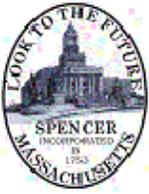


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, September 28, 2016 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 7 p.m.

Commissioners Present: Dana Reed, Margaret Emerson, John Haverty, James Bouley, Mary McLaughlin (arrived at 7:07)

Commissioners Absent: Warren Snow, Brian Graeff

Staff present: Margaret Washburn

**Minutes Approved:** September 14, 2016 – *A motion to approve the minutes as amended (Haverty/Bouley) passed 5/0.*

**Signed:** 74 Donnelly Road, Order of Conditions  
15 Pine Acres, Order of Conditions  
71 Wilson Avenue, Order of Conditions

**7:15 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 October 12, 2016.

**7:18 p.m. Opened the Public Hearing for Notice of Intent for Mark Andrews**

**Property: Meadow Road, Spencer, MA DEP#293-0888**

Scott Morrison, from EcoTec, presented. He said that back in 2000 a Notice of Intent was filed for site work and an Order of Conditions was issued. The project started, but when the economy tanked there were not enough funds to finish the project. The Order of Conditions has expired. Mr. Morrison said an engineer has been out to the site and evaluated the topography. They have met with the Natural Heritage Endangered Species Program (NHESP). NHESP required them to provide a significant area of turtle nesting habitat.

Lenard Engineering did a peer review. Mr. Morrison said the topography from the year 2000 and the current elevations provided were used to calculate the flood storage capacity. Mr. Morrison said the site will shed water from Meadow Road back to an infiltration system. Pavement, rip rap, and grade changes will make sure all the water

gets into the infiltration system. An erosion control barrier will be installed. Mr. Morrison provided a turtle nesting habitat protocol, which was approved by NHESP. The intent is to clear the trees in November and get the turtle nesting habitat done over the winter.

Ms. Washburn said she received DEP's comments. DEP agrees with Ms. Washburn in that the existing topography should be used, not the topography from the year 2000. Ms. Washburn said the submitted plan does not show the following:

- Where the Bordering Land Subject to Flooding (BLSF) is located on the site.
- Where the impacts to BLSF will occur.
- There is no compensatory flood storage shown on the plan.
- No stockpiles are shown on the plan.
- No construction sequence was submitted.

The hearing has been continued to October 12, 2016.

### **Other Business:**

**91 Meadow Road:** Ms. Washburn inspected and took photos. All work has been completed. She recommended issuing the Certificate of Compliance. *A motion to issue the Certificate of Compliance (Reed/Haverty) passed 5/0.*

**69 Wilson Avenue:** Ms. Washburn said the plan with the parking lot was withdrawn and a revised plan was supposed to be submitted showing the area restored to its original conditions. Mr. Annunziata said Jason Dubois was supposed to submit the plans electronically. Ms. Washburn stated that the Commission does not accept electronic versions of plans since we have no ability to print them. Mr. Annunziata did not have a copy of the plan. He left to go get a copy of the plan to submit.

Mary Ann Packard, an abutter, showed the Commission photos of a similar site in Sturbridge. At that site there is silt screen, hay bales, multiple layers of silt fence, wattles, and more fabric to keep silt from hitting the silt fence. She said every night all the exposed soil is covered. Ms. Packard is extremely upset. She said Mr. Annunziata has intercepted ground water. She showed photos of the standing water at the site.

Mr. Annunziata returned with his restoration plan dated 9/25/16, stamped and signed by Jason Dubois. Ms. Packard said Mr. Annunziata has to work on her property. She wants the work done right. She said he is impacting the lake and her property. The Commission told Mr. Annunziata to install double staked hay bales and silt fence by October 31, 2016. Mr. Annunziata must submit inspection reports with photos once a week and after each storm event of ¼" or more. Mr. Annunziata made changes to the plan and initialed and dated the plan. Ms. Washburn will issue the Enforcement Order stating the deadline by which the work must be complete.

**17 South Spencer Road:** *A motion to issue a three-year Extension (Reed/Haverty) passed 5/0.*

**9 & 9.5 R Jones Road:** Ms. McLaughlin read the inspection report. Ms. Washburn will email Mr. Leinonen asking that he mulch and seed by mid October and call for inspection. *A motion to issue three-year Extensions (Emerson/Bouley) passed 5/0.*

**43 GH Wilson Road:** Ms. Washburn said Mr. Harden was required via an Enforcement Order to file a Notice of Intent with a site plan stamped by a professional engineer by September 14, 2016. Mr. Harden was also required to call for an inspection after installing sediment controls between all disturbed areas and resource areas. He failed to comply with the requirements. Ms. Washburn sent him a fine on September 26, 2016 of \$100.00 each for failing to obtain a permit for 1) depositing fill in the buffer zone, 2) removing vegetation in the buffer zone, and 3) constructing a building in the buffer zone.

**Site Inspections:** The Commission will do site inspections on Monday, October 3<sup>rd</sup> at 3 p.m.

New Applications:    29 Jolicoeur Avenue, RDA  
                              91 Clark Road, NOI  
                              103 Clark Road, NOI  
                              9 & 10 Wilson Avenue, NOI  
                              9 Debbie Drive, NOI  
                              13 Debbie Drive, NOI

*A motion to adjourn the meeting at 8:55 p.m. (Haverty/Emerson) passed 5/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 9/28/16 Spencer Conservation Commission meeting:

Agenda for the 9/28/16 meeting  
Margaret's report dated 9/28/16  
Minutes from the 9/14/16 CC meeting  
OofC for 74 Donnelly Road (signed)  
OofC for 15 Pine Acres (signed)  
OofC for 71 Wilson Avenue (signed)  
Extension for 17 South Spencer Road (signed)  
Extension for 9 R. Jones Road (signed)  
Extension for 9.5 R. Jones Road (signed)  
NOI File for Meadow Road  
CofC for 91 Meadow Road (signed)  
Remediation plan for 69 Wilson Avenue