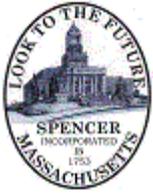


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, February 27, 2019 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 6:45 p.m.

Commissioners Present: Charlie Bellemer, Margaret Emerson, Mary McLaughlin, Warren Snow

Commissioners Absent:

Staff present: Margaret Washburn, Jane Green  
Staff absent:

**Minutes Approved:** January 23, 2019

### **Signed:**

Envirothon Team: The topic for this year is Abundant Affordable Healthy Food. Three students presented questions to the Commission. They wanted to know if there were any solutions for food waste. Bill Krukowski told them about the manure digester that is being installed in Spencer. Ms. McLaughlin explained what a digester is and what it does. The students wanted to know if there was room for a community garden space. Mr. Bellemer suggested that the people who put in solar farms, should set aside an area for a community garden. The students wanted to know what the connection between Conservation and affordable food is. Ms. Washburn told the students that the main goal of Conservation is to protect land from development. The student asked what methods are in place to conserve water. Mr. Krukowski said there is a water restriction, in the summer months. Ms. Washburn said that if someone builds a house, there is a stormwater bylaw, and one of the requirements is to capture roof run-off and recharge it into the groundwater, rather than letting it run off site.

### **7:26 p.m. Continuation of the Public Hearing for Notice of Intent for Jeremy Ahearn**

#### **Property: 460 Main Street, Spencer, MA DEP#293-0933 SW Permit**

Jeremy Ahearn and Paul Chisholm, P.E. were present. The site has been redesigned. Mr. Chisholm explained the updates to the plans. They met with Bill Krukowski and he approved the work. The water easement was approved by the water department. It was recorded at The Registry of Deeds. It was approved with special conditions.

*A motion to close the public hearing (Snow/Bellemer) passed 4/0*  
*A motion to accept plan as submitted with conditions as discussed (Emerson/Bellemer) passed 4/0*

**7:33 p.m. Continuation of the Public Hearing for the 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 March 13, 2019.

**7:34 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**

Stephen Herzog, from Amec, was present. Ms. Washburn reviewed her report.

*A motion to close the public hearing (Snow/Bellemer) passed 4/0*  
*A motion to issue the ORAD and approve plans (Snow/Bellemer) passed 4/0*

**7:40 p.m. Continuation of the Public Hearing for the Notice of Intent for Jeffrey Donahue**

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

Jason Dubois will be late. Jason arrived at 7:49 p.m. Paula Pechie, an abutter, had some concerns. She wanted to know when the work would be done. Ms. Washburn told Ms. Pechie that they do not dictate when the work gets done. The permit is good for three years. Ms. Pechie has a dispute regarding the land. They have an easement on the property. The Commission told them it might be a civil matter. There is one special condition.

*A motion to close the public hearing (Bellemer/Snow) passed 4/0*  
*A motion to issue with one special condition (Emerson/Bellemer) passed 4/0*

**7:41 p.m. Continuation of the Public Hearing for the Notice of Intent for Robert McDonald**

**Property: 51 Lambs Grove, Spencer, MA DEP#293-0952**

Mark Farrell presented the latest plans. The Commission has one special condition.

*A motion to close the public hearing (Bellemer/Emerson) passed 4/0*  
*A motion to accept with one special condition (Snow/Emerson) passed 4/0*

**7:45 p.m. Opened the Public Hearing for the Notice of Intent for Kevin Kieler**

**Property: 19 Wilson Avenue, Spencer, MA DEP#293-0953**

Kevin Kieler, of Brady Sunrooms, was here representing Joyce Williamson. Mr. Kieler reviewed the plans. No equipment is needed on the lawn between the house and lawn. They will deliver the sunroom using a crane. The bottom of the room is 8 feet off the ground.

*A motion to close the public hearing (Snow/Bellemer) passed 4/0*  
*A motion to approve plans (Snow/ Bellemer) passed 4/0*

**8:02 p.m. Opened the Public Meeting for Determination of Applicability for Heart of New England Council-Boy Scouts**

**Property: 51 Browing Pond Circle, Spencer, MA**

Scott Morrison of EcoTec was present. Mr. Morrison reviewed the plans. The building will be demolished, placed in trucks or dumpsters and hauled away.

*A motion to close the public meeting (Bellemer/Snow) passed 4/0*  
*A motion to issue a negative determination (Emerson/Bellemer) passed 4/0*

**8:10 p.m. Continuation of Public Hearing for the Notice of Intent for the Town of Spencer**

**Property: Hastings Road, Spencer, MA DEP#293-\*\*\*\*No DEP file no. has been issued. SW Permit**

At the request of the applicant, the hearing has been continued to March 13, 2019.

**8:11 p.m. Continuation of Public Hearing for the Notice of Intent for Spencer Fish & Game Club**

**Property: 155 Mechanic Street, Spencer, MA DEP#293-\*\*\*\*No DEP file no. has been issued. SW Permit**

At the request of the applicant, the hearing has been continued to March 13, 2019

**8:13 p.m. Opened the Public Hearing to Amend the Order of Conditions for CDW Consultants, Inc.**

**Property: 92 McCormick Road, Spencer, MA DEP#293-0922**

Crosby Martin, President/Owner of McCall Enterprises was present. Brian Miller from CDW consultants discussed the changes to the plans. Mr. Bellemer wanted to know how do they know the trees are going to hold the load. Are they going to be tested? There were no calculations of how much the trees could support on the plans. Mr. Crosby explained the process. He said that they will run a test load before they start. Mr. Crosby said that most of the trees are 24" diameter. The guy-wires will take up most of the load. Ms. Washburn asked Mr. Crosby what other jobs they have done. His company took down a bridge over the Nashua River in Fitchburg and had to cable part of it. They also worked for the MBTA at USS Salem on the water. They had to pick up fifty ton rings and set them down. A recent job they did for DCR was to take 12 structures down on Peddocks Island in the Boston Harbor. They had to set up a barging system and a system on the Island. Roll-out containers that held the material were moved. It was treated like asbestos because of the old buildings. Once the materials were in the containers, under strict air monitoring controls, they had to get it off the island onto a barge. They used 50 containers with no problems.

Ms. Washburn said Mr. Crosby wants to extend a rope across the skyline road so they can get a line of site. It will tell them exactly how much cable they need. The Commission

stated that the contours on the cross-section on the plan need to be improved. Ms. Washburn reviewed the plans with Mr. Miller.

The Commission wanted to know about the yarder. It is held up by a brand new cable. They lay poly down on the ground and up into the bin so the side of the bin is covered. The mini excavator will scoop into the bin. The bin has a cover made by a welder and there is a ratchet strap over it. The poly remains in the bin and gets discarded with the soil. Ms Jan Parke wanted to know how they dispose of poly. It gets landfilled with the other material. She wanted to know how close it was to the Midstate Trail; Mr. Lowell said about 1,000 feet. There was discussion as to when this project would be done. Mr. Lowell said that they want to wait until summer camp is over. It will start in the fall of 2019.

At the request of the applicant the hearing has been continued to March 13, 2019.

### **Other Business:**

**Paxton Road Logging Compliant:** Carl Leinonen, the owner of the property and Kimball Moore, the logger were present. Ms. Washburn read from her report about the four complaints; three were from abutters regarding sediment and stormwater running into their properties from the Leinonen site. One was from a Commission member about mud tracked into the road.

Chris Capone, the DCR forester, had met with all of the abutters and inspected the site. He drew up a remediation plan. Some of the conditions already started and some will continue through late summer 2019. Mr. Moore stated that there have been poor weather conditions and they have not been able to do the work where the bear is denning. They removed logs in the landing and slash from the water.

Richard Lineen, an abutter, has concern with his septic. His gravel driveway is now spongy and there is swale on the side of the driveway that was never there before. Richard Monson, another abutter, said that it is like a pond around his septic. There is water running down the side of his house. The driveway has 4-5 holes in it. The cabana is leaning over and the pool that was empty is now filling up. After some discussion from Ms. Washburn and Ms. McLaughlin the commission decided these were civil matters.

**Thompson Pond Request for Extension of Order of Conditions for DEP#293-0742:** Marty Nathan and Dominic Meringolo were present. They would like to continue treating the pond for milfoil and bladderwort. They tried to meet the detailed requirements in the Order of Conditions. Ms. Washburn told them that to meet all the conditions it would cost thousands of dollars. Mr. Nathan would like a drawdown but the state owns it and would not allow it. The state had three reasons why they wouldn't allow it. The pipe leading into the pond to the dam sits at the bottom of the pond. There is no screen so they were concerned that debris would get sucked in and not be allowed to close the structure. Another reason is the diameter of the pipe is too small, and they thought that when they

opened the valve, water would burst into the dam. The third reason was because someone would have to go out and open and close the valve continually.

*A motion to issue an extension (Bellemer/Snow) 4/0*

**1 Washburn Drive:** There was a complaint regarding sediment washed into Brooks Pond. Albert and Donna Starr did not attend the meeting. It is a civil matter.

**86 Wilson Street:** There was a complaint that there was tree, stump and brush removal done in the fall of 2018 that caused sediment to wash into a stream that flows under Rustic Lane. Joseph Ford did not attend the meeting. Robert Perry an abutter stated that he had fixed the road and filled in the holes from sediment run-off, along with his neighbors who help maintain the road. The commission will send a certified letter to Josephs Ford that requires him to come to the March 27, 2019 Conservation meeting.

**25 Kingsbury Road:** Warren recused himself from the discussion. There was a complaint that vegetation had been removed near the edge of a stream and/or the BVW that borders on the stream. Franny and Frank White met with Ms. Washburn. They did not realize it was jurisdictional. The owner of the property, Josh Pilling, allowed Franny to use his property to get rid of fill. They did not realize it was near the buffer zone. The Commission recommends filing a RDA.

**97 Meadow Road:** Request for CofC. Kevin Sherry did not do the required tree replacement shown on the plan. The Commission said that the dumping has continued.

*A motion to deny the CofC (Bellemer/Snow) 4/0*

**East Charlton Road:** James Jenese-Right of First Refusal from CH 61B, under Enforcement Order. The Town received a document dated 2/12/19 stating that Mr. Jenese intends to sell a very small portion of land, which is currently under Chapter 61B, to an adjacent neighbor for privacy. Mr. Jenese needs to file an NOI and Remediation Plan by March 3, 2019.

New Applications: 7 Sycamore Ave, NOI  
10 Blueberry Hill Drive, NOI

*A motion to adjourn the meeting at 10:33 p.m. (Snow/Bellemer) passed 4/0.*

Respectfully submitted by:

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Jane Green, Senior Clerk

Development & Inspectional Services

Documents reviewed at the 2/27/19 Spencer Conservation Commission meeting

Agenda for 2/27/19

Margaret's report dated 2/27/19

Minutes from the 1/23/19 meeting

NOI file for 460 Main Street, including OofC (signed)

Continuance form for Donnelly Cross Road Bridge NOI (signed)

ANRAD file for 22 Norcross Road, including ORAD (signed)

NOI file for 53 Jolicoeur Avenue, including OofC (signed)

NOI file for 51 Lambs Grove, including OofC (signed)

NOI file for 19 Wilson Avenue, including OofC (signed)

RDA file for 51 Browning Pond Circle, including Negative Determination (signed)

Continuance form for Hastings Road Bridge NOI (signed)

Continuance form for 155 Mechanic Street NOI (signed)

File for Request to Amend the OofC for 92 McCormick Road

Complaint file for Paxton Road logging complaint (R44-22), Carl Leinonen

File for Thompson Pond Request for Extension of OofC, including three- year Extension (signed)

Complaint file for 1 Washburn Drive

Complaint file for 86 Wilson Street

Complaint file for 25 Kingsbury Road

Letter from attorney Bernard Conlin re: Right of First Refusal for Jenese property, East Charlton Road (R04-3)