

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, August 10, 2016 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 7 p.m.

Commissioners Present: Margaret Emerson, Dana Reed, Brian Graeff, James Bouley

Commissioners Absent: Mary McLaughlin, Warren Snow, John Haverty

Staff present: Margaret Washburn

**Minutes Approved:** July 13, 2016 – *A motion to approve the minutes as amended (Graeff/Reed) passed 4/0.*  
July 27, 2016 – table to August 24, 2016

**Signed:** 59 Wilson Avenue, Order of Conditions

**7:15 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 September 14, 2016.

**7:15 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 September 14, 2016.

**7:16 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 September 14, 2016.

**7:16 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 September 14, 2016.

**7:17 p.m. Opened the Public Meeting for Request for Determination of Applicability for Daniel Harden**

**Property: 43 GH Wilson Road, Spencer, MA**

Daniel Harden presented his project. He did a lot of site work with no permits and he built a garage and mud room without permits. He said he cut trees but did not disturb the soil. He wants to loam and seed around the garage and pull the stumps while the permit is pending. He also wants to raise his driveway, build stone retaining walls, build stone steps, clear brush, and grading to making the wooded/brushy areas so that they can be mowed. Ms. Washburn issued a Cease and Desist Order. Ms. Washburn had asked Mr. Harden to file an RDA to initiate the permit process. Ms. Washburn asked Mr. Harden to use surveyor's ribbon to mark all the trees he wants to cut. She told him he needs to show all the site work within 100 feet of wetlands. Ms. Washburn recommended issuing a positive determination, requiring that a Notice of Intent be filed due to the extent of work and proximity to wetlands. She also recommended allowing Mr. Harden to install double-staked hay bales and properly entrenched silt fence between previously altered areas and the BVWs while the NOI is being prepared. Ms. Washburn said she doesn't have a problem with allowing Mr. Harden to loam and seed around the garage after sediment controls are installed.

Steve Tyler asked if the front property line is shown on the plan. Mr. Harden said it is shown. Mr. Tyler said it looks as though town trees were cut down and a stone wall/pillars was built on town property. Mr. Tyler asked that the location of the pillars be shown on the plan. Mr. Tyler said the town will install a short-paved apron when they pave the road.

The Commission agreed to allow Mr. Harden to install double-staked hay bales and silt fence between all previously proposed work, and to grade, loam and seed only on west/north sides of the new garage.

An Enforcement Order will be issued to Mr. Harden. He must file a NOI by August 24, 2016, along with a stamped plan.

*A motion to close the public meeting (Bouley/Graeff) passed 4/0.*

*A motion for a Positive Determination (Graeff/Bouley) passed 3/1. Mr. Reed opposed.*

**8:07 p.m. Opened the Public Meeting for Request for Determination of Applicability for Jonathan Gulliver**

**Property: Route 31, Spencer, MA**

Bill Clougherty presented. The project is resurfacing/reclamation of Route 31. The road will be pulverized and they will bury it. The project is 3.7 miles long. The south limit is Charlton town line and the north limit is Bemis Street. There will be some minor road widening. The work is in the buffer zone to streams, rivers and BVW. Sediment controls will be used.

Steve Tyler said there is a pipe under LFB's driveway. He said if the work is done as shown on the sketch he will get in touch with LFB himself. He said if the subdrains are connected to the pipe and continue to drain south then they would be replacing the pipe.

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

*A motion for a Negative Determination (Graeff/Bouley) passed 4/0.*

**8:17 p.m. Opened the Public Meeting for Request for Determination of Applicability for David Schnare**

**Property: 68 Browning Pond Road, Spencer, MA**

The project is to replace stairs from the house to the pond. Ms. Washburn said the Commission did a site inspection on August 9<sup>th</sup>. Hydraulic equipment will be operating less than five feet from the Bank of Browning Pond. They had a question about whether a special condition should be added to require that the oil-absorbent boom be inspected before work starts. The Commission will inspect the boom and hay bales before starting work.

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

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

**8:22 p.m. Opened the Public Meeting for Request for Determination of Applicability for John Carlson**

**Property: 33 Browning Pond Road, Spencer, MA**

Richard Gobi presented the project of the septic repair. The Commission inspected and had no issues.

*A motion to close the public meeting (Graeff/Bouley) passed 4/0.*

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

**Other Business:**

**33 Browning Pond Road:** A request for Certificate of Compliance was submitted for an Order of Conditions for an addition that was never built. The Commission inspected. *A motion to issue a Certificate of Compliance (Graeff/Reed) passed 4/0.*

**69 Wilson Avenue:** *A motion to ratify the Enforcement Order (Graeff/Reed) passed 4/0.*

**Site Inspections:** The Commission will do site inspections on Wednesday, August 17 at 10am.

New Applications: 9 Sycamore Avenue, RDA  
North Spencer Road, RDA  
44 Buteau Road, RDA

*A motion to adjourn the meeting at 8:41 p.m. (Bouley/Graeff) passed 4/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 8/10/16 Spencer Conservation Commission meeting:

Agenda for the 8/10/16 meeting  
Margaret's report dated 8/10/16  
Minutes from the 7/13/16 CC meeting (approved as amended)  
Order of Conditions for 59 Wilson Avenue (signed)  
Continuance form for Lots 1-4 North Spencer Road (signed)  
Enforcement Order for 69 Wilson Avenue (signed)  
RDA File for 43 GH Wilson Road, including Positive Determination (signed)  
RDA File for 33 Browning Pond Road, including Negative Determination (signed)  
RDA File for Route 31 Resurfacing, including Negative Determination (signed)  
RDA File for 68 Browning Pond Road, including Negative Determination (signed)