

Conservation Commission – Town of Spencer



Minutes

Conservation Commission Meeting
Wednesday, June 14, 2017 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Warren Snow, Margaret Emerson, James Bouley, John Haverty, Brian Graeff

Commissioners Absent: Kaitlin Desmarais

Staff present: Margaret Washburn

Minutes Approved: May 24, 2017 – Tabled to June 28, 2017

Signed: Order of Conditions, Stiles Reservoir

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

Alan McLeavy, from Wilcox and Barton, presented. He said they have made significant improvements with the ground water infiltration into the septic system. Ms. Washburn said that Mr. Jarvis approved the septic plan today. There are no issues at this time.

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

A motion to accept plan as submitted (Emerson/Snow) passed 6/0.

7:19 p.m. Opened the Continuation of Public Meeting for Abbreviated Notice of Resource Area Delineation for Karen Hubacz-Kiley

Property: 93 & 97 Hastings Road, Spencer, MA

At the request of the applicant, the hearing has been continued to June 28, 2017.

7:20 p.m. Opened the Public Hearing for Notice of Intent for Randy Jordan

Property: 56 Northwest Road, Spencer, MA DEP#293-

Sean Reardon, from Tetra Tech, presented. The project is for a manure digester. The manure is put in the digester, the digester then turns manure into methane and converts the methane into power to put back into the grid. It also creates a liquid fertilizer that is spread on the fields. The manure is combined with food waste. Some food waste is not

allowed to be landfilled. A nutrient management plan has been approved by Natural Resources Conservation Service (NRCS).

Mr. Reardon explained that the first big tank is a hydrolyzer. The food product goes into the hydrolyzer and cooks and stays in there for five days before it goes into the manure-filled digester. The digester is a 600,000-gallon covered tank that is approximately 18-feet deep and sits 12-feet in the ground and 6-feet out of the ground. The tank keeps the food and manure warm so it digests together to convert to the methane. The methane is captured and burned to create heat and electricity. The electricity goes back into the grid. Mr. Riordan said the bacteria live on the surface of the cow bedding. The cow bedding gets mixed up in the digester, gets disinfected, runs through the screw press and is sterilized. The bedding can be re-used straight back into the barn.

Mr. Reardon said the existing driveway will be upgraded. Most work is outside the buffer zone. The BVW runs north and drains into the Abbey property. The jurisdictional work is the electric line to the grid on Alta Crest Road. The check dams will be shown along the extremely steep line for the grid. Mr. Snow asked if there is a construction sequence. Mr. Riordan said they will include that on a separate sheet. Mr. Reardon said the limit of excavation is shown in a dashed line. There are no perimeter erosion controls. There will be three big sediment ponds installed where anything that runs in there will sit and recharge.

Glenn Parker asked how long the electric line is. Mr. Reardon said it is 3,000 feet long. Matt Thompson asked how far off Route 31 is the electric line. Mr. Riordan explained and showed the distance on the plan. Mr. Riordan said the existing manure ponds will be filled in after the digester is built. Sean Head asked how much manure has to be generated. Mr. Reardon said there are other permits that will be obtained for this project. The Department of Agriculture issues a permit with conditions and DEP issues a permit called a Recycling/Composting permit, which allows manure to be brought in from other places at first to start the digester. The driveway entrance where the trucks will bring in the manure will be paved. Mr. Head asked if there would be any restrictions on the time of the day when the trucks can bring in the manure. Ms. Washburn said the Commission can't address that issue.

Mr. Reardon said the ground up food comes in as a liquid. The Conversion permit from MA DEP will limit tonnage per day for the manure and food waste. Ten tons per day is allowed of manure and 120 tons a day is allowed for food waste. Eights loads of manure a day come in now.

Bernice Thompson said the brook runs into their property. She asked if the brook will be impacted. Mr. Reardon said the wetland impacted flows north.

Matt Thompson asked who owns the land. Randy Jordan said he does. Kimball Farm owned it for 22 years and sold it to Bigelow Nurseries. Kimball Farm and Bigelow Nurseries rented it to Mr. Jordan then sold it to him.

DEP has not issued a DEP number or comments yet so the hearing can't be closed. Also, a stormwater review is being done by Lenard Engineering. Once the review is submitted, Mr. Riordan will submit a revised Notice of Intent and plan addressing the comments from the review and addressing Ms. Washburn's comments.

At the request of the applicant, the hearing has been continued to June 28, 2017.

8:30 p.m. Opened the Public Hearing for Notice of Intent for Angela Kamendulis
Property: 64 Chickering Road, Spencer, MA DEP#293-0903

Fred Trifone presented the project. A 20x24 addition will be constructed on the back of the house. The grades are not steep. The excess material area will be used as a temporary ramp. Drip strips on soffit sides will provide washed stone for groundwater infiltration. The new revision date on the plan submitted is 6/8/17.

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

A motion to approve the plan (Snow/Haverty) passed 6/0.

Other Business:

Camp Marshall: Sand has been stockpiled near the existing beach, a new fence appears to be under construction around the beach, and large precast blocks appear to be being used to build a retaining wall near the bank of Thompson Pond. No permits have been issued by Conservation. The Commission did a site visit today. Mr. Snow said something should have been filed. In the future, they must file. Mr. Graeff asked if the area that was planted with grass is stable and are wattles installed. He also asked if it would be prudent to put stone or check dams in the trench. Ms. Washburn said the stones would have to be big enough so they are not washed into the lake during a big storm. Ms. McLaughlin said the wattles aren't a bad idea but she said they may be a safety hazard to children. Ms. Washburn said to seed the area the last week of August when camp ends. *A motion for an RDA to be submitted for work done on the beach (Graeff). There was no second on the motion. The Cease and Desist has been lifted.*

25 Lake Avenue: David and James Cole were present. Ms. McLaughlin read the Enforcement Order. Ms. Washburn said there was a permit issued in 2000 to install a boat launch. Mr. Cole said the ramp was out of level so they leveled it. They did not extend the ramp. They put pea stone on the ramp. Ms. Washburn said there are no erosion controls and the pea stone is washing into the lake. Ms. McLaughlin told Mr. Cole that a wetlands professional needs to prepare a plan. A Notice of Intent must be filed by July 26th and the work must be done by September 15th. Ms. Washburn will issue a revised Enforcement Order. *A motion to ratify the Enforcement Order (Emerson/Haverty) passed 6/0.*

57 GH Wilson Road: Ms. McLaughlin read the two Enforcement Orders, one to Thomas Martin and one to Michael Spalatro. Mr. Spalatro said they did not know it was a beaver dam. They were trying to clear out the pipe. Malcolm Speicher said Fish and Wildlife installed three pipes years ago. Mr. Martin said they moved a staging plank with

a truck tire behind it. Dianne Scanlon said she went to the dam because she heard them. She saw Mr. Spalatro pulling the dam apart. She told them they can't do that and told them to leave. The next morning the dam was completely gone. Ms. Scanlon said she worked with Fish and Wildlife for 30 years to protect beavers. Ms. Washburn said the penalty for breaching a beaver dam is a \$25,000 fine and up to two years in jail. Mr. Spalatro and Mr. Martin said they are aware of that. Ms. Washburn said all the logs from the breaching of the dam went into the culvert and caused the culvert to get plugged up. She also said that all the sediment and beaver feces that washed into the lake is only going to cost the lake water district more money for the weed control. Ms. Scanlon said since the incident, the beavers have not been seen. She heard gunshots the night the dam was breached. Mr. Spalatro and Mr. Martin both denied killing the beavers.

Steve Tyler said the town will levy every possible penalty they can. They will have a study of the culvert done and of the wetlands, and fix the problems. Mr. Tyler said they have no sympathy and do not believe any excuses. Mr. Speicher said that DEP assesses fines based on acres of wetlands impacted on top of the \$25,000. Ms. Washburn said the town and the state will assess fines.

Ms. McLaughlin asked Ms. Scanlon if this breaching was similar to what happened in 2012. Ms. Scanlon said this is much worse. Mr. Graeff said their job is to protect wildlife habitat and fisheries. The Commissioner will contact the Trustees of the Reservation. The Commission discussed fines. *A motion to issue fines of \$300.00 per day (starting on the day of the violation, June 3, 2017 through June 14, 2017), per person (two people) (Graeff/Emerson) passed 5/1. Mr. Snow voted against the motion.*

A motion to ratify the Enforcement Order against Michael Spalatro (Emerson/Haverty) passed 6/0.

A motion to ratify the Enforcement Order against Thomas Martin (Emerson/Haverty) passed 6/0.

126 Hastings Road: Ms. Washburn said she received an anonymous complaint about horse manure and urine polluting a stream and wetland. She and Ms. Emerson inspected today. Ms. McLaughlin read the inspection report. They met with Steven Brown and he said he would attend tonight's meeting. Debbie Ballou said she keeps the horses clean and cleans up after them. Mr. Brown said it is an intermittent stream. It is isolated. Ms. Washburn disagreed and said the stream flows into the Sevenmile River. Mr. Brown said they moved the horses and they don't want to cause any problems. Ms. Ballou said they only had the horses there for the winter. Mr. Brown said Animal Control inspected and was satisfied. The compost pile is near the road near the north property line which is more than 100-feet away from the river. Ms. Ballou said their land is 3.2 acres and at least half of it is on the other side of the stream. They are looking to buy more land from a neighbor and have all the horses in the back. Mr. Smith said if they decide to bring the horses back, they will file an RDA with a plan.

Cranberry Meadow Lake: Mr. Bouley recused himself. *A motion to amend the Order of Conditions for Cranberry Meadow Lake (Emerson/Snow) passed 5/0.*

Wire Village: Ms. Washburn said she mailed a letter to Superintendent Crowe on May 31, 2017. There has been no response. Ms. McLaughlin suggested that a letter be sent to the School Committee via the Chairman, Jason Monette. Ms. Washburn will send the letter. Mr. Graeff suggested sending one more letter to Ms. Crowe to respond by July 31, 2017. The Commission decided to send her one more letter before sending the letter to the School Committee.

Holmes Street: Ms. Washburn said there is another violation. Sediment-laden water ran off the site on June 6, 2017. It ran far down the road into a distant catch basin, according to our monitor, Bryan LaRochelle, of Graves Engineering. The Commission told Ms. Washburn to issue a fine to ZPT and a cease and desist on all work at Holmes Street. They must present a plan to prevent the sediment problems and to plant pollinator species.

Site Inspections: The Commission will do site inspections on Monday, June 26th at 5 p.m.

Commission Membership: Mr. Snow said his appointment is up at the end of June. He is not sure he wants to be re-appointed because of missing meetings due to his job. The Commission wants him to stay. He will accept the re-appointment.

7 Sycamore Lane: Ms. Washburn inspected to see if Mr. Hatch removed the sand where he built the wall. Ms. Washburn said it didn't seem to her that he removed the sand. She asked Mr. Graeff to inspect. Mr. Graeff inspected and said he didn't do a good job of clearing the sand.

New Applications: 30 GH Wilson Road, RDA
 16 Ledge Ave., RDA

A motion to adjourn the meeting at 10:31 p.m. (Emerson/Bouley) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 6/14/17 Spencer Conservation Commission meeting:

Agenda for the 6/14/17 meeting

Margaret's report dated 6/14/17

OofC for Stiles Reservoir herbiciding (signed)

SOLitude Lake Management notice dated 6/12/17 re: treatment scheduled for Thompson Pond

NOI file for 56 Northwest Road

Photo taken 6/6/17 by Brian LaRoche of sediment-laden water running into Holmes Street from the Holmes Street solar farm

Amended OofC for Cranberry Meadow Lake (signed, but not necessary; it was identical to the original)

Continuance form for 56 Northwest Road (signed)

Continuance form for 93 & 97 Hastings Road (signed)

Complaint file for 126 Hastings Road

Complaint file for 57 GH Wilson Road illegal beaver dam breaching

Enforcement Order for Michael Spalatro for violation at 57 GH Wilson Road (ratified)

Enforcement Order for Thomas J. Martin for violation at 57 GH Wilson Road (ratified)

Enforcement Order for James Cole for violation at 25 Lake Avenue (ratified)

Old NOI file for expired OofC for 25 Lake Avenue

NOI file for 64 Chickering Road

NOI file for 167 Northwest Road

Letter to Dr. Crowe re: detention basins at Wire Village School