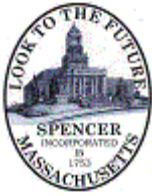


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, April 11, 2018 at 7:00 PM  
Town Hall, McCourt Social Hall

---

The Meeting was opened at 7 p.m.

Commissioners Present: Margaret Emerson, James Bouley, Heidi Olivo, Charlie Bellemer, Mary McLaughlin (arrived late)

Commissioners Absent: Warren Snow

Staff present: Margaret Washburn

**Minutes Approved:** March 28, 2018 – tabled to April 25, 2018

**Signed:** Re-sign Order of Conditions, Lake Whittemore

**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**

Glenn Krevosky, from EBT Environmental, presented the plan. A surveyor located a rear pin. The neighbor had given their permission to use their yard. The sketch shows a new perimeter drain. The leach field is toward the rear of the property. Title 5 shows the line going to the back corner. The drain will intercept water from the front side of the house. Mr. Krevosky said the wetlands were not flagged. The drain is 50-feet from the non-hydric soil borings. The homeowner will be doing the work. Mr. Krevosky proposes to inspect the work. He said four to six inches of top soil will be used to stabilize. Ms. Washburn said the Board of Health Agent said it is on the owners if they dig under the septic line. Ms. Washburn said she thinks it is a good plan. She told Mr. Nash to call for an inspection of the wattle.

*A motion to close the public meeting (Bouley/Olivo) passed 4/0.*

*A motion for a Negative Determination with the condition to call for an inspection of the wattle prior to starting work (Olivo/Bouley) passed 4/0.*

**7:31 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Scott Richardson**

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

Ms. Washburn said a revised plan was submitted showing test pit locations and test pit data was submitted. She suggested the following special conditions:

- A stormwater surety bond is required to ensure the work is completed according to the permit, in the amount of \$6,703.00. Fifty percent of the stormwater surety bond shall be released when the project is rough graded in compliance with the approved plan, but the stormwater surety bond shall not be fully released until the Stormwater Authority has issued the Certificate of Compliance. The Conservation Commission shall have forty-five (45) days to review bond amounts and requests for partial or full release.
- Landscape fabric must be installed in the groundwater recharge structure near the driveway. The applicant must call (508) 885-7500, ext. 123, for an inspection of the landscape fabric installed in the groundwater recharge structure near the driveway prior to covering it.

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

*A motion to accept plan as submitted with conditions as discussed (Bouley/Olivo) passed 5/0.*

**7:36 p.m. Opened the Continuation of Public Hearing for Notice of Intent for MA Dept. of Conservation and Recreation**

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

Brian Miller, from CDW Consultants, presented. The project is for remediation of two gun ranges to remove lead-contaminated soil. DCR is under the gun from the Waste Site Cleanup Division of DEP to clean it up. Mr. Miller said they are going to construct a temporary access road. The Commission expressed concern about constructing a gravel road on the steep side of the slope at the base of the dam. Mr. Miller said they are going to excavate the top six inches of soil in certain areas shown on the plan. Some trees will have to come down. On the steeper slopes, some hand digging will be done. There will be temporary stockpiles in the middle of the upland island. Ms. Washburn asked what is the chemical being used to stabilize. Mr. Miller said it's called Enviroblend which is similar to Portland cement. Ms. Washburn asked if there should be any concern of the powder getting into Turkey Hill Brook. Mr. Miller said no. As long as the pile is covered, no phosphorus should reach the brook. He said all the stockpiled soil will be placed in the big field by the beach. Ms. Washburn said that Steve Tyler suggested mulch tubes. The Commission wants double-staked hay bales and silt fence installed inside the buffer zone.

Ms. Washburn expressed concern about mixing the phosphate so close to the brook. Mr. Miller said it's a regulation that it has to be treated where he wants to do it otherwise it has to be disposed of as hazardous waste. Ms. McLaughlin asked if every tree is coming

down. Mr. Miller said the trees that are under 12" will be taken down. He also said landscape fabric and mulch will be used. Ms. Washburn said they need to show where the mulch and fabric will be used on the plan. Ms. Washburn said there was a question about the size of the plants. Mr. Miller said the plants are approximately 18" tall when planted.

Mr. Miller said they had a Wildlife Habitat Assessment done. They said the wildlife habitat for minks is being disturbed along the river's edge which they will replace with boulders. Ms. Washburn said mink like heavily vegetated banks, and boulders don't equal heavy vegetation. Ms. Washburn said mink want dense vegetation and not bare boulders. The Commission wants peer review for stormwater and for delineations and habitat assessment. Ms. Emerson read the site inspection report.

Doug Hadadam, from the Spencer Snowbirds, asked what will happen to the bridge. Mr. Miller said they need to talk to Rob Lowell. Mr. Hadadam then asked if the intent is to keep the trail open after the work is completed. Mr. Miller said the trail may be closed for a couple of years. Bill Dobson asked if it is too late to go to DEP to stop this project. He said there is no threat. Mr. Miller said they can try. Mr. Miller will provide names from DEP to Mr. Dobson. Mr. Miller said there has been a risk assessment done. Mr. Dobson said he has asked for a copy of the risk assessment and has not received it. Mr. Miller will send the assessment.

The hearing has been continued to May 9, 2018.

**8:27 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Eric Brown**

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

Ms. Washburn said she asked Eric Brown back in March who he was going to hire as a wetland specialist and when revisions would be submitted. He has never responded. DEP indicated to Ms. Washburn that the Commission has the option of denying the application and letting DEP decide about removing the beaver lodge.

*A motion to close the public hearing (Olivo/McLaughlin) passed 5/0.*

*A motion to deny the Notice of Intent (McLaughlin/Bouley) passed 5/0.*

**8:30 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Gerald Cestaro**

**Property: 20 Laurel Lane, Spencer, MA**

Frank Bicchiere, from Bertin Engineering, presented. The project is to remove some trees. The four trees are near the Bank of Sugden Reservoir. The stumps of the trees near the Bank are not to be ground. Those stumps will remain whole. All other stumps will be ground and the roots will remain. A list of trees and shrubs that don't grow tall has been provided. Mr. Bicchiere said a turbidity curtain will be provided and a crane will lift trees up over the house. A hydraulic boom will be installed. Mr. Bicchiere said this work will be done in conjunction with 18 Laurel Lane. Ms. Washburn asked if both 18 and 20 Laurel Lane should be closed together since work will be done at the same time. Mr.

Bicchieri said there wouldn't be an issue with continuing this meeting until the 18 Laurel Lane permit is issued.

*At the request of the applicant, the meeting has been continued to April 25, 2018.*

**8:39 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Gerald Cestaro**

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

Frank Bicchieri, from Bertin Engineering, presented and explained a colored-up plan to the Commission. He said there is a FEMA flood map but it doesn't follow the contours. The Army Corps study was used. The Bank is no longer going to be altered. There are some trees on the Bank that were originally going to be removed. They will now be left. A catch basin will be in the right-of-way and not in the road. The recharge from the roof runoff will be in a dry well. Test pits were done yesterday with Lisa Daoust, from Board of Health, and groundwater was at three feet. The septic system will be an irrigation system which is a high pressure system in the root zone. Ms. Washburn said because the project is a stormwater permitted project, the plan needs to have a peer review for stormwater. Mr. Bicchieri said the retaining wall will be made of block. The patio will be made of pervious pavers. Ms. Washburn asked for the plan to show that the plan is pervious. Mr. Bicchieri said a supplemental planting plan was submitted. All the stumps will remain and be ground down.

*At the request of the applicant, the hearing has been continued to April 25, 2018.*

**9:13 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Michele Byrnes**

**Property: 99 Maple Street, Spencer, MA**

*At the request of the applicant, the meeting has been continued to April 25, 2018.*

**9:15 p.m. Opened the Public Meeting for Request for Determination of Applicability for Dominick Brescia**

**Property: 31 Point Eastalee Drive, Spencer, MA**

Dominic Brescia and Mary Ann Brescia presented. They want to remove one large pine tree. Ms. McLaughlin asked if the tree has been pruned. Ms. Brescia said they have pruned it twice. The branches keep falling off onto the patio and onto the dock. They have had to repair the dock twice. Mr. Brescia is worried someone will get hurt from the falling branches. They will replant. Ms. Washburn suggested a special condition that they contact the Commission to inform them of the species and location of the tree to be replanted prior to planting.

*A motion to close the public meeting (McLaughlin/Olivo) passed 5/0.*

*A motion for a Negative Determination with the special condition as discussed (Bouley/Olivo) passed 5/0.*

**9:24 p.m. Opened the Public Meeting for Request for Determination of Applicability for Richard Wolanski**

**Property: 66 Chickering Road, Spencer, MA**

Mary Ann DiPinto presented the plan. Mr. Wolanski said the cottage that used to be here was so low it has a pump system. The Board of Health approved filling the old septic tank and put in a new tank with direct flow to the leachfield. The old tanks were properly filled. Ms. Washburn said she inspected and took photos. There were no Conservation issues.

*A motion to close the public meeting (Olivo/Bouley) passed 5/0.*

*A motion for a Negative Determination (McLaughlin/Olivo) passed 5/0.*

**9:35 p.m. Opened the Public Hearing for Notice of Intent for Zero Point Energy Solutions**

**Property: East Main Street, Spencer, MA DEP#293-0925**

**9:35 p.m. Opened the Public Hearing for Notice of Intent for Zero Point Energy Solutions**

**Property: 17 GH Wilson Road, Spencer, MA DEP#293-09**

Kevin McGarry, from Fuss and O'Neill, and Tom Liddy, from Lucas Environmental, were present. Mr. McGarry said the East Main Street property is 25.5 acres. The project will consist of 8.3 acres of total clearing. The grubbing will consist of 6.5 acres. There will be four detention basins. It's a two mega-watt AC array. The gravel access road is 550 linear feet from the street to the array. The array is surrounded by a chain link fence that has gates in select areas. The array area inside the fence is 4.4 acres. The panels within the table are separated to break up the flow and helps vegetation grow. The swales will divert water to the detention basins. Mr. McGarry said a phasing plan was submitted with the documents. There is no work proposed within the 25-foot buffer zone.

Mr. McGarry said the site will be cleared and the brush will be chipped. The chips will be kept on site and only the excess will be removed. The drainage components will be installed. The stumps will be pulled and ground and the stump grindings will be kept on site. They will stabilize all the drainage/stormwater components and then the construction starts. Doug Hadadam, from the Snowbirds, said the trail is going to be used for the road. Mr. McGarry said he can't comment and ZPT will be in contact with the Snowbirds to work with them regarding the trail.

Mr. McGarry said the 17 GH Wilson Road parcel is 52.5 acres. The property was recently logged as part of a forest cutting plan. The site access will be from GH Wilson Road and requires a wetland crossing. Tom Liddy, from Lucas Environmental, delineated the wetlands. He said wetlands A, D, and C are isolated. The stream is intermittent. The Stream stats and calculations confirm that. A 100-year floodplain is associated with Alder Meadow. The wetland A in the northwest corner has some chara. The timing works out to see if any vernal pools are at either site. Wetland A has the highest potential for vernal pools.

Mr. McGarry said no wetlands are inside the fence. The drainage pattern remains the same. This project has the same general erosion and sediment controls except for the wetland crossing. Ms. Washburn said that DEP questioned depth to groundwater at the Main Street site. Mr. Liddy said they did test pits there and they will respond to DEP with the results.

Mr. McGarry said the wetland crossing is proposed in the location of a former access road. They are proposing a three-sided box culvert at the stream crossing which is in compliance with DEP stream crossing standards. Sandbag coffer dams with temporary bypass pumping will be used during low or no-flow periods. Mr. McGarry said they will replace some fill within the flood zone. The calculations are included in the stormwater report. Mr. Liddy submitted some supplemental documents that Ms. Washburn stamped received.

Jay Cassidy, from the audience, questions the engineering and wants peer reviews. Mr. Liddy said the wetland third-party reviewer will be walking the site on Friday and the stormwater third-party reviewer received the documents and comments should be submitted next week.

*At the request of the applicant, the hearings for East Main Street and 17 GH Wilson Road have been continued to April 25, 2018.*

#### **Other Business:**

**Luther Hill Park:** Marty German said they would like to work on the beach front and put more sand down. They are looking to open the beach at the end of June. They will have a tractor put the sand down. The Commission had no issues. Mr. German said he will install booms in the water.

**4 Water Street:** Ms. Washburn said she inspected. There were no issues. She recommended issuing a Certificate of Compliance. *A motion to issue a Certificate of Compliance (Bouley/Olivo) passed 4/0.*

**17 Shady Drive:** Ms. Washburn said she inspected. There were no issues. She recommended issuing a Certificate of Compliance. *A motion to issue a Certificate of Compliance (Bouley/Olivo) passed 4/0.*

**53 Thompson Pond Road:** Ms. Washburn said she's received complaints about fill being put in near Thompson Pond. Ms. Washburn and Mr. Bellemer inspected and took photos. Ms. Washburn read the inspection report. Gary and Deb Milliard were present. He said they live in Leicester and just bought the cottage. They were trying to do general landscaping. They took three trailers of old brush out and got a fire department permit to burn the brush. Attorney David Dupont said the Milliard's want to make things right. Mr. Milliard said there is a beach that is 23-feet wide. They put sand on the driveway down to the lake. Ms. Washburn said the concern is the driveway slopes and with a storm the sand will wash into the lake. Mr. Milliard said he will put some sod down between

the sand and the lake and he will remove the brush out of the wetland before April 18, 2018. The Commission will inspect the site on Wednesday, April 18, 2018 at 9 a.m. The Milliard's will be on the Agenda for the April 25<sup>th</sup> meeting.

**6 Treadwell Drive:** Ms. Washburn said this is a request for Right of First Refusal. Ms. Emerson read the letter of request. Ms. Washburn said the property has been in forestry and it needs to be taken out in order to sell it. The Commission recommended to the Board of Selectmen that the Commission doesn't want to exercise the Right of First Refusal. Ms. Washburn will send a memo to the Town Administrator.

**369 East Main Street:** Ms. Washburn said she observed a violation of fill being pushed into a wetland on April 3<sup>rd</sup>. She sent a Notice of Violation via certified mail requiring a remediation plan and attendance at the April 25<sup>th</sup> meeting. The owners had previously been contacted on May 4, 2016 regarding the same problem.

**66 Browning Pond Road:** Ms. Washburn said three large trees in the Buffer Zone to Browning Pond were cut. One was about three-feet from the Bank. Some of the logs washed up at the spillway and had to be removed by the Highway Department. A Notice of Violation was sent requiring attendance at the April 25<sup>th</sup> meeting.

**102 Chickering Road:** Ms. Washburn said an inspection was done there today. The sediment controls are 30-feet closer to the lake than what they are supposed to be, bushes and trees have been cut beyond the sediment controls, and giant boulders have been placed within the 30-feet of no work. The Commission told Ms. Washburn to issue an Enforcement Order to cease and desist, remove boulders, move the sediment controls as per the plan, replace all vegetation beyond the limits of work, and attend and present a vegetation plan at the April 25<sup>th</sup> meeting.

**Site Inspections:** The Commission will do site inspections on April 18<sup>th</sup> at 9 a.m.

New Applications:    5 First Street, NOI  
                              9 Donnelly Cross Road, RDA  
                              Maple Street, Muzzy Pond Dam, NOI

*A motion to adjourn the meeting at 11:58 p.m. (McLaughlin/Olivo) passed 5/0.*

Respectfully submitted by:

---

Lisa Daoust  
Development & Inspectional Services

Documents reviewed at the 4/11/18 Spencer Conservation Commission meeting:

Agenda for the 4/11/18 meeting  
Margaret's report dated 4/11/18  
OofC for Lake Whittemore (re-signed)  
Site sketch for Luther Hill Park submitted by Marty German  
RDA file for 30 GH Wilson Road, including Negative Determination (signed)  
NOI file for 72 Donnelly Road  
NOI file for 92 McCormick Road  
Continuance form for 92 McCormick Road (signed)  
RDA file for 20 Laurel Lane  
Continuance form for 20 Laurel Lane (signed)  
NOI file for 18 Laurel Lane  
Continuance form for 18 Laurel Lane (signed)  
Continuance form for 99 Maple Street (signed)  
Site plans for the Main Street ZPT solar farm  
Continuance form for the Main Street ZPT solar farm (signed)  
Site plans for the 17 GH Wilson Road ZPT solar farm  
Continuance form for the 17 GH Wilson Road ZPT solar farm (signed)  
RDA file for 31 Point Eastalee, including Negative Determination (signed)  
RDA file for 66 Chickering Road, including Negative Determination (signed)  
CofC for 4 Water Street (signed)  
CofC for 17 Shady Drive (signed)  
Letter from Berthiaume & Berthiaume dated 4/9/18 regarding the right of first refusal for R39-14 on No. Brookfield Road  
Letter from Edward Dlugasz dated 4/9/18 regarding the right of first refusal for 6 Treadwell Drive  
Inspection report and site photographs for 53 Thompson Pond Road