emerson, John Haverty

Commissioners Absent: Warren Snow, James Bouley

Staff present: Margaret Washburn

**Minutes Approved:** September 23, 2015 – *A motion to approve the Minutes as amended (Haverty/Emerson) passed 4/0.*  
October 14, 2015 – Tabled to December 9, 2015

**Signed:** Lake Whittemore Dam, Order of Conditions  
96 Greenville Street, Amended Order of Conditions  
5 East Avenue, Certificate of Compliance  
78 Clark Road, Certificate of Compliance  
66 GH Wilson Road, Certificate of Compliance  
115 Charlton Road, Certificate of Compliance

**7:15 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**

Mike Carter, from GCG Associates, said all the catch basins have been replaced with four-foot deep sumps. Underground electric work has postponed the work. They expect work to continue from May to July, 2016.

*A motion to close the public hearing (Emerson/Haverty) passed 4/0.*

*A motion to accept plan with the final revision date (Reed/Emerson) passed 4/0.*

**7:23 p.m. Opened the Public Hearing for Notice of Intent for Jeff Zukas**

**Property: 89 Smithville Road, Spencer, MA DEP#293-0869**

Jason Dubois presented the plan. The project is for a single family home with septic system. The proposed work is on the northwest portion of the property. Straw wattles and silt fence will be installed. Grass swales will be on each side of the driveway with

stone check dams every 100 feet. There will be five roof-recharge chambers. Mr. Dubois said that Steve Tyler was all set with the stormwater portion of the project. Ms. Washburn said Mr. Dubois and the Commission need to sign the continuance form because this hearing was supposed to be opened last month, but was not.

*A motion to close the public hearing (Reed/Emerson) passed 4/0.*

*A motion to approve the plan with standard conditions (Reed/Haverty) passed 4/0.*

**7:30 p.m. Opened the Public Meeting for Request for Determination of Applicability for Common Ground Land Trust**

**Property: Wire Village Road, Spencer, MA**

The Commission reviewed the plans. Ginny Scarlet presented the project. She said Common Ground Land Trust (CGLT) has a formal easement on the property. They are going to mow the grass and then cut the brush. The easement states they have to stay out of the agricultural field. There will be no soil disturbance. Ms. Scarlet said there are trampled paths to the river that will be maintained. She said the trail crosses at an existing ford used by tractors. No changes will be made to the ford. The trail ends at the end of the property and there are endangered species there. Ms. Scarlet said that NHESP wants more information regarding who will do the mowing, when, how wide the trail will be, and what work will be done at the ford. Ms. Scarlet requested a Negative Determination with a condition that CGLT shall comply with all Massachusetts Endangered Species Act requirements and postpone work until Natural Heritage and Endangered Species Program has concluded their review.

*A motion to close the public meeting (Reed/Emerson) passed 4/0.*

*A motion for a Negative Determination with the condition as discussed (Reed/Haverty) passed 4/0.*

**7:49 p.m. Opened the Public Meeting for Request for Determination of Applicability for David Squires**

**Property: 25 Wilson Avenue, Spencer, MA**

Mr. Squires is proposing to construct an addition to his existing home. Ms. Washburn inspected and took photos. There are no conservation issues at this time. Mr. Squires indicated that wattles will be used instead of hay bales. That is the approved plan.

*A motion to close the public meeting (Haverty/Emerson) passed 4/0.*

*A motion for a Negative Determination (Emerson/Reed) passed 4/0.*

**7:56 p.m. Opened the Public Meeting for Request for Determination of Applicability for Carl Dworman**

**Property: Rustic Lane, Spencer, MA**

Ms. Washburn said no one is here to present the project. Mr. Richard Gobi sent a letter along with a revised plan stating that he couldn't be here. Ms. Washburn said she was satisfied with the revised plan.

*A motion to close the public meeting (Haverty/Emerson) passed 4/0.*

*A motion for a Negative Determination (Emerson/Haverty) passed 4/0.*

## **Other Business:**

**5 East Avenue:** Ms. Washburn said she inspected and took photos. There were no conservation issues at this time. *A motion to issue a Certificate of Compliance (Reed/Haverty) passed 4/0.*

**66 GH Wilson Road:** Ms. Washburn said while she was inspecting for the request for Certificate of Compliance for Ryan Maloney, she observed and photographed an apparent violation across the pond to the east on property owned by David Maloney. Heavy equipment had evidently pushed cut trees onto the Bank of the pond. The Bank and buffer zone soil and vegetation were altered without a permit and without an oil-absorbent boom deployed in the pond. Ms. Washburn issued a Notice of Violation on November 2<sup>nd</sup> requiring David Maloney to attend tonight's meeting to discuss Bank and buffer zone restoration.

Mr. Bob Maloney said trees are choked with bittersweet and he has dead trees. He said he wanted to stabilize the Bank. He said he will pull the logs out with a 4-wheeler. He will try to have this done by January 1, 2016. Mr. Maloney will let Ms. Washburn know when he has that done.

Mr. Ryan Maloney said he is not planning on doing any more work on this property. Ms. Washburn asked Mr. Maloney to remove the hay bales and silt fence between the stream and the pond because they are a barrier to wildlife. Mr. Maloney will do so. *A motion to issue a partial Certificate of Compliance (Reed/Haverty) passed 4/0.*

**45 Chickering Road:** Mr. Robert Birkbeck said his driveway is directly across from Shady Drive. The town dumps the snow on his land. He said the town cut the saplings and brush along the road. Mr. Birkbeck asked the highway department to dump fill beside his driveway. He said he received a Notice of Violation. He installed the hay bales and Ms. Washburn inspected them. The Commission told Mr. Birkbeck that he needs to file a Notice of Intent with a site plan showing flags and distance from the fill to the wetlands. Only 10 wetland flags would be needed.

**78 Clark Road:** Ms. Washburn inspected and had no issues. *A motion to issue a Certificate of Compliance (Haverty/Emerson) passed 4/0.*

**115 Charlton Road:** Ms. Washburn inspected and had no issues. *A motion to issue a Certificate of Compliance (Reed/Haverty) passed 4/0.*

**80 Donnelly Road:** Ms. Washburn inspected and had no issues. *A motion to issue a Certificate of Compliance (Haverty/Emerson) passed 4/0.*

**89.5 Clark Road:** Ms. Washburn inspected and had no issues. *A motion to issue a Certificate of Compliance (Reed/Haverty) passed 4/0.*

**Burncoat Pond Watershed District:** Mr. Reed said that Burncoat Pond Watershed District (BPWD) formally notified him and Ms. McLaughlin, by email, that they are withdrawing their Notice of Intent.

**Site Visits:** The Commission will do site visits on Wednesday, December 1<sup>st</sup> at 12:45 p.m.

**Conservation Commission Volunteer:** Mr. Brian Graeff is interested in being a Commission member. He introduced himself to the Commission. The Commission will make a recommendation to Adam Gaudette to appoint Mr. Graeff as a Commission member.

New Applications: 78 Donnelly Road, Amend Order of Conditions

*A motion to adjourn the meeting at 9:15 p.m. (Haverty/Emerson) passed 4/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 11/18/15 Spencer Conservation Commission meeting:

Agenda for the 11/18/15 meeting  
Margaret's report dated 11/18/15  
Minutes from the 9/23/15 meeting (approved as amended)  
Order of Conditions for Lake Whitemore Dam (signed)  
Amended Order of Conditions for 96 Greenville Street (signed)  
Certificate of Compliance for 5 East Avenue (signed)  
Certificate of Compliance for 78 Clark Road (signed)  
Partial Certificate of Compliance for 66 GH Wilson Road (signed)  
Certificate of Compliance for 115 Charlton Road (signed)  
Certificate of Compliance for 80 Donnelly Road (signed)  
Certificate of Compliance for 89.5 Clark Road (signed)  
NOI file for 13 McDonald Street, including Order of Conditions (signed)  
NOI file for 89 Smithville Road, including Order of Conditions (signed)  
RDA file for Wire Village Road, including Negative Determination (signed)  
RDA file for 25 Wilson Avenue, including Negative Determination (signed)  
RDA file for Rustic Lane, including Negative Determination (signed)  
Notice of Violation file for 66 GH Wilson Road  
Notice of Violation file for 45 Chickering Road