

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, December 13, 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, Margaret Emerson, James Bouley, Heidi Olivo

Commissioners Absent: Warren Snow

**Minutes Approved:**

October 11, 2017 – *A motion to approve as amended (Emerson/Bouley) passed 4/0.*

October 25, 2017 – *A motion to approve as amended (Bouley/Olivo) passed 4/0.*

**155 Mechanic Street, pond outlet structure replacement project:** Ms. McLaughlin said Graves Engineering has not approved the revisions to the drawings submitted on December 12<sup>th</sup>. The review has to continue because the structure is not acceptable. She said the person that has caused the delay is Steve Broyer by giving a late response to Graves Engineering. The plans that were submitted yesterday are not acceptable. Ms. McLaughlin said the Commission will address any concerns.

Ken Collette, director of Spencer Fish and Game Club, started off by saying the club has been in this town for 100 years and a fishing derby has been held every year for the past 80 years. Mr. Collette has a letter from Graves Engineering recommending a pre-construction meeting with all representatives for all work and Order of Conditions will be anticipated and scheduled. Ms. McLaughlin read the report from Graves Engineering that says the structure is not acceptable. Ms. McLaughlin said this project has to be continued until Mr. Broyer submits revised plans showing this is a structure that can be approved.

Mr. Collette said the dam failed last April. He said Ms. Washburn is supposed to be a wetlands protection agent and she has pushed this project off and off. The dam was supposed to be done on November 14<sup>th</sup>. The swamp is dry. Ms. McLaughlin said there was a series of unfortunate events that has put the project off. Mr. Collette said every time a plan was submitted Ms. Washburn sent it back. He said if the pond freezes right now they will lose everything in the pond. He said every time they comply the Commission adds something else. Mr. Collette stated that Ms. Washburn had worked for Graves Engineering. Ms. McLaughlin said their hands are tied until the plan can be

accepted. The hearing will be on January 10, 2018 as long as Mr. Broyer submits revised plans.

An audience member asked if they can get an emergency permit to sand bag the dam so the water level can be raised up and doesn't freeze to the bottom and kill the wildlife in the pond. Ms. McLaughlin said they can issue an Emergency Certification to raise the water level. Ms. McLaughlin told them to submit a letter and sketch of what they want to do and it will be submitted to Graves Engineering. They will have an answer by next week. They will submit the letter and sketch tomorrow by noon time.

**7:31 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Susan Swihart**

**Property: 140 Paxton Road, Spencer, MA**

At the request of the applicant, the meeting has been continued to June 27, 2018.

**7:33 p.m. Opened the Continuation of Public Meeting for an Abbreviated Notice of Resource Area Delineation for Karen Hubacz-Kiley**

**Property: Hastings Road, Spencer, MA DEP#293-0884**

Lucas Environmental has reviewed and approved all the delineations. They recommended issuing an Order of Resource Area Delineation (ORAD) with attached findings.

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

*A motion to approve the Abbreviated Notice of Resource Area Delineation (Emerson/Bouley) passed 4/0.*

**7:40 p.m. Opened the Continuation of Public Hearing for Notice of Intent for ForeFront Power, LLC**

**Property: 36 Cranberry Meadow Road, Spencer, MA DEP#293-0919**

Ms. McLaughlin said there are many issues with this project. Plans must be submitted that meet the stormwater standards and provisions of our local Stormwater Bylaw. If this information is not submitted, the commission can close the hearing and deny the application. Corey Brodeur, from Lenard Engineering, submitted comments and questions. Art Allen, from Ecotec, also had comments.

At the request of the applicant, the hearing has been continued to January 24, 2018.

**8:02 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Town of Spencer**

**Property: Sugden Reservoir, Spencer, MA DEP#293-0918**

Ms. McLaughlin recused herself. Dominic Meringolo, from Solitude Lake Management, said an addendum was submitted for the project. A blog was added to the website posting.

*A motion to close the public hearing (Bouley/Olivo) passed 3/0.*

*A motion to accept plan as submitted (Bouley/Olivo) passed 3/0.*

**8:05 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Valley View Realty**

**Property: 8 Valley View Drive, Spencer, MA DEP#293-0916**

Ms. McLaughlin told Jason Dubois that Rob Spence has to pay for the third-party review or he will not receive a permit.

At the request of the applicant, the hearing has been continued to January 10, 2018.

**8:11 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Scott Richardson**

**Property: 72 Donnelly Road, Spencer, MA DEP#293-0917**

At the request of the applicant, the hearing has been continued to January 10, 2018.

**8:13 p.m. Opened the Public Hearing to Amend an Order of Conditions for James and Mary Bollivar**

**Property: 104 McCormick Road, Spencer, MA DEP#293-0807**

Ms. McLaughlin read the proposed amendment for the Order of Conditions plan. Mr. Bollivar said the size of the house is going to be changed slightly, the garage is in a different place, and the driveway will be paved. The changes are reflected in the engineered plans that were submitted. Ms. Bollivar said there are three dead trees that are dangerous and they would like to remove them. The trees are shown on the revised plans. The Commission allowed the trees to be taken down.

*A motion to close the public hearing (Emerson/Olivo) passed 4/0.*

*A motion to issue an Amended Order of Conditions (Emerson/Bouley) passed 4/0.*

**8:24 p.m. Opened the Public Meeting for Request for Determination of Applicability for Ken Pickering**

**Property: 20 Lake Whittemore Drive, Spencer, MA**

Mr. Pickering said he would like to construct a patio. The patio will be on sonotubes.

Ms. Washburn had inspected and took photos. There were no conservation issues.

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

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

**8:30 p.m. Opened the Public Meeting for Request for Determination of Applicability for Karl Unger**

**Property: 18 Lamoureux Lane, Spencer, MA**

Mr. Unger said Ms. Washburn gave permission for some extremely large trees to be cut. He would like to remove the stumps if he could. He said he filed the RDA to remove an existing fire place and put pavers down to create a fire pit area and also put pavers down under the existing dirt area under the deck. Ms. McLaughlin read Ms. Washburn's inspection report. She also said if any tree stumps are to be removed then a Positive Determination will be issued tonight and Mr. Unger will have to file a Notice of Intent.

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

*A motion for a Positive Determination (Emerson/Bouley) passed 4/0.*

**8:40 p.m. Opened the Public Meeting for Request for Determination of Applicability for Worcester County 4-H Center**

**Property: McCormick Road at Buckhill Dam, Spencer, MA**

Judy Schmitz had told Ms. Washburn that although the work appears to be in the resource area it seems like it can be performed without altering the resource area. Special conditions are as follows:

- Call to request an inspection of the sediment controls at least three business days prior to starting work.
- A spill kit must be on site whenever hydraulic equipment is to operate within 40 feet of the stream.
- Report material spills or releases of any kind immediately to the Conservation Agent for the purpose of ensuring proper response and cleanup and to reduce liability.

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

*A motion for a Negative Determination with conditions as discussed (Olivo/Bouley) passed 4/0.*

**8:47 p.m. Opened the Public Meeting for Request for Determination of Applicability for George Poudrier**

**Property: 21 Westland Drive, Spencer, MA**

Mr. Poudrier said they are proposing to add on to the first floor living area. They are not going out of the perimeter of the footprint. They are also proposing to take down five trees. The Commission did a site inspection on December 11th. Ms. McLaughlin read the inspection report. There was some concern that the proposed work was close enough to the Bank of Thompson Pond to warrant issuing a Positive Determination requiring a Notice of Intent to be filed. Ms. McLaughlin said the extent of the work requires filing a Notice of Intent for all work.

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

*A motion for a Positive Determination (Emerson/Bouley) passed 4/0.*

**8:59 p.m. Opened the Public Meeting for Request for Determination of Applicability for Blair Enterprises**

**Property: 48 Paxton Road, Spencer, MA**

Ms. McLaughlin read Ms. Washburn's report. Ms. Washburn had observed a sewer line connection under construction in the buffer zone without a permit. On October 31<sup>st</sup>, Ms. Washburn contacted Mr. Blair, gave him a verbal Notice of Violation and told him he needed to file an RDA for an after-the-fact permit. Ms. Washburn recommended voting to close the Public Hearing and voting to issue a Negative Determination.

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

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

**Other Business:**

**22 Treadwell Drive:** The submitted as-built drawing is acceptable. Ms. Washburn previously did an inspection with Bryan LaRochelle, of Graves Engineering, on November 1<sup>st</sup>. At that time, a portion of the access road to Basin 2 had washed out. Mr. LaRochelle inspected again after that washout had been repaired. *A motion to issue a Certificate of Compliance (Emerson/Olivo) passed 4/0.*

**9 & 10 Wilson Avenue:** *A motion to ratify the Enforcement Order (Olivo/Emerson) passed 4/0.*

**15 Westland Drive:** The Commission did a site visit on November 11<sup>th</sup> nearby and noticed that there appeared to be new sand on the beach at 15 Westland Drive. The 2014 aerial photo showed an existing beach. Ms. Emerson indicated that the sand looks different now than in the photo.

**19 Bixby Road:** *The Commission voted NOT to issue the Certificate of Compliance (Emerson/Bouley) passed 4/0.*

New Applications:     66 GH Wilson Road, NOI  
                              9 & 10 Wilson Ave., Amend Order of Conditions

The Commission will do site inspections on Wednesday, January 3<sup>rd</sup> at 3 p.m.

*A motion to adjourn the meeting at 9:40 p.m. (Emerson/Bouley) passed 4/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services