

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, July 12, 2017 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, James Bouley, Brian Graeff, Margaret Emerson, John Haverty, Warren Snow (arrived at 7:10 p.m.)

Commissioners Absent: Kaitlin Desmarais

Staff present: Margaret Washburn

**Minutes Approved:**

May 24, 2017 – *A motion to approve the minutes as amended (Emerson/Bouley) passed 6/0.*

June 14, 2017 – *A motion to approve the minutes as amended (Haverty/Emerson) passed 6/0.*

June 28, 2017 – Minutes tabled to July 26, 2017

**7:23 p.m. Opened the Continuation of Public Meeting for an Abbreviated Notice of Resource Area Delineation for Karen Hubacz-Kiley**

**Property: 93 & 97 Hastings Road, Spencer, MA**

At the request of the applicant, the meeting has been continued to July 26, 2017.

**7:25 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Randy Jordan, Jordan Farm**

**Property: 56 Northwest Road, Spencer, MA DEP#293-0904**

Sean Reardon, from Tetra Tech, presented. He said the bond value was reduced to \$13,800.00, the Stormwater settling pond was eliminated, DEP's comments have been addressed and the NOI form was revised to show 800 square feet of wetland impact.

The proposed conditions are as follows:

- A stormwater surety bond is required to ensure the work is completed according to the permit, in the amount of \$13,800.00
- Proposed wetland alterations shall take place during a period of low seasonal groundwater between the months of May and October

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

*A motion to accept plan as submitted with conditions as discussed (Snow/Haverty) passed 6/0.*

**7:28 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Alan Nash**

**Property: 30 GH Wilson Road, Spencer, MA**

At the request of the applicant, the meeting has been rescheduled to July 26, 2017.

**7:29 p.m. Opened the Public Meeting for Request for Determination of Applicability for Robert Zukowski**

**Property: 27 Sherman Grove, Spencer, MA**

Ms. Washburn said Mr. Zukowski could not be here tonight. Ms. Washburn said she has been to the site. She said the sketch is adequate and she is willing to present the project for Mr. Zukowski. Two trees will be removed. A boom will be used for each tree. The pine tree stump is to remain. Ms. McLaughlin read the inspection report.

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

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

**Other Business:**

**25 Lake Avenue:** Glenn Krevosky spoke to represent the Coles. There used to be a stone wall and stairs that were removed in 2000 for a boat ramp. The old wall fell down and a new wall was created. There is dirt that washes down from Lake Avenue and runs down the Coles driveway and boat launch into the lake. Mr. Krevosky also looked at 51 Lake Avenue. The dirt from Lake Avenue washes down into the lake here as well.

Mr. Krevosky said a leaching pit and catch basin will be installed at the top of the driveway. He said that more mitigation can be put down at the water. Ms. Washburn asked if they are asking to keep the pavement under the Lake. Mr. Krevosky said yes. Mr. Cole said in 2000, a commission member told him he could pave the Land Under Water Body. Ms. Washburn said the paving wasn't approved on the plan and one member does not have a say. Ms. McLaughlin said 80% of the people on the road have to approve the paving. Mr. Krevosky is asking that the Commission conduct a site inspection. The site inspection will be on Monday, July 17<sup>th</sup> at 5 p.m. *A motion to postpone modifying/ratifying the Enforcement Order until July 26, 2017 (Graeff/Snow) passed 6/0.*

**6 Woodbine Terrace:** Ms. Washburn said on July 10<sup>th</sup> she received an anonymous complaint with photos showing new sand has been dumped on the Bank of Thompson Pond. On June 14<sup>th</sup>, several commission members were nearby for another reason and noticed a new paved driveway and a new shed. Ms. Washburn said no filings have been submitted for this site. On July 10<sup>th</sup>, Ms. Washburn issued a Notice of Violation delivered by a constable. The NOV required Mr. Hurley to attend tonight's meeting. Mr. Hurley met with Ms. Washburn and Mr. Haverty on July 11<sup>th</sup>.

Mr. Hurley said he added sand to what was already there. He didn't go near the water. The water is not swimmable or boatable. He put sand there to make a place for kids to play. He also said some of the Petrozzi's stuff from next door is on his property. Mr. Hurley said he put some sod down but he doesn't know if it will take. The Commission will do a site visit on Monday, July 17<sup>th</sup> at 5:30.

**Re-Organize the Commission:** Mr. Snow said Mr. Graeff had passed out handouts on how to manage Conservation meetings, such as setting times for hearings. Ms. Washburn said people are always asking what time their hearing is. Ms. McLaughlin said they used to do that but stopped because it wasted too much time. Mr. Snow said the Commission should set time limits on discussions and make the applicants stick to the topic. *A motion for Mary McLaughlin to chair for the Commission for another year (Bouley/Snow) passed 5/0. Ms. McLaughlin abstained.*

**GH Wilson Road – Beaver dam breaching:** Ms. Washburn said she is in the process of getting estimates for environmental impact assessments and Steve Tyler is getting estimates for Engineers to assess damage to both downstream culverts. Most of the beaver dam is owned by Patrick Garner at 59 GH Wilson Road. He is a wetland consultant. Ms. Washburn contacted him to get permission for scientists to enter his property for the assessment. He wants to be able to give us an estimate for the assessment. Ms. Washburn said that Adam Gaudette told her not to accept an estimate from Mr. Garner because he owns the beaver dam property. Ms. Washburn met with Betty Pualwan today; she owns most of the Alder Meadow wetland impacted by the breaching. The Trustees of Reservation hold a Conservation Restriction on her property, which is permanently protected. Ms. Washburn is in the process of getting a copy of the CR.

**103 Clark Road:** Ms. Washburn said she, Mr. Haverty, and Ms. Emerson did a site visit here and Mr. Ferguson has removed most of the sand. Mr. Ferguson asked if he could keep some of the sand. Ms. Washburn told him to take the sand out four-feet past the retaining wall on the boat launch. The Commission will do another site visit on July 25th.

New Applications:    43 GH Wilson Road, NOI  
                                 Cranberry Meadow Road, RDA  
                                 140 Paxton Road, RDA

*A motion to adjourn the meeting at 9:19 p.m. (Graeff/Emerson) passed 6/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 7/12/17 Spencer Conservation Commission meeting:

Agenda for the 7/12/17 meeting

Margaret's report dated 7/12/17

Minutes from the 5/24/17 and 6/14/17 CC meetings

Continuance form for 93 & 97 Hastings Road (signed)

Continuance form for 30 GH Wilson Road (signed)

NOI file for 57 Northwest Road

RDA file for 27 Sherman Grove

Enforcement Order for 25 Lake Avenue

Photos taken at and near 25 Lake Avenue by Glenn Krevosky on 6/28/17

Complaint file for 6 Woodbine Terrace

Preliminary Ecological Assessment for the Pualwan property – Alder Meadow