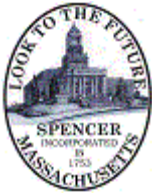


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, February 21, 2018 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, James Bouley, Charlie Bellemer

Commissioners Absent: Warren Snow, Heidi Olivo

Staff present: Margaret Washburn

**Minutes Approved:** January 10, 2018 – *A motion to approve the minutes as amended (Emerson/Bouley) passed 4/0.*

**7:15 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Alan Nash**

**Property: 30 GH Wilson Road, Spencer, MA**

Mr. Nash said he had a surveying company come out and they could not locate any pins. It will cost thousands of dollars just to find the property line. Mr. Nash said he doesn't want to do any work close to the property line. The Commission told Mr. Nash to put stakes tied with strings in the backyard as the limit of work. Mr. Nash will have the stakes installed by February 23, 2018. The Commission will do a site inspection on February 24, 2018 at 9 a.m. *At the request of the applicant, the meeting has been continued to March 14, 2018.*

**7:30 p.m. Opened the Continuation of Public Hearing for Notice of Intent for ForeFront Power, LLC**

**Property: 36 Cranberry Meadow Road, Spencer, MA DEP#293-0919**

Juliet Caplinger presented for TRC. She said the amount of solar panels have been cut in half because they want to eliminate impact to the abutters' property. The amount of alteration in the riverfront area has been decreased. She said they received Lenard Engineering's comments today. Ms. Caplinger said in order to protect the Costa's property, they will be installing reinforced silt fence prior to construction. Art Allen, from EcoTec, asked for a visual limit of disturbance between the shade buffer and the BVW.

Karen Hubacz-Kiley and Attorney Dale Kiley are present. Ms. Hubacz-Kiley said it is exceptionally concerning to her that water is going to be discharged onto her property (Bond property) and she is not happy with the proposed plans. Attorney Kiley asked what the authority is for pushing water onto someone's property without the property owner's permission. Mr. Brodeur said there should be some type of agreement to discharge stormwater onto someone's property. Attorney Kiley submitted a document and said an environmental expert has been hired. They object to the trench proposed along the side of the road as increasing volume of water discharged onto the Bond property. There is a concern about the temperature of runoff entering the cold-water fishery. A letter from TRC to Bond said the 25-year storm event would have increased flow; therefore, the 100-year storm event should be addressed as well.

Attorney Kiley said Bond settled a lawsuit previously. As part of that settlement, Bond donated \$30,000.00 to the Town of Spencer. Clean Water Action approved this. Matching the grant meant it amounted to \$60,000.00 to the town. Attorney Kiley asked for an easement onto Bond's land. Steve Tyler said he does not know of any easement. Ms. Caplinger said the amount of water out of the culvert is not increasing. There is a lot of water that goes through that culvert and by making it a larger culvert it will slow down the velocity of water. Mr. Tyler said from his perspective he doesn't want to create hardships to the Bond property. Ms. Caplinger said that Forefront wants to work with Ms. Hubacz-Kiley and the town to not impact their property. Ms. Caplinger said the proposed stormwater ponds will make the situation better.

Mr. Allen said National Pollutant Discharge Elimination System (NPDES) authorization will have to be in place before the project starts. They have submitted revisions to meet cold water fishery standards and Corey Brodeur from Lenard Engineering is reviewing them now.

Mr. Tyler requested a meeting onsite with Ms. Hubacz-Kiley, the Commission, Highway Department, and TRC. They will meet on February 27, 2018 at 9 a.m.

Mr. Allen said most of his comments have been addressed. At the request of the applicant, the hearing has been continued to March 14, 2018.

**8:32 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Scott Richardson**

**Property: 72 Donnelly Road, Spencer, MA DEP#293-0917**

At the request of the applicant, the hearing has been continued to March 14, 2018.

**8:33 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Robert and Judith Maloney**

**Property: 66 GH Wilson Road, Spencer, MA DEP#293-0912**

Scott Morrison, from EcoTec, represented the Maloneys. Mr. Morrison discussed the addendum. Ms. Washburn requested that the vista pruning be limited to August 1<sup>st</sup> through April 1<sup>st</sup>. Mr. Morrison had no problem with that. He will revise and send via email. Ms. Washburn also suggested that the Order of Conditions be valid for five years and not three years. The Commission agreed with the five year Order.

*A motion to close the public hearing (Bouley/Emerson) passed 4/0.*

*A motion to accept plan as submitted with one revision to be forthcoming*

*(Bouley/Emerson) passed 4/0.*

**8:39 p.m. Opened the Public Hearing for Notice of Intent for MA Dept. of Conservation and Recreation**

**Property: 92 McCormick Road, Spencer, MA DEP#293-0921**

At the request of the applicant, the hearing has been continued to April 11, 2018.

**8:41 p.m. Opened the Public Hearing for Notice of Intent for Karl Unger**

**Property: 18 Lamoureux Lane, Spencer, MA DEP#293-0920**

Scott Morrison, from EcoTec, presented the plan. Ms. Washburn stamped the revised plans submitted. The project is to construct a patio under the existing deck, to remove and replace the existing fire pit, and to add a two-foot high sitting wall. Mr. Morrison said several trees have been removed. They plan on grinding the stumps. Sediment controls will be installed. A Bobcat will be used to remove the fire pit. Sediment controls will be installed between the very large stump and the water. The Commission is requesting an oil-absorbent boom be installed. Ms. McLaughlin read the inspection report.

Conditions are as follows:

- Install oil-absorbent boom
- Call for an inspection five days prior

*A motion to close the public hearing (Emerson/Bouley) passed 4/0.*

*A motion to approve the plan with conditions as discussed (Emerson/Bouley) passed 4/0.*

**8:55 p.m. Opened the Public Hearing for Notice of Intent for Eric Brown**

**Property: 26 Point Eastalee Drive, Spencer, MA DEP#293-0921**

Eric Brown and Malcolm Speicher were present. Ms. McLaughlin said the Commission did a site visit today. Ms. McLaughlin read the inspection report. Mr. Speicher said he started removing muskrats there 20 years ago. Ms. McLaughlin said all the wetland flags are missing. A surveyor, professional engineer, or a wetland scientist should flag it. Mr. Brown agreed to have Land Planning re-flag.

Ms. Washburn told Mr. Brown he needs to hire a wetland specialist to tell how they meet the performance standards and the plans should be stamped by a professional engineer.

The Commission wants a boom to be shown on the plan. Mr. Brown asked if he could remove the lodge by hand. The Commission said yes.

*At the request of the applicant, the hearing has been continued to March 14, 2018.*

**Other Business:**

**Brooks Pond Extension request:** Kara Sliwoski, from Solitude Lake Management, said there will be no changes. It has been the same program for a few years. Treatments have been a huge success. Dana Reed, an abutter, asked how they notify abutters of the treatments. Ms. Sliwoski said abutter notices are usually mailed and, per Mass DEP, posters are put up. Mr. Reed said he did not receive a letter last year. Art Allen pointed out that there were no treatments in 2017. *A motion to issue a three-year Extension (Bouley/Emerson) passed 4/0.*

**9 Debbie Drive:** *A motion to accept the minor change to the approved Order of Conditions plan (Bouley/Emerson) passed 4/0.*

**71 Wilson Avenue:** *A motion to issue a Certificate of Compliance (Emerson/Bouley) passed 4/0.*

**Stormwater Bonds:** Single family homes that have less than an acre of disturbance will not require a stormwater bond. *A motion to change the stormwater bond policy statement for single family houses (Emerson/Bouley) passed 4/0.*

**195 Charlton Road:** *A motion to issue a Certificate of Compliance (Emerson/Bouley) passed 4/0.*

**31 Point Eastalee:** Mr. Brescia wants to remove one large pine tree ten to fifteen feet from the Bank of Sugden Reservoir. Mr. Brescia is willing to plant another tree elsewhere on the property. The stump is to remain if permission is given to cut the tree.

On 1/9/18, Margaret Emerson inspected at Mr. Brescia's request. The inspection report stated that the tree appeared to be healthy. Ms. Emerson was only able to view the tree above the roofline of the house due to deep snow. Ms. Emerson felt the Commission should re-inspect the lower part of the tree after the snow is gone.

Ms. Washburn called Mr. Brescia on 1/16/18 to tell him that the Commission wants to do another inspection after the snow is gone. He was willing to follow the process but was adamant that he wants the tree removed while the ground and lake are frozen to limit damage to the environment. Mr. Brescia has removed large fallen branches and is concerned about safety for people on his property. He wants the second inspection done as soon as possible. Mr. Brescia is willing to plant another tree elsewhere on the property.

On 1/27, Margaret Emerson, Mary McLaughlin and Warren Snow inspected at Mr. Brescia's request. The inspections report states "The pine tree is healthy. There seems to be no reason to remove it. It stabilizes the Bank and has no dead branches. An RDA should be filed." Photos were taken.

Ms. Washburn called Mr. Brescia on 1/31/18 and left him a message about the Commission's inspection and asked whether he wanted to get the RDA application off the website or have it mailed to him.

While the members were at 31 Point Eastalee, they looked at site work previously permitted under an expired Order of Conditions that was never recorded. Only portions of the work had been completed. Photos were taken.

DEP has stated that requiring an RDA is appropriate in this case, but filing an NOI would not gain anything.

**61 Oakland Drive:** Margaret Emerson inspected at Mr. Kennen's request to cut limbs off one tree on the Bank, and to remove another tree more than 50 feet from the Bank. Ms. Emerson suggested filing an RDA and Mr. Kennen has contacted Ms. Washburn to indicate that an RDA will be forthcoming.

**McCormick Road - Adgalanis property:** A copy of the letter sent to Town Administrator William Ross was given to the Commission. Mr. Ross sent the following email after he received the letter Ms. Washburn sent him:

"It appears that the Town may assign its rights to a nonprofit group based upon an agreement with that group. That would allow the Town to work with the CGLT on an agreement related to the exercise of the right of first refusal.

We should put all of this information together for the BOS and make it available to them at the appropriate time.

Margaret, do we know for certain that a purchase and sales agreement has been entered into for this property?

The reason I ask is that the Town should not get ahead of the process and take an action or have a discussion that could be seen as interfering with the possible sale of the property before the Town is formally notified of the sale."

**Site Inspections:** The Commission will do site inspections on Saturday, February 24, 2018 at 9 a.m.

New Applications:    20 Laurel Lane, RDA  
                                  18 Laurel Lane, NOI

*A motion to adjourn the meeting at 10:15 p.m. (Bouley/Bellemer) passed 4/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 2/21/18 Spencer Conservation Commission meeting:

Agenda for the 2/21/18 meeting  
Margaret's report dated 2/21/18  
Minutes from the 1/10/18 CC meeting (approved as amended)  
CofC for 195 Charlton Road (signed)  
CofC for 71 Wilson Road (signed)  
RDA file for 30 GH Wilson Road  
Continuance form for 30 GH Wilson Road (signed)  
NOI file for 36 Cranberry Meadow Road  
Continuance form for 36 Cranberry Meadow Road (signed)  
NOI file for 66 GH Wilson Road  
Continuance form for 92 McCormick Road (signed)  
NOI file for 18 Lamoureux Lane  
NOI file for 26 Point Eastalee  
Continuance form for 26 Point Eastalee (signed)  
Revised plan for 9 Debbie Drive (accepted as a minor change)  
Letter dated 2/6/18 to the Town Administrator re: right of first refusal for the Adgalanis property on McCormick Road  
Request for Extension for Brooks Pond herbiciding  
Report from EcoTec, Inc. re: 36 Cranberry Meadow Road, dated 2/19/18  
Report from Lenard Engineering re: 36 Cranberry Meadow Road, dated 2/21/18  
OofC Extension cover letter from Margaret Washburn to the Brooks Pond Conservation Association, dated 4/19/17  
Letter from Margaret Washburn re: right of first refusal for the Adgalanis property on McCormick Road (in CH 61A) to Spencer Town Administrator, William Ross, dated 2/6/18