

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, August 23, 2017 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7:05 p.m.

Commissioners Present: Mary McLaughlin, Margaret Emerson, Brian Graeff, Warren Snow, Heidi Olivo

Commissioners Absent: James Bouley

Staff present: Margaret Washburn

Minutes Approved: July 26, 2017 – Tabled to September 25, 2017
August 9, 2017 – Tabled to September 25, 2017

Signed: Order of Conditions, 155 Mechanic Street

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Daniel Harden

Property: 43 GH Wilson Road, Spencer, MA DEP#293-0905

At the request of the applicant, the hearing has been continued to September 13, 2017.

7:16 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 continued to September 13, 2017.

7:18 p.m. Opened the Continuation of Public Meeting for 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 September 13, 2017.

7:19 p.m. Opened the Continuation of Public Hearing for Notice of Intent for William Klansek

Property: Lot 1, Valley View Drive, Spencer, MA DEP#293-0909

At the request of the applicant, the hearing has been continued to September 13, 2017.

7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for William Klansek

Property: Lot 2, Valley View Drive, Spencer, MA DEP#293-0908

At the request of the applicant, the hearing has been continued to September 13, 2017.

7:21 p.m. Opened the Continuation of Public Hearing for Notice of Intent for William Klansek

Property: Lot 3, Valley View Drive, Spencer, MA DEP#293-0910

At the request of the applicant, the hearing has been continued to September 13, 2017.

7:22 p.m. Opened the Public Meeting for Request for Determination of Applicability for Paula Miranda

Property: 13 Condon Drive, Spencer, MA

Richard Gobi represented the Mirandas. The project is to repair the septic system. The septic tank will be left in its current location and a pump chamber will be added which will pump up to the back. The leachfield is out of the buffer zone. Straw wattles will be installed. The septic plan has been approved by the Board of Health. Ms. McLaughlin read the inspection report.

A motion to close the public meeting (Emerson/Snow) passed 4/0.

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

7:26 p.m. Opened the Public Meeting for Request for Determination of Applicability for Ken MacDonald

Property: 15 Wilson Avenue, Spencer, MA

Ann Marie MacDonald presented the project. She said they would like to remove a hazardous tree near Stiles Reservoir. Ms. Washburn inspected and took photos on August 21st. There were no Conservation issues at this time.

A motion to close the public meeting (Snow/Emerson) passed 4/0.

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

7:28 p.m. Opened the Public Meeting for Request for Determination of Applicability for Eric Brown

Property: 26 Point Eastalee Drive, Spencer, MA

Eric Brown, owner, said he is proposing to cut six trees down and grind the stumps, put up a shed, demolish the house and construct a new house. Ms. Washburn suggested two special conditions:

- call for a sediment control inspection at least five days prior to starting work
- move wattles down slope of the 18-inch oak to be removed

A motion to close the public meeting (Emerson/Snow) passed 4/0.

A motion for a Negative Determination (Emerson/Snow) passed 4/0.

7:35 p.m. Opened the Public Hearing for Notice of Intent for Matt Schold

Property: 102 Chickering Road, Spencer, MA DEP#293-0911

Brian MacEwen presented the project for a new building lot. A new house, septic and well will be constructed. Mr. MacEwen asked to use straw wattles instead of hay bales. They want to fill wetlands to create a sand beach. A peer review was done by Lenard Engineering but the revised plans were not submitted within the timeline for this meeting.

Ms. Washburn asked if the dock will be connected to the beach or the lake. Mr. Schold said he can be accommodating as possible. Ms. McLaughlin said they need to know the answer to that question. Mr. Schold said a catwalk could be used. Ms. Washburn asked for a detail and if more BVW has to be altered that must be shown as well. Mr. MacEwen said they could not site a house with a septic system on this property without altering the BVW. Since they are altering the BVW and it is on the lake, they would like the opportunity to enrich the area for the lot development with a beach in that area that will be altered.

Mr. Schold said he's lived on this lake for 30 years. Every house on the lake has a beach that goes into the water and people replenish their beach with sand. Mr. Schold says he has done everything that was asked of him. Lou Corlione, of 238 Greenville Street, suggested that the Commission get together with Leicester. He said it can't be assumed that Leicester will approve the project. Mr. MacEwen said they met with Leicester last week. He feels comfortable that the project will be approved. That hearing was continued to September 13th.

Joanne Schold, related to the applicant and on the Leicester Conservation Commission, said she has been a member for 12 years and there are five members. She recused herself from the meeting last week in Leicester.

Mr. Corlione asked if the wetland filling is in Spencer or in Leicester. Mr. MacEwen answered that the filling and development will be in Spencer. The wetland replication area is in Leicester. Mr. MacEwen said there may be some marginal tree removal. Ms. Washburn said there are some oak trees that aren't on the plan. Ms. McLaughlin requested that all trees that are coming down be shown on the plan. Mr. Schold said that any tree that can be saved will be.

Mr. MacEwen asked the Commission if they would accept straw wattles instead of hay bales. Ms. Washburn said she believes hay bales are appropriate because of the steepness of the fill. The Commission also requested a detail of the catwalk that will be used to get over the wetland.

At the request of the applicant, the hearing has been continued to September 13, 2017.

8:33 p.m. Opened the Public Meeting for Request for Determination of Applicability for Judy Maloney

Property: 51 Chickering Road, Spencer, MA

Judy Maloney is requesting permission to remove large limbs from two trees that hang over her deck and the sidewalk leading to the house. Ms. McLaughlin read the inspection report. There were no conservation issues.

A motion to close the public meeting (Emerson/Snow) passed 4/0.

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

Other Business:

66 GH Wilson Road: Ms. Washburn said on August 1st, she received, reviewed, and rejected as incomplete a Notice of Intent filed as per the Enforcement Order issued on April 26th. The Enforcement Order required an NOI be filed by July 17th. Mr. Maloney was required to hire a competent professional and to have the resource areas on the subject properties flagged. The person who filed the NOI apparently is an attorney but he has apparently never filed an NOI before. The flags are required to be located and shown on a plan. Ms. Washburn said Mr. Maloney has made no visible effort to have the resource areas flagged. Only photographs were included in the rejected NOI and there was no site plan. Ms. Maloney said she has nothing else to add except she is waiting on the attorney. Ms. Washburn said they need to follow the directions within the Enforcement Order. Mr. Snow proposed giving two more weeks. Mr. Graeff prefers fines now. After much discussion, the Commission decided the following:

- Names and addresses of the wetland scientist and professional engineer must be submitted by 9/13/17
- A new NOI with a plan showing wetland flags must be filed by 10/11/17
- A one-time \$300.00 fine will be issued for the violation of the Enforcement Order
- A revised Enforcement Order will be sent out and if not adhered to, retroactive fines will be considered

A motion for the above conditions (Graeff/Emerson) passed 4/0.

144 Mechanic Street Bond Release: Ms. Washburn said Graves Engineering approved and recommended issuing the requested bond release of \$350,000.00. A partial release of \$85,000.00 has already been issued. *A motion to release the \$350,000.00 bond (Snow/Graeff) passed 4/0.*

93 Smithville Road: Ms. Washburn said she inspected. There were no issues. *A motion to issue a Certificate of Compliance (Emerson/Snow) passed 4/0.*

Oil-absorbent Boom Requirement: Mr. Snow said he could not find any documentation that states the boom has to be placed in the water 40-feet. Ms. Washburn said it's not in the Spencer Conservation Commission By-Law and it is hard to enforce a requirement that is not in the by-law. *A motion to stop requiring booms (Graeff/Olivo) passed 5/0.*

Holmes Street Bond Release: Ms. Washburn said Graves Engineering approved and recommended issuing the requested bond release of \$197,000.00. *A motion to release the \$197,000.00 bond (Graeff/Snow) passed 4/0.* \$61,000.00 remains for the Holmes Street Bond.

Mr. Snow, Mr. Bouley and Mr. Graeff will not be at the next meeting on September 13th, therefore there is no quorum for the next meeting.

Ms. Emerson, Ms. McLaughlin, Mr. Graeff, and Ms. Olivo will not be at the September 27th meeting, therefore there is no quorum for that meeting.

The Commission will have their meeting on Monday, September 25th at 6 p.m.

Mr. Snow will not be at either the November or December meetings.

While Ms. Washburn is out on medical leave in October, Ms. Emerson will review new projects, Mr. Graeff will be taking notes during the meetings and Ms. McLaughlin will learn how to run the recorder.

55 Jolicoeur Avenue: Ms. Washburn will call the owner and tell her next time she sees soapy water at 57 Jolicoeur Avenue to call or take pictures.

25 Lake Avenue: Ms. Washburn said she issued a revised Enforcement Order requiring Mr. Cole to file a Notice of Intent by today and remove the illegal boat launch and pea stone from Stiles Reservoir. The Commission decided to issue a one-day fine of \$300.00 dated August 23rd. They are also requiring an NOI be submitted by September 5th for the September 25th meeting. If it is not received by that day retroactive fines of \$300.00 will be issued starting August 23rd.

Site Inspections: The Commission will do site inspections on Tuesday, September 5th at 3:15 p.m.

New Applications: 136 Paxton Road, RDA
 48 Chickering Road, RDA

A motion to adjourn the meeting at 10:00 p.m. (Emerson/Snow) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 8/23/17 Spencer Conservation Commission meeting:

Margaret's report dated 8/23/17
Minutes from the 7/26/17 CC meeting
Continuance form for 43 GH Wilson Road (signed)
Continuance form for 93 & 97 Hastings Road (signed)
Continuance form for 30 GH Wilson Road (signed)
Continuance form for Lots 1-3 Valley View Drive (signed)
RDA file for 13 Condon Drive, including Negative Determination (signed)
RDA file for 15 Wilson Avenue, including Negative Determination (signed)
RDA file for 26 Point Eastalee Drive, including Negative Determination (signed)
NOI file for Chickering Road (Schold)
RDA file for 51 Chickering Road, including Negative Determination (signed)
CofC for 93 Smithville Road (signed)
Request for partial Stormwater Bond release for 144 Mechanic Street
Graves Engineering letter re: recommended partial Stormwater Bond release for 144 Mechanic Street
Request for partial Stormwater Bond release for the Holmes Street solar farm
Graves Engineering letter re: recommended partial Stormwater Bond release for the Holmes Street solar farm
OofC for 155 Mechanic Street (signed)
Inspection report and photos for 57 Jolicoeur Avenue