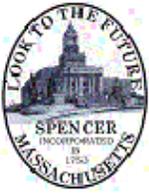


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, July 13, 2016 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, James Bouley, John Haverty, Brian Graeff

Commissioners Absent: Warren Snow

Staff present: Margaret Washburn

**Minutes Approved:**

May 25, 2016 – *A motion to approve the minutes as amended (Haverty/Reed) passed 6/0.*

June 8, 2016 – *A motion to approve the minutes as amended (Bouley/Reed) passed 6/0.*

June 22, 2016 – *A motion to approve the minutes as amended (Reed/Emerson) passed 6/0.*

**Signed:** Holmes Street, Amended Order of Conditions

**7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Caruso Construction**

**Property: Lot 1, North Spencer Road, Spencer, MA DEP#293-0873**

The hearing has been continued to July 27, 2016.

**7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Caruso Construction**

**Property: Lot 2, North Spencer Road, Spencer, MA DEP#293-0865**

The hearing has been continued to July 27, 2016.

**7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Caruso Construction**

**Property: Lot 3, North Spencer Road, Spencer, MA DEP#293-0866**

The hearing has been continued to July 27, 2016.

**7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Caruso Construction**

**Property: Lot 4, North Spencer Road, Spencer, MA DEP#293-0867**

The hearing has been continued to July 27, 2016.

**7:22 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Steven Turner**

**Property: 5 Meadow Road, Spencer, MA DEP#293-0870**

The hearing has been continued to September 14, 2016.

**7:24 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Carla Gallagher**

**Property: 75 Borkum Road, Spencer, MA**

The meeting has been continued to July 27, 2016.

**7:25 p.m. Opened the Continuation of Public Hearing for Notice of Intent for St. Joseph's Abbey**

**Property: 167 North Spencer Road, Spencer, MA DEP#293-0878**

The hearing has been continued to July 27, 2016.

**7:27 p.m. Opened the Public Meeting for Request for Determination of Applicability For Brian Kennen**

**Property: 7 Debbie Drive, Spencer, MA**

Brian Kennen said he is looking to move the pile of fill, clean off the side portion next to the garage and make a vegetable garden and a lawn. He presented a sketch showing hay bales and silt fence. The Commission did a site visit on June 27<sup>th</sup> and had no issues.

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

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

**7:31 p.m. Opened the Public Hearing for Notice of Intent for Carmen Szklarz**

**Property: 40 Thompson Pond Road, Spencer, MA DEP#293-0881**

There was nobody here to represent the project. The septic repair work has begun under an Emergency Certificate. The Commission inspected on July 29<sup>th</sup> and had no issues.

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

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

**7:34 p.m. Opened the Public Hearing for Notice of Intent for Alan Stanwick**

**Property: 59 Wilson Avenue, Spencer, MA DEP#293-0880**

The project is to install a new tight tank and a new well. An old house will be demolished and a new house built in the buffer zone to Stiles Reservoir. A new parking lot is proposed across the road. This parking area will result in a vertical cut into a steep hill. Ms. Washburn said there were questions about:

- Intercepting groundwater when the cut into the hill is made.
- How the cut into the hill will be stabilized.

- Roof runoff recharge into the ground.
- An oil-absorbent boom in the reservoir.

The hearing has been continued to July 27, 2016.

**7:37 p.m. Opened the Public Hearing for Notice of Intent for Town of Spencer Highway Department**

**Property: Charlton Road, Spencer, MA DEP#293-0882**

The project is for a culvert replacement near Crestwood Road. Chris Zmuda, Steve Tyler's summer intern, presented the project. The old culvert will be completely removed. The new culvert is longer than the old one. Steve Tyler said the paving is slated for spring. DEP asked for a list of seed mix. Mr. Tyler submitted a document with several seed mixes. Ms. Washburn asked for an oil absorbent boom to be used 40-feet downstream from the closest point of hydraulic equipment work. Mr. Tyler drew a boom on the plan and wrote "approved plan".

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

*A motion to approve the plan as revised with the condition as discussed (Emerson/Reed) passed 6/0.*

**7:54 p.m. Opened the Public Hearing for Notice of Intent for Town of Spencer Highway Department**

**Property: Charlton Road, Spencer, MA DEP#293-0883**

The project is for drainage improvements north of Howe Road. Chris Zmuda said they will be replacing an outfall and creating a new one, adding drop inlets, manholes, underground pipes, and headwalls. Steve Tyler said the work will help protect new driveways. The same seed mix will be used as the culvert replacements.

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

*A motion to approve plan as submitted (Haverty/Bouley) passed 6/0.*

**Other Business:**

**44 Buteau Road:** Ms. Washburn said the Commission did a site visit. They noticed more fill had been pushed towards the buffer zone. An Enforcement Order was issued and delivered by the Constable. Ms. Washburn said Jason Dubois called her and told her that the fill hadn't gone further than the previous fill. It fell down on the idle fill onto a shelf. The RDA for this property has been withdrawn. The Enforcement Order calls for the violator to submit a plan of remediation for the disturbed area. Mr. Stanley Kuchinski said the fill was there last time the Commission was out. He said all he did was flatten it out and none of it went into the wetlands. Ms. Washburn said there is some more recently disturbed fill and it needs to be stabilized. Mr. Dubois said he would be in the next meeting to present a plan. Ms. McLaughlin read the Enforcement Order. *A motion to ratify the Enforcement Order (Graeff/Emerson) passed 6/0.*

**9 West Avenue (Bergeron):** Ms. Washburn said she inspected. All areas are stable and there are no Conservation issues at this time. *A motion to issue a Certificate of Compliance (Emerson/Haverty) passed 6/0.*

**9 West Avenue (Nelson):** Ms. Washburn said she inspected. All areas are stable. Ms. Washburn said that the plan showed a rain garden that was supposed to be built but was not built. Ms. Washburn said the letter from Liz Dupris says everything was done to the plan except the driveway is not paved and the rain garden is not done. *A motion to issue a Certificate of Compliance (Graeff/Emerson) passed 6/0.*

**35 Point Eastalee Drive:** Ms. Washburn said she inspected. All areas are stable and there are no Conservation issues at this time. *A motion to issue a Certificate of Compliance (Haverty/Bouley) passed 6/0.*

**46 Smithville Road:** Ms. Washburn said she inspected. All areas are stable and there are no Conservation issues at this time. *A motion to issue a Certificate of Compliance (Graeff/Emerson) passed 6/0.*

**27 Jolicoeur Avenue:** Ms. Washburn said she inspected and took photos on July 12<sup>th</sup>. All areas are stable. The Bank was never flagged or depicted as such on the approved plans. The approved plans show a proposed sand beach and that is the only thing the plans show close to the water. Ms. Washburn said there is no sand beach there now. There is a low stone wall on the Bank now. The approved plan shows no wall on the Bank. No work on the Bank was proposed in the NOI except for the sand beach.

Ms. Washburn said the reason she is pointing this out is that when the Commission receives plans for similar projects, if the Bank is flagged, it makes it easier for the Commission when they receive a Request for Certificate of Compliance several years later to tell where the Bank was and whether it had been previously altered. *A motion to issue a Certificate of Compliance (Haverty/Reed) passed 6/0.*

**69 Wilson Avenue:** Ms. Washburn said she received a complaint about site work in the buffer zone to Stiles Reservoir. On 6/29, Ms. McLaughlin, Mr. Reed, Mr. Graeff, and Ms. Washburn inspected and took photos. David Annunziata, the owner, dug into the very steep hill across the road to make space for parking. In doing so, he intercepted groundwater, which is weeping out of the hill into the new parking area. There was muddy standing water in the new parking area. It appears as though if a big storm occurs, there is a potential for sediment to wash into a catch basin. Mr. Graeff found a catch basin within 100 feet of the work.

The fact that there is a catch basin within 100 feet, coupled with work being done on or resulting in a slope of 15% or greater, warrants a stormwater permit for this unpermitted site work. A Notice of Violation was issued. Mr. Annunziata called Ms. Washburn to say he would attend tonight's meeting.

Ms. Washburn said the neighbors called her to come back on 7/6. Boulders had been dumped off and a low retaining wall had been built (approximately 3 feet in height). Ms. Washburn said it will take considerably more than that to stabilize the cut in the hill, which is nearly vertical and 12 to 15 feet high. The neighbors are concerned that it is dangerous if someone falls off the cut.

Kevin Packard showed a video of sediment-laden water flowing from the site into the catch basin. He also showed a photo of sediment coming out of a pipe at 57 Wilson Avenue. From there, the sediment drained into Stiles Reservoir.

Ms. Washburn read the Notice of Violation. Ms. Washburn said Mr. Annunziata needs to install erosion controls immediately. If the erosion controls are installed and inspected, the Commission gave Mr. Annunziata until August 3<sup>rd</sup> to submit the RDA and a stamped plan. The Commission will do an inspection on Monday, July 18<sup>th</sup>.

**North Spencer Road Lots:** Mr. Graeff said he went by there and he saw trees that were cut down and had fallen on the silt fence. Ms. Washburn said it's not Caruso that cut the trees, it's the State. Mr. Graeff said the anti-tracking pad needs to be maintained.

**Site Inspections:** The Commission will do site inspections on Wednesday, July 20<sup>th</sup> at 9 a.m.

New Applications:   34 Point Eastalee Drive, RDA  
                              35 Lakeshore Drive, RDA  
                              5 Wilson Avenue, RDA

*A motion to adjourn the meeting at 9:32 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 7/13/16 Spencer Conservation Commission meeting:

Agenda for the 7/13/16 meeting  
Margaret's report dated 7/13/16  
Minutes from the 5/25/16, 6/8/16 and 6/22/16 CC meetings (approved as amended)  
Enforcement Order for 44 Buteau Road (ratified)  
Amended Order of Conditions for Holmes Street (signed)  
Certificate of Compliance for 9 West Avenue (Nelson) (signed)  
Certificate of Compliance for 9 West Avenue (Bergeron) (signed)  
Certificate of Compliance for 35 Point Eastalee Drive (signed)  
Certificate of Compliance for 27 Jolicoeur Avenue (signed)  
Certificate of Compliance for 46 Smithville Road (signed)  
Continuance form for Lots 1-4 North Spencer Road (signed)  
Continuance form for 5 Meadow Road (signed)  
Continuance form for 167 North Spencer Road (signed)  
Continuance form for 75 Borkum Road (signed)  
Continuance form for 59 Wilson Avenue (signed)  
RDA file for 7 Debbie Drive, including Negative Determination (signed)  
NOI file for 40 Thompson Pond Road  
NOI file for Charlton Road culvert replacement  
NOI file for Charlton Road drainage improvements  
Notice of Violation file for David Annunziata for 69 Wilson Avenue  
Photograph and a file submitted by Mr. David Annunziata at the 7/13 meeting  
Vernal pool observation report for 19 Woodchuck Lane prepared by Charles Caron  
Brooks Pond herbicide treatment notification from Solitude Lake Management, dated 7/6/16  
Lake Whittemore herbicide treatment notification from Solitude Lake Management, dated 6/22/16