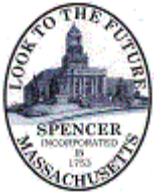


Conservation Commission – Town of Spencer



Minutes

Conservation Commission Meeting
Wednesday, August 8, 2018, at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Margaret Emerson, Heidi Olivo, Warren Snow, Charlie Bellemer

Commissioners Absent: Mary McLaughlin

Staff present: Margaret Washburn, Jane Green

Minutes Approved: August 8, 2018

Signed: Negative Determination, 21 Rustic Lane
 Negative Determination, Clark Road & Borkum Road

7:15 p.m. Re-opened the Continuation of Public Hearing for Notice of Intent for Gerald Cestaro

Property: 18 Laurel Lane, Spencer, MA DEP #293-0923 SW Permit

Frank Bicchieri of Bertin Engineering and Gerald Cestaro were present. Lenard Engineering approved the stormwater plan. The commission requested two special conditions. Permanent monuments must be installed at locations shown on plans. The monuments shall indicate permanent limits of disturbance that read “Protected Wetland Boundary.” Prior to commencing construction, the applicant shall post a surety bond or acceptable surety in accordance with the Stormwater Regulations.

A motion to close the public hearing (Snow/Olivo)4/0

A motion to approve plan with special conditions (Olivo/Snow)4/0

7:27 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Gerald Cestaro

Property: 20 Laurel Lane, Spencer, MA

The Commission approved the tree removal.

A motion to close the public meeting (Snow/Olivo) 4/0

A motion to issue a negative determination (Olivo/Snow) 4/0

7:29 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Jeremy Ahearn

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

At the request of the Applicant, the hearing has been continued until August 22, 2018.

7:31 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Paul Mitchell

Property: 21 Rustic Lane, Spencer, MA

Paul Mitchell was present regarding the septic system repair. Margaret Emerson questioned whether there would be stock piling. The construction of the Eljen system will not result in any soil stock piling.

A motion to close the public meeting (Olivo/Snow) 4/0

A motion to issue a negative determination (Snow/Bellemer) 4/0

7:35 p.m. Opened the Public Hearing for Notice of Intent for Independence Solar

Property: 20 & 32 McCormick Road, Spencer, MA DEP #293-0936 SW Permit

George Smith presented the project. Most of the work will be done in the fields with no bulk earth work. Ground-mounted solar panels will be used. Each will have a separate interconnection. The applicants have met with Common Ground Land Trust to discuss the possibility of preserving the back 60 acres through a conservation restriction. Paul McManus from Eco Tec said all the wetlands were delineated. Scott Heim is doing the wetlands peer review. Graves Engineering is reviewing the stormwater calculations. Ms. Washburn told the applicant that the Fire Chief needs to approve every plan. Chief Parsons is concerned about fire trucks driving up slopes. Chief Parsons also wants a turn around at all inverters for the fire trucks. Ms. Washburn would like to have the culvert, from the wetland at the driveway, shown on the plans. Robert Laprade (an abutter) is concerned that the road is going to erode. Mr. Laprade wanted to know whether the rate or amount of water entering his property will increase. Rebecca Baptista, P.E. of Silva Engineering presented the plans. Sheryl Moore (an abutter) is concerned about the run-off. There is an intermittent stream that runs through her property into a pond. All that water flows towards the road and onto Mr. Laprades' property. A resident, Matt Defosse, wanted to know how many acres of trees are going to be cleared. Mr. Smith said there would be 3 acres of trees cleared at 32 McCormick and 1-2 acres cleared at 20 McCormick.

After a discussion, Warren Snow said that there should be a document from Chief Parsons that states all the requirements for solar plans.

Ms. Washburn talked about the barn swallows that live in the barns on the property. The barns are important wildlife habitat. The commission would like to know if the applicant would be willing to put up barn swallow structures. The swallows would have somewhere to live once the barns are taken down. The applicant would be interested in seeing the information on the bird habitat structures. Tanya McCauley (an abutter) asked Mr. Smith, "After the first year of the new solar field, if there are any issues what will you do?" Mr.

Smith said, "We will take another look at it." At the request of the applicant, the hearing has been continued to September 12, 2018.

8:50 p.m. Opened the Public Hearing for Notice of Intent for George Goulas

Property: 184 Greenville Street, Spencer, MA Dep # 293-0934

Jeremy Croteau, P.L.S. , presented the restoration plan. They will plant 6 red oaks. The commission required a special condition regarding monitoring and reporting on the wetland restoration plan. The deadline for the report is by October 31, 2018.

A motion to close the public hearing (Snow/Bellemer)4/0

A motion to approve with special conditions(Snow/Olivo)4/0

9:05 p.m. Opened the Public Hearing for Notice of Intent for James Hill

Property: Marble Road, Spencer, MA DEP # 293-0935

Jeremy Croteau, P.L.S., presented the plans. All disturbed soils within 100 feet of wetlands shall be stabilized with landscaping and/or vegetation prior to issuing a certificate. The commission would like there to be monumental markers reading "Protected Wetland Boundary" in the locations shown on the NOI plans.

A motion to close the public hearing (Olivo/Snow) 4/0

A motion to issue with special condition (Snow/Olivo) 4/0

9:17 p.m. Opened the Public Meeting for Determination of Applicability for Mass Electric

Property: Clark Road & Borkum Road, Spencer, MA

Theresa Portante of the BSC Group for presented the plans to relocate one utility pole. Pole relocation was requested by the Spencer Highway Department. Some trees need to be removed to provide clearance for the utilities. There has been dumping going on in wetlands at that location. Ms. Portante recommended blocking the dumping area with large trees. Ms. Washburn said that an elderly couple has been dumping yard waste and fill at that location for years. Ms. Washburn and Eben Butler have both seen them dumping material in the wetlands. The commission decided to give a Notice of Violation to the couple for dumping in the wetlands.

A motion to close the public meeting (Olivo/Snow) 4/0

A motion for negative determination (Snow/Bellemer) 4/0

Other Business:

66 GH Wilson Road: Judy and Robert Maloney. Scott Morrison is here with the proposal to construct 2 solar arrays under an agricultural exemption. No tree cutting will take place. The arrays will generate 38,734 kw/hrs per year. Half of the electricity will be used for agricultural purposes and the other half will be sold back to the grid. The Maloneys plan to grow tomatoes, microgreens, figs and other hot house vegetables. The applicant will declare income to the government.

A motion to grant an Agricultural Exemption (Snow/Bellemer) 4/0

85 Lakeshore Drive: Larry Poirier received a Notice of Violation for building a beach without a permit. He asked the commission what he could use. The commission recommended putting down sod to stabilize the altered area. The commission scheduled a site inspection on Saturday, September 8, 2018 at 9:00 a.m.

55 Lakeshore Drive: Briane Hartley-Vote to ratify Enforcement Order.

A motion to ratify Enforcement Order (Snow/Bellemer) 4/0

58 South Spencer Road: Rich Leveille wants to put an in-ground swimming pool in his back yard, but he has an intermittent stream that runs through it. He stopped by to find out what he needs to do. The commission told him to file an RDA to start with a plan showing wetland flags.

Massachusetts Department of Agricultural Resources(MDAR): Composting regulations.

New Applications: 31 Lakeview Drive - Woodward, RDA
Smithville Road - Town of Spencer, NOI
3 Old Meadow Road - Town of Spencer, NOI
7 Meadow Road - Town of Spencer-NOI

A motion to adjourn the meeting at 10:03 p.m. (Snow/Olivo) passed 4/0.

Respectfully submitted by:

Jane Green, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 8/8/18 Spencer Conservation Commission meeting

Agenda for 8/8/18

Margaret's report dated 8/8/18

Draft minutes from the 7/25/18 meeting

NOI file for 18 Laurel Lane

RDA file for 20 Laurel Lane

Continuance form for 460 Main Street (signed)

RDA file for 21 Rustic Lane, including Negative Determination (signed)

NOI file for 20 & 32 McCormick Road

Proposed Solar Facilities document submitted for 20 & 32 McCormick Road by George Smith on 8/8/18

Continuance form for 20 & 32 McCormick Road (signed)

NOI file for 184 Greenville Street

NOI file for Lot 2, Marble Road

RDA file for Clark Road utility pole replacement, including Negative Determination (signed)

55 Lakeshore Drive Enforcement Order (Ratified)

85 Lakeshore Drive – Notice of Violation file