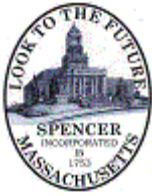


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, January 9, 2019 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Charlie Bellemer, Margaret Emerson, Margaret McLaughlin, Heidi Olivo,

Commissioners Absent: Warren Snow

Staff present: Jane Green

Staff absent: Margaret Washburn

Minutes Approved: December 19, 2018

**7:15 p.m. Continuation of the Public Hearing for Notice of Intent for
Spencer Highway Department**

Property: Donnelly Crossroad Bridge over Shaw Brook, Spencer, MA DEP#293-0942 SW Permit

At the request of the applicant, the hearing has been continued to January 23, 2019.

**7:18 p.m. Continuation of the Public Hearing for Abbreviated Notice of Resource
Area Delineation for Sunpin Solar Development, LLC**

Property: 22 Norcross Road, Spencer, MA DEP#293-0948

At the request of the applicant, the hearing has been continued to January 23, 2019.

**7:20 p.m. Opened the Public Meeting for the Request for Determination of
Applicability for Thomas Bonder**

Property: 10 Lamoureux Lane, Spencer, MA

Ms. McLaughlin told the applicant that the application was incomplete. Thomas Bonder brought revised plans from Glenn Krevosky. Ms. McLaughlin read the “Revised Document Deadline Policy” which states that documents need to be given to the commission seven days prior to a public hearing/meeting. The commission would like to go and inspect the flags.

At the request of the applicant, the meeting has been continued to January 23, 2019.

**7:35 p.m. Continuation the Public Hearing for the Notice of Intent for Robert
McDonald**

Property: 51 Lambs Grove, Spencer, MA

At the request of the applicant, the hearing has been continued to January 23, 2019.

7:36 p.m. Opened the Public Hearing for Notice of Intent for Jeffrey Donahue

Property: 53 Jolicoeur Avenue, Spencer, MA DEP#293-0952

Jason Dubois presented the plans. The applicant wants to replace the boulders that went into the water, with one row of bigger boulders. The commission is concerned that there will be Bank disturbance. They would like the applicant to show linear and Bank impact. The commission wanted to know where the new grass was planted. They noticed water leaching out of the ground. How are they going to keep the sand from going into the water? Mr. Bellemer suggested a strip of grass between the beach and the water. Ms. McLaughlin read Ms. Washburn's report. Altering more than 10 percent of the Bank on the property, triggers the requirement for a Wildlife Habitat assessment to be performed by a qualified wetlands expert. The commission suggested that Jason talk to Ms. Washburn regarding the Wildlife Habitat Assessment.

Paula Pechie and Brian Wetherbee, abutters, are concerned for the wildlife. Ms Pechie said that they have Blue Heron and ducks that nest down by the water. There is a dispute with the property line. Ms Pechie said there has never been sand down near the water. She said it has always been grass. There have been drainage problems that Ms. Pechie is concerned about. She does not want to have a swimming pool on her property. They are concerned with the boom near her property. The commission said the boom is there to protect the lake from any oil getting into it.

At the request of the applicant, the hearing has been continued to January 23, 2019.

8:02 p.m. Opened the Public Hearing for Notice of Intent for 425M Corp

Property: 425 East Main Street, Spencer, MA DEP#293-

Jason Dubois had changed a few items on the plans. When the commission went to Inspect, they were concerned with water running into the wetlands. Mr. Dubois said that the running water was where the perc testing had been done. The commission wanted to know where the septic is going. Mr. Dubois said it is up near the home.

A motion to close the public hearing (Emerson/Olivo) passed 3/0

A motion to approve the plan as accepted (Emerson/Bellemer) passed 3/0

Other Business:

East Charlton Road: James Jenese and Kimball Moore were present. Ms. McLaughlin read Ms. Washburn's report regarding the Enforcement Order. Mr. Jenese needs to get in compliance. Mr. Jenese had the impression that he could thin out his land because of what he filed in 2015. Mr. McLaughlin proceeded to tell him what needs to be done. Mr. Jenese needs a Wetland Specialist, a Land Surveyor, or a Professional Engineer. The

second step is to give us a remediation plan to stabilize the ground that was disturbed. The last step is to file an NOI. There will be legal action if all of this is not done. Mr. Jenese asked the commission who is going to pay for this. Mr. Moore, the logger, said that they stayed out of the wetlands. Ms. McLaughlin said the wetlands were disrupted and the loggers went in the buffer zone. Mr. Bellemer wanted to know if they removed logs from the wetland side of the property, which is the Charlton side of the lot. Mr. Kimball said the only logs removed were on the side of the property where the school bus turns around. The commission set a timeline to do the remediation plan for February 20, 2019. Ms. McLaughlin suggested getting the work done under an Enforcement Order.

19 Bixby Road: Ms. McLaughlin read Ms. Washburn's report. Ms. Emerson stated that the wattles were installed. Since the ground is frozen, it won't be possible to fix this correctly until the spring.

144 Mechanic Street: Ms. McLaughlin read Ms. Washburn's report. Jeff Walsh from Graves Engineering, inspected the driveway and was pleased with the stabilization work. The commission will inspect periodically to make sure there is no more erosion.

48 Paxton Road & 19 Woodchuck Lane: Ms. McLaughlin read Ms. Washburn's report. There was a request for Certificates of Compliance for the solar farms. Based on the Commission's inspection report, Graves Engineering and Ms. Washburn recommend issuing the Certificate of Compliance for 48 Paxton Road. There was gullying at 19 Woodchuck Lane so they do not want to issue the Certificate of Compliance.

A motion to refund \$40,000 for 48 Paxton Road (Emerson/Olivo) passed 3/0
A motion to issue a Certificate of Compliance for 48 Paxton Road (Emerson/Olivo) passed 3/0

A motion to not issue the refund for 19 Woodchuck Lane (Bellemer/Olivo) passed 3/0
A motion to not issue a Certificate of Compliance for 19 Woodchuck Lane (Bellemer/Olivo) passed 3/0

One year moratorium on solar farms: Ms. McLaughlin read Ms. Washburn's report. The commission recommends a moratorium. A moratorium would allow only so many solar farms at a time. Ms. Emerson suggested going to Laura Torti for information. The commission discussed going to the meeting as concerned citizens. Mat Defosse discussed his concerns as a resident and he is willing to get the word out. There was discussion about decommissioned solar panels. The commission discussed putting the word out using social media and the newspapers regarding solar farms.

New Applications: There were no new applications.

A motion to adjourn the meeting at 9:26 p.m. (Bellemer/Olivo) passed 3/0.

Respectfully submitted by:

Jane Green, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 1/9/19 Spencer Conservation Commission meeting:

Agenda for the 1/9/19 meeting
Margaret's report dated 1/9/19
Holmes Street letters from Graves Engineering
48 Paxton Road and 19 Woodchuck Lane photos
53 Jolicoeur Avenue review
Enforcement Order for East Charlton Road, Jenese violation
Minutes for 12/19/18 Conservation meeting
Graves site report for Spencer Meadow Solar farm
Photos from Spencer Meadow Solar farm
As -built marked up plans for 48 Paxton Road/19 Woodchuck Lane from Graves Engineering
As-built Holmes Street Solar Array 12/18/18