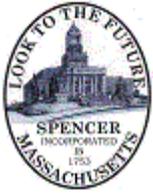


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, July 31, 2013 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 7 p.m.

Commissioners Present: Warren Snow, Dana Reed, Margaret Emerson

Commissioners Absent: Mary McLaughlin

**Minutes Approved:** June 12, 2013 – *A motion to approve the minutes as amended (Snow/Emerson) passed 3/0.*  
July 10, 2013 – Tabled until August 14, 2013

**Signed:** 22 Treadwell Drive, Order of Conditions

**7:15 p.m. Opened the Public Meeting for Request for Determination of Applicability for Dorothy Walsh**

**Property: 12 Bond Street, Spencer, MA**

The project is for a new septic system. The Commission reviewed the plan. Mr. Reed read Ms. Washburn's inspection report dated July 13, 2013.

*A motion for a Negative Determination (Emerson/Reed) passed 3/0.*

**7:22 p.m. Opened the Public Meeting for Request for Determination of Applicability for Nicole Seymour**

**Property: 116 Ash Street, Spencer, MA**

Ms. Emerson read the site inspection report from July 22<sup>nd</sup>. The project is to install a swimming pool. Mr. Seymour said the excavated soil will be dumped into the front yard to be used elsewhere on the property.

*A motion to close the meeting (Emerson/Reed) passed 3/0.*

*A motion to issue a Negative Determination (Reed/Emerson) passed 3/0.*

**7:30 p.m. Opened the Public Meeting for Request for Determination of Applicability for Roger Bibinski**

**Property: 97 Lakeshore Drive, Spencer, MA**

Mr. Bibinski said a new septic system will be installed. The plan was approved by the Board of Health. Ms. Emerson read the site inspection report from July 17<sup>th</sup>.

*A motion to close the meeting (Emerson/Reed) passed 3/0.*

*A motion to issue a Negative Determination (Emerson/Reed) passed 3/0.*

**7:34 p.m. Opened the Public Hearing for Notice of Intent for Town of Spencer**

**Property: 62 Thompson Pond Road, Spencer, MA DEP#293-0798**

Mr. Steven Tyler, from Utilities and Facilities, said the project is for a drainage improvement. There will be a catch basin installed along the edge of the road. The adjacent area will be built up, loamed and seeded. A new 12" pipe will be installed under the driveway at number 62. The outfall is in the buffer zone. A deep sump catch basin will be installed. The work will be approximately 100' from the BVW. The project will only take a couple of days. The Commission did a site visit on July 22<sup>nd</sup>. Photos were taken and there were no issues. Mr. Reed read the site inspection report.

*A motion to close the public hearing (Reed/Emerson) passed 3/0.*

*A motion to accept the plan as presented (Emerson/Reed) passed 3/0. Order of Conditions will be issued.*

**Opened the Continuation of Public Hearing for Notice of Intent for Richard Barrell**

**Property: 26 Laurel Lane, Spencer, MA DEP#293-0783**

*The hearing has been continued to September 11, 2013.*

**Opened the Continuation of Public Hearing for Notice of Intent for George Bell**

**Property: 22 Podunk Highway, Spencer, MA DEP#293-0795**

*The hearing has been continued to August 14, 2013.*

**Opened the Public Hearing for Notice of Intent for Town of Spencer Sewer Commission**

**Property: 33 Meadow Road, Spencer, MA DEP#293-0797**

*The hearing has been continued to August 14, 2013.*

**Other Business:**

**13 Briarcliff Lane:** Mr. Reil said when there is heavy rain the water comes down the driveway at 13 Briarcliff Lane and fills the road then washes out his driveway and flows down into the lake. The accumulation from the water affects 26 & 28 Briarcliff Lane. Mr. Snow said Colleen Hope, of 13 Briarcliff Lane, was issued a Notice of Violation from Margaret Washburn and he asked if Ms. Hope has a plan to address this problem. Ms. Hope said she doesn't understand why she is in violation. She said that the runoff is natural. She said the runoff comes down every body's property on her side of the road (15 & 17 Briarcliff Lane). Mr. Reed said it is ultimately the runoff going into the lake

and depositing fill in the lake, which is illegal. Ms. Emerson read the site inspection report from 6/13/13 and Mr. Reed read the site inspection report from 7/13/13. After much discussion, Mr. Reed said they all should work together to come up with a solution.

**Sibley Farm:** Tyler Maikath said there is an ATV abuse problem which is causing major damage to the wetland resource area along the Sibley trail. The ATV abuse is a violation of the Conservation Restriction that the town holds. Mr. Maikath said it's the hope of the Greater Worcester Land Trust that they can work with the Commission to get the local law enforcement involved. Mr. Reed said if a map could be provided showing what roads the ATV's are using to get onto the trail, the Commission will hand it over to the police department. Mr. Maikath said the ATV's are getting in all around the property and using the hiking trails. The point of entry is at the apartments. He said the signs that state "no ATV use is allowed" are clearly posted on the trails. Mr. Snow told Mr. Maikath to forward the map and pictures to Margaret Washburn and she will get those over to the police. Mr. Maikath also submitted a letter explaining the situation.

**96 Clark Road:** Mr. Ron Goulet said he received a phone call from Margaret Washburn stating he has a pile of fill at the bottom of his property that is too close to a brook and a culvert. Ms. Washburn did inspect on July 29<sup>th</sup> and photographed the large piles of fill that are in the buffer zone to a BVW and stream bank. Mr. Snow said if the pile is left in the buffer zone then Mr. Goulet must file an RDA. Mr. Snow told Mr. Goulet to call Ms. Washburn to discuss his options.

**10 Wilson Avenue:** There was not enough information provided to the Commission for them to vote on the Certificate of Compliance. They will discuss at the next meeting.

**40 South Spencer Road:** *A motion to ratify the Enforcement Order for 40 South Spencer Road (Reed/Emerson) passed 3/0.*

**90 South Spencer Road:** A restoration plan, from Scott Morrison of EcoTec, was submitted. The plan appeared to be adequate except there was no proposed monitoring. Ms. Washburn recommended that the Commission vote to approve the plan contingent on having EcoTec prepare and submit one monitoring report per year for two years. Ms. Washburn will amend the Enforcement Order to include the monitoring. All the work will be handled under the Enforcement Order. The Order states that the work must be done by 12/31/13. *A motion to approve the restoration plan with the condition that one monitoring report be submitted per year for two years (Reed/Emerson) passed 3/0.*

**19 Pine Acres:** Ms. Washburn wrote in her report that on 7/16/13, she received a complaint about sand being dumped into the water of Thompson Pond. Ms. Washburn inspected and took photos. She saw that recently deposited sand was making its way into the lake, i.e. filling a wetland resource area. Ms. Washburn issued a Notice of Violation on 7/16/13, directing Ms. Thebodo to come to the 7/31/13 meeting and to file an RDA by 7/31/13. Ms. Thebodo has not filed an RDA and did not appear at the meeting tonight.

**Open Meeting Law:** The Commission asked that at the next meeting Ms. Washburn explain the restrictions of the Open Meeting Law, with regards to site visits, in more detail to them.

**Site Visits:** The Commission will do site visits on August 12<sup>th</sup> at 10 a.m.

New Applications: 45 Lake Ave., NOI, Gould  
4 Wilson St., RDA, Chaffe  
5 Meadow Rd., NOI, Turner  
R. Jones Rd., NOI, Leinonen  
R. Jones Rd., NOI, Leinonen

*A motion to adjourn the meeting at 9:00 p.m. (Emerson/Reed) passed 3/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 7/31/13 Spencer Conservation Commission meeting:

Agenda for the 7/31/13 meeting  
Minutes from the 6/12/13 Spencer Conservation Commission meeting (approved as amended)  
Margaret's report dated 7/31/13  
Request for C of C for 10 Wilson Avenue (not signed)  
Order of Conditions for 22 Treadwell Drive (signed)  
Enforcement Order file for 90 South Spencer Road  
Restoration Plan for Wetland Impacts for 90 South Spencer Road  
Enforcement Order for 40 South Spencer Road (ratified)  
File for 62 Thompson Pond Road NOI for road drainage improvements  
Continuance form for 33 Meadow Road NOI (signed)  
RDA file for 97 Lakeshore Drive, including Negative Determination (signed)  
RDA file for 116 Ash Street, including Negative Determination (signed)  
RDA file for 12 Bond Street, including Negative Determination (signed)  
Letter from Colin Novick of the Greater Worcester Land Trust, dated 7/31/13  
Files for 13, 26 and 28 Briarcliff Lane