

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, April 12, 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, Brian Graeff, James Bouley, John Haverty, Kaitlin Desmarais

Commissioners Absent: Warren Snow

Staff present: Margaret Washburn

**Minutes Approved:** March 22, 2017 – *A motion to approve the minutes as amended (Haverty/Emerson) passed 6/0.*

**7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for St. Joseph's Abbey**

**Property: 167 North Spencer Road, Spencer, MA DEP#293-0878**

At the request of the applicant, the hearing has been continued to May 10, 2017.

**7:17 p.m. Opened the Continuation of Public Meeting for an 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 April 26, 2017.

**7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Cranberry Meadow Lake Association**

**Property: Cranberry Meadow Lake, Spencer, MA DEP#293-0900**

Mr. Bouley recused himself. Kara Sliwoski presented. She said she provided Ms. Washburn with three copies of the list of suggested long term lake management goals for the Association and DEP submitted their comments. Ms. Sliwoski said she submitted the "Lake Book" to the Cranberry Meadow Lake Association. Ms. McLaughlin read and the Commission discussed the special orders for the Order of Conditions.

*A motion to close the public hearing (Haverty/Emerson) passed 5/0.*

*A motion to approve the Notice of Intent with conditions as discussed (Graeff/Haverty) passed 5/0.*

**7:45 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Town of Spencer Water Department**

**Property: 3 Old Meadow Road, Spencer, MA DEP#293-0899**

Steve Tyler presented. He said the letter from the Natural Heritage of Endangered Species Program has been issued so the project can move forward with Phase 1. Mr. Tyler said that today he received a call from Paula Caron, from the DEP Drinking Water Program, informing him that Brent Powers was wrong when he stopped the project. Mr. Tyler is willing to work with Mr. Powers and the Order. Mr. Tyler said he received a letter from the turtle specialist indicating that there is a possibility that thousands of linear feet of siltation barrier must be installed for the turtles. The turtle specialist is meeting with Mr. Tyler tomorrow. Ms. Washburn suggested the following conditions:

- The project shall be performed in compliance with all requirements imposed by the Natural Heritage and Endangered Species Program in their letter, dated 4/10/17
- Spencer Water Department personnel involved must have a copy of the Order in the truck when working on the beaver dam or lodge removal. Each person involved must sign this page of the Order to indicate having actually read the Order
- Decrease in water level at beaver dams must be made gradually; no more than six inches per day. Spencer Conservation may modify this requirement at any time if there are any complaints about downstream flooding

*A motion to close the public hearing (Bouley/Emerson) passed 6/0.*

*A motion to approve the Notice of Intent with conditions as discussed (Haverty/Emerson) passed 6/0.*

**8:00 p.m. Opened the Public Meeting for Request for Determination of Applicability for Doug McPherson**

**Property: 18 Bellevue Drive, Spencer, MA**

Ms. Washburn said she inspected and took photos. There are no Conservation issues at this time. Mr. McPherson said he is going to fix the driveway and improve the drainage. Drainage will be added to re-direct water away from the foundation of the house. The walkway will be replaced with permeable pavers and runoff will be directed away from the house.

*A motion to close the meeting (Haverty/Emerson) passed 6/0.*

*A motion for a Negative Determination (Haverty/Bouley) passed 6/0.*

**Other Business:**

**Brooks Pond Extension:** Ms. Washburn said there was an Amended Order of Conditions allowing Clipper to be used. The original Order was issued in 2008 for five years and the Extension Act extended it four more years until now. Kara Sliwoski said they are not adding anything new. Ms. Washburn said the Commission doesn't have to

issue a three-year extension, they can issue up to three years. Ms. Washburn suggested sending a letter to the Lake Association saying to consider other non-chemical management methods along with a copy of the Lake Book. *A motion to issue a one-year Extension (Graeff/Haverty) passed 6/0.*

**Sugden Dam:** Ms. McLaughlin recused herself. Ms. Washburn did an inspection a long time ago. There was a problem with the dam and an engineer had to fix it. Lee Jarvis and Steve Tyler told Ms. Washburn it has been fixed and it is ok to issue the Certificate of Compliance. *A motion to issue the Certificate of Compliance (Emerson/Bouley) passed 5/0.*

**Holmes Street:** Ms. Washburn said she received an email from Steven Tyler on 4/10/17 stating that sediment flowed from this solar farm into a stream off the site. A person who lives on Dale Street complained to Mr. Tyler:

*"River is running "brown" behind his home. Breach in wetlands behind his home believes is due to Solar Project at Sunset & Holmes. Has lived at property for 12 years, never has the river run brown."*

Mr. Tyler and Ms. Washburn inspected on 4/10/17 with solar farm representatives and Bryan LaRochelle from Graves Engineering, the project Certified Erosion, Sediment and Stormwater Inspector (CESSWI).

Ms. Washburn said at her most recent previous inspection of 4/3/17, she and Mr. LaRochelle had requested that a silt sack be installed in a catch basin on Holmes Street that flows into the existing detention basin (constructed for the Holmes Street subdivision years ago). They knew that a major rainstorm was predicted for later in the week. The Holmes Street solar farm representatives failed to install it before the storm. After the storm, Mr. LaRochelle observed silt running from the solar farm into the catch basin mentioned above.

Ms. Washburn said silty water also entered the wetlands, via the existing detention basin from the outlet of a new, partially-constructed, unstabilized detention basin. This is a violation of the Stormwater Pollution Prevention Plan (SWPPP). At the 4/10/17 site inspection Mr. Tyler told the solar farm representatives to modify this outlet until the basin is stabilized.

Mr. Tyler, Mr. LaRochelle and Ms. Washburn asked for other measures to be taken. Today, Mike Collins, solar farm representative, notified Ms. Washburn that the silt sack had been installed, damaged hay bales had been replaced, and filter socks at the new outlet had been installed.

Ms. Washburn said it is not clear to her whether the new basin outlet has been modified as per Steve Tyler's instructions.

On 4/10/17, Ms. Washburn issued a Notice of Violation requiring a project representative to attend tonight's Conservation Commission meeting. No project representative attended.

The Commission told Ms. Washburn to issue an Enforcement Order to install interior erosion controls to prevent runoff from reaching the basins, cease and desist all other work on the site except building and stabilizing the drainage system and maintain sediment controls, and attend the April 26<sup>th</sup> Conservation Commission meeting. *A motion to issue the Enforcement Order/Cease and Desist (Emerson/Haverty) passed 6/0.*

**66 GH Wilson Road:** The Commission did a site inspection and took photos. The Commission told Ms. Washburn to send a Notice of Violation letter that the wetlands must be delineated and a Notice of Intent showing all work proposed during the next three years must be filed by the middle of July.

New Applications: 46 Smithville Road, Town of Spencer, RDA

*A motion to adjourn the meeting at 9:12 p.m. (Bouley/Emerson) passed 6/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 4/12/17 Spencer Conservation Commission meeting:

Agenda for the 4/12/17 meeting  
Margaret's report dated 4/12/17  
Minutes from the 3/22/17 CC meeting  
Continuance form for 93 & 97 Hastings Road (signed)  
Continuance form for 167 North Spencer Road (signed)  
NOI file for 3 Old Meadow Road  
NOI file for Cranberry Meadow Lake, including a draft list of long-term management goals recommended by SOLitude Lake Management  
Natural Heritage and Endangered Species Program (NHESP) letter dated 4/10/17 re: 3 Old Meadow Road NOI  
RDA file for 18 Bellevue drive, including Negative Determination (signed)  
Brooks Pond Extension Request  
Certificate of Compliance for Sugden Reservoir dam (signed)  
Photographs of the Holmes Street solar farm detention basin  
Site inspection report and photos taken by Conservation Commission members at 66 GH Wilson Road on 4/8/17