

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, June 10, 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, Warren Snow, John Haverty, James Bouley

Staff present: Margaret Washburn

**Minutes Approved:** April 22, 2015 – *A motion to approve the minutes as amended (Emerson/Haverty) passed 6/0.*  
May 13, 2015 – Tabled minutes to June 24, 2015

**Signed:** Continuance form – 3 Lakeview Drive

**7:20 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**

Steve Tyler presented the proposed culvert replacement project. He said there are comments on the new stream crossing standards from the Department of Environmental Resources (DER). The Commission wants to continue the hearing until the person from DER comes to see the project. *The hearing has been continued to July 8, 2015.*

**7:22 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Town of Spencer Utilities and Facilities**

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

*The hearing has been continued to July 8, 2015.*

**7:25 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Robert Moschini**

**Property: 144 Mechanic Street, Spencer, MA DEP#293-0843**

Ms. Washburn said she has asked Steve Broyer to send a continuation form with a specified continuation date. He has not done so. The Commission decided if a continuation form is not submitted by the July 8<sup>th</sup> meeting, the project will be denied for lack of information at the July 8<sup>th</sup> meeting.  
*The hearing has been continued to July 8, 2015.*

**7:35 p.m. Opened the Public Hearing for Notice of Intent for Kevin Sherry**

**Property: 97 Meadow Road, Spencer, MA DEP#293-0855**

Charles Caron represented Kevin Sherry. Mr. Caron compared his sketch with the area of clearing to the assessor's aerial photo of the tree canopy. He said 2,400sf of tree canopy was lost. Mr. Caron said the closest tree that was cut was approximately 95 feet from the river. The other cut trees were over 100 feet away from the river. Mr. Caron said the trees were at least 50 years old. Ms. McLaughlin read DEP's comment. Mr. Caron said the Commission does not have to follow DEP's comments. Ms. McLaughlin said most Notices of Intent require engineered plans. Mr. Caron suggests planting five to ten trees, a mid number would be seven.

Mr. Caron will send a sketch showing location and list of species to be spaced throughout the area where the canopy was lost. He will submit the sketch by June 17<sup>th</sup>. *At the request of the applicant, the hearing has been continued to June 24, 2015.*

**8:10 p.m. Opened the Public Meeting for Request for Determination of Applicability for Joshua Prater**

**Property: 54 South Spencer Road, Spencer, MA**

Josh Prater said he's lived there for eight years. He is installing an above-ground pool and associated deck in the buffer zone. Mr. Prater wants to deposit the fill on an extremely steep slope close to the wetlands in the rear of the site. He said he is willing to put the loam outside the buffer zone along the new fence beside the road. Mr. Prater drew on the plan and initialed it. This plan is the approved final version. The Commission told Mr. Prater he can dig holes with a shovel and plant bushes on the steep slope to stabilize it.

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

*A motion for a Negative Determination with the initialed changes on the plan (Snow/Emerson) passed 6/0.*

**8:25 p.m. Opened the Public Meeting for Request for Determination of Applicability for Christopher Heffernan**

**Property: 74 Donnelly Road, Spencer, MA**

Glen Krevosky withdrew the RDA. The Commission is willing to consider the catwalk for lake access if the catwalk avoids the pool of standing water in the IVW. Mr. Krevosky requested a copy of these minutes sent to him when they are approved.

**8:35 p.m. Opened the Public Meeting for Request for Determination of Applicability for Guaranteed Builders**

**Property: 22 Bellevue Drive, Spencer, MA**

The plan is for a 28'x24' single-story, two-car garage. Hay bales and silt fence will be placed between the garage and the stream. No grading will take place but a four-foot frost wall will require excavation. All excavated materials will be hauled off site. Gutters and downspouts will flow into a dry well.

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

*A motion for a Negative Determination with the condition that all excavated material be hauled off site (Snow/Haverty) passed 6/0.*

**8:43 p.m. Opened the Public Meeting for Request for Determination of Applicability for Cameron Bishop**

**Property: 5 Lake Whittemore Drive, Spencer, MA**

Mary Hollingsworth said they are putting solar panels on the workshop building and a trench needs to be dug from the workshop to the electricity box. Sediment controls are not needed.

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

*A motion for a Negative Determination (Emerson/Reed) passed 6/0.*

**8:48 p.m. Opened the Public Meeting for Request for Determination of Applicability for Kevin McCarthy**

**Property: 15 Lake Avenue, Spencer, MA**

Mr. McCarthy wants to install an artesian well next to his rental house. He has obtained a well permit from the Board of Health. If this well works, the work in the first RDA he filed will not be done. Sediment controls and a boom will be installed.

The proposed conditions are as follows:

- Contact the Commission five days prior to starting work for an inspection of the sediment controls and the boom.

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

*A motion for a Negative Determination with the above condition (Reed/Haverty) passed 6/0.*

**8:53 p.m. Opened the Public Hearing for Notice of Intent for Michael Quinn**

**Property: 178 Northwest Road, Spencer, MA DEP#293-0857**

Michael Quinn submitted a revised set of plans to the Commission. Mr. Reed read the site inspection report. Mr. Quinn said the project is for construction of a single family home. A well permit has been obtained from the Board of Health and the septic plan has been approved. A temporary tracking pad will be installed. Mr. Scott Campbell said a few more flags were added where curves were located. Mr. Campbell explained the plan to the Commission. Double-staked hay bales, silt fence, and straw wattles will be installed.

Mr. Eric Brunelle asked if they can drill the well after the hay bales are installed and inspected. The Commission said yes because that work is outside the buffer zone and not in the Commission's jurisdiction.

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

*A motion to accept plan as submitted with standard conditions (Bouley/Reed) passed 6/0, Order of Conditions to be issued.*

**9:14 p.m. Opened the Public Meeting for Request for Determination of Applicability for Robert Kowal**

**Property: 10 Monticello Drive, Spencer, MA**

The project is to replace an existing retaining wall. The wall is now made of pressure-treated wood. It will be replaced with concrete blocks. No excavation will be done. Also, a new deck will be built inside the retaining wall. The sono tubes will be dug by hand. No sediment controls are needed.

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

*A motion for a Negative Determination (Reed/Bouley) passed 6/0.*

**9:17 p.m. Opened the Public Hearing for Notice of Intent for Howard Barrell**

**Property: 63 Oakland Drive, Spencer, MA DEP#293-0856**

Jason Dubois said the septic system failed. The existing septic system is near the road now. The new tank will go there and the leachfield will be between the retaining wall and the house. Hay bales and silt fence will be installed at the top of the existing retaining wall. Sediment controls and a boom will be installed.

*A motion to close the public hearing (Snow/Reed) passed 6/0.*

*A motion to accept plan as submitted with standard conditions (Bouley/Haverty) passed 6/0, Order of Conditions to be issued.*

**9:25 p.m. Opened the Public Hearing for Notice of Intent for Gerald Ferguson**

**Property: 103 Clark Road, Spencer, MA DEP#293-0859**

Mr. Ferguson said he is proposing to construct a two-car garage. Ms. Washburn said she did an inspection and noticed that a patio was built and a tree was cut in the buffer zone without a permit. Ms. Washburn said the erosion controls don't have to extend to the patio but should extend closer to the road. Mr. Ferguson drew that on the plan, added a boom, and drew a stockpile area surrounded by hay bales and silt fence. He initialed and dated the plan. This is the final approved plan.

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

*A motion to accept plan as submitted with standard conditions (Reed/Haverty) passed 6/0, Order of Conditions to be issued.*

**Other Business:**

**115 Charlton Road:** Ms. Washburn said that Scott Jordan, from EcoTec, submitted a remediation plan. Ms. Washburn issued an Enforcement Order so that Ms. Schoof does not have to file another Notice of Intent. *A motion to ratify the Enforcement Order (Reed/Bouley) passed 6/0.*

**34 Point Eastalee Drive:** Ms. Washburn said she inspected and had no issues. *A motion to issue the Certificate of Compliance (Reed/Haverty) passed 6/0.*

**29 Kittredge Road:** Ms. Washburn said she inspected and had no issues. *A motion to issue the Certificate of Compliance (Snow/Emerson) passed 6/0.*

**35 Northwest Road:** Ms. Washburn said large trees, small trees and shrubs had been removed close to an intermittent stream that flows between the house and Northwest Road. Soils had been disturbed. She inspected and took photos on June 1<sup>st</sup>. Ms. Washburn issued a Notice of Violation on June 2<sup>nd</sup> requiring a Request for Determination to be filed by June 17<sup>th</sup>. The NOV required Mr. Soulor to cease and desist from work in the Buffer Zone immediately. Mr. Soulor has filed the required RDA.

**Small Farm APR:** Ms. Washburn said the selectmen signed the paperwork from the APR Program. Adam Gaudette's office expects to send out a check by the middle of next week. Ms. Ginny Scarlet has offered to give us a tour after the closing. Ms. Washburn said Ms. Scarlet will also be filing to create a walking trail. Ms. Washburn will send the draft CR from Jared Otte to Bill Shemeth. The Commission would like to see the most recent marked-up version that was printed.

**5 Meadow Road:** Ms. Washburn said that she and Ms. Emerson inspected and took photos on May 18th. They saw that large sections of the sediment controls were in need of replacement. Broken pavers had been placed on slopes where they were going to be buried and in the basin where the stormwater pipe outlet is located. Ms. Washburn contacted Steven Tyler who wrote the following in an e-mail:

**“In answer to the question I have to refer to the Town Zoning Bylaws that prohibit construction debris from being in fill within the Aquifer Protection Zone (APZ). All fill must be “clean”.”**

Ms. Washburn issued an NOV via e-mail. On June 2nd, Mr. Turner informed her that he had removed the broken pavers and replaced the sediment controls between the pipe outlet basin and the wetlands. He was still installing other hay bales, claiming that hay is hard to get at this time.

**Standard Conditions:** *A motion to make calling five (5) days ahead for an inspection as a standard order in the Order of Conditions (Snow/Reed) passed 6/0.*

Ms. McLaughlin said she will be on vacation June 26<sup>th</sup> through July 10<sup>th</sup> so she will be absent for the July 8<sup>th</sup> meeting.

New Applications:   35 Northwest Road, RDA  
                              80 Donnelly Road, NOI

*A motion to adjourn the meeting at 10:02 p.m. (Snow/Reed) passed 6/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 6/10/15 Spencer Conservation Commission meeting:

Agenda for the 6/10/15 meeting  
Margaret's report dated 6/10/15  
Minutes from the 4/22/15 CC meeting  
Wetland Resource Area Restoration Protocol for 115 Charlton Road (approved)  
Continuance form for 3 Lakeview Drive NOI (signed)  
Certificate of Compliance for 29 Kittredge Road (signed)  
Certificate of Compliance for 34 Point Eastalee Drive (signed)  
NOI file for 127 Ash Street  
Continuance form for 127 Ash Street (signed)  
NOI file for 97 Meadow Road  
Continuance form for 97 Meadow Road (signed)  
RDA file for 54 South Spencer Road, including Negative Determination (signed)  
RDA file for 74 Donnelly Road (withdrawn)  
RDA file for 22 Bellevue Drive, including Negative Determination (signed)  
RDA file for 5 Lake Whittemore Drive, including Negative Determination (signed)  
RDA file for 15 Lake Avenue, including Negative Determination (signed)  
NOI file for 178 Northwest Road  
RDA file for 10 Monticello Drive, including Negative Determination (signed)  
NOI file for 63 Oakland Drive  
NOI file for 103 Clark Road  
Draft Conservation Restriction for 19 Bixby Road