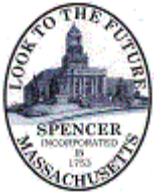


Conservation Commission – Town of Spencer



Minutes

Conservation Commission Meeting
Wednesday, April 25, 2018 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Margaret Emerson, James Bouley, Heidi Olivo, Charlie Bellemer

Commissioners Absent: Warren Snow

Staff present: Margaret Washburn

Minutes Approved: March 28, 2018 – *A motion to approve the minutes as amended (Olivo/Emerson) passed 5/0.*
April 11, 2018 – Table to May 9, 2018

Signed: 72 Donnelly Road, Order of Conditions
26 Point Eastalee Drive, Denial Order
56 Northwest Road, Re-sign Order of Conditions
31 Point Eastalee Drive, Re-sign Negative Determination

7:28 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Gerald Cestaro

Property: 20 Laurel Lane, Spencer, MA

At the request of the applicant, the meeting has been continued to May 9, 2018.

7:29 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Gerald Cestaro

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

At the request of the applicant, the hearing has been continued to May 9, 2018.

7:30 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for Michele Byrnes

Property: 99 Maple Street, Spencer, MA

Ms. Washburn said she inspected and took photos. The limit of work is on top of the existing septic system. Ms. Washburn suggested a special condition that no work is allowed between the sediment controls and the wetlands.

*A motion to close the public meeting (Bouley/Emerson) passed 5/0.
A motion for a Negative Determination with special condition as discussed
(Emerson/Bouley) passed 5/0.*

7:40 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Zero Point Energy Solutions

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

At the request of the applicant, the hearing has been continued to May 9, 2018.

7:41 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Zero Point Energy Solutions

Property: 17 GH Wilson Road, Spencer, MA DEP#293-0926

At the request of the applicant, the hearing has been continued to May 9, 2018.

7:43 p.m. Opened the Public Hearing for Notice of Intent for Jay Freedman

Property: 5 First Street, Spencer, MA DEP#293-0924

Ms. McLaughlin read the inspection report. The project is to lift the house, put in a foundation, and install a curtain drain which will be eight feet from the pond. Jason Dubois said it's an older cottage that sits on blocks. The excavated dirt will be placed around the house.

The conditions are as follows:

- Install riprap at the curtain drain outlet, three-feet long by two-feet wide using three to six inch stone.
- The six trees shown on the plan on the south side of the house may be removed. The other trees on the plan are not allowed to be cut.
- Three trees of non-invasive species are to be planted. Contact the Conservation Commission prior to planting to indicate the proposed species and location for trees to be planted.

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

7:57 p.m. Opened the Public Meeting for Request for Determination of Applicability for Tony Shawki

Property: 9 Donnelly Cross Road, Spencer, MA

Ms. McLaughlin read the site inspection report. Tony Shawki is proposing to raise the driveway one foot, raise the house one foot, and raise the septic tank four to five feet to generate less stones. Mr. Shawki will install stakes and will call for inspection. *At the request of the applicant, the meeting has been continued to May 9, 2018.*

8:02 p.m. Opened the Public Hearing for Notice of Intent for Town of Spencer Utilities and Facilities

Property: Maple Street, Spencer, MA DEP#293-

Steve Tyler, Superintendent of Utilities and Facilities, Matt Bellisle, from Pare Engineering, and Sarah Pierce, Environmental Scientist from Pare Engineering, were

present. Mr. Bellisle said the project is for maintenance for the existing dam that is old. The dam is earthen and they don't want any voids created inside of the dam. Trees have already been removed through previous activities. There are rotten stumps that need to be removed. The roots have started to work their way into the embankment. Mr. Bellisle said the rip rap will also be replaced which will help protect the geometry of the dam. A diver went in the water and found rocks at the end of the pipe. The pipe is in good condition but the rocks need to be removed. The Office of Dam Safety and DCR are involved. The project is small and mostly to be done by the town. The work is proposed to be done during winter drawdown. The project will start in mid-December when the town turns the valve. Mr. Tyler said there are obstructions in the valve. 40% - 50% of the valve stem has been lost due to corrosion. There is a concern that the stem will snap. Mr. Tyler said there was also a problem last year where they couldn't get the valve closed all the way.

Ms. Pierce said the resource areas in the vicinity of the site are limited to pond banks and a narrow fringe of wetland bordering the banks. The entire site is located within the 100-foot buffer zone. Impacts are limited to temporary impacts along the banks associated with vegetation removal and the replacement of the rip rap, vegetation removal within the BVW, and the regrading in the 100-foot buffer zone. They are requesting a waiver from the habitat study of the banks. Ms. Washburn commented that the Bordering Land Subject to Flooding is not labelled on the plan.

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

A motion to accept plan as submitted (Bouley/Emerson) passed 5/0.

Other Business:

53 Thompson Pond Road: The Commission did a site visit. Ms. Washburn read the inspection report. Mr. Malliard said he put sod down and he would like to put sod on the peninsula. Ms. Washburn requested that Mr. Malliard email her the name of the native grass they want to plant. Ms. Washburn will send a list of native trees and shrubs to Mr. Malliard. Mr. Malliard said they want to plant fruit trees and they want to transplant a tree from where the tree service cut near the road.

12 Point Eastalee Drive: Anthony Bonaventura submitted a revised plan of trees he wants to cut beyond the limits of work that was approved in the Order of Conditions. He had discovered beaver burrows within the limits of work. Ms. Washburn said she contacted DEP for guidance. They said Mr. Bonaventura needs to get permission from Fish & Wildlife as well as seek the guidance of a beaver expert as to the best time of the year and method to fill in the holes to make sure that they stay filled. Ms. Washburn recommended that he submit written recommendations from a beaver expert and file to amend the Order of Conditions because the work is on or very close to the Bank of Shaw Brook and may affect the Land Under Water Body or water quality in Sugden Reservoir.

Mr. Bonaventura also wants to cut trees on or very close to the Bank of Shaw Brook and/or Sugden Reservoir with no sediment controls in place and then have heavy

equipment remove the trees. Ms. Washburn did an inspection and was not comfortable with allowing because it is in the 100-foot Riverfront Area. The Commission will do a site visit on May 3rd at 5 p.m.

66 Browning Pond Road: Ms. Washburn said she inspected along with Ms. Emerson in response to a complaint. Ms. McLaughlin read the inspection report. 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. Ms. Washburn sent a Notice of Violation requiring David Schnare to attend tonight's meeting. The Commission told Mr. Schnare that he must plant three non-invasive trees to replace the trees that were cut. He must submit a list of three species and a sketch showing where the trees will be planted by May 9, 2018.

102 Chickering Road: Ms. Washburn said she inspected today along with Mr. Bellemer. She said Mr. Schold is back in compliance. He submitted a surveyors certification that they re-hung all the flags, he moved the sediment controls, he mulched the areas that were disturbed, and the distance from the Bank flag to the house is exactly the distance it is supposed to be.

66 GH Wilson Road: On April 24th, Ms. Washburn photographed cutting of trees, shrubs, and/or other vegetation beyond the limits of the vista pruning shown on the approved Notice of Intent plan dated December 8, 2017. Ms. Washburn issued a Notice of Violation and Cease and Desist Order, requiring them to stop work, attend tonight's meeting, and submit a re-vegetation plan prepared by a competent wetland professional by May 9, 2018. Scott Morrison, from EcoTec, is present. He said the Maloneys gave the protocol to the loggers, but is ultimately the owners responsibility. Ms. Washburn suggested quantifying the impacts. The resources that were impacted need to be delineated and shown on a plan. Ms. Washburn will issue an Enforcement Order. A restoration plan must be submitted by the May 23, 2018 meeting. Ms. Washburn will also consult with DEP.

10 Adams Street: Joe Montville was present. Ms. Washburn said Steve Tyler pointed out to her that someone had been dumping rabbit feces on the edge of Muzzy Pond. Ms. Washburn explained to Mr. Montville that dumping the feces is a form of pollution. Mr. Montville will dispose of the feces somewhere else. The Commission told Mr. Montville to have it cleaned up by next Wednesday.

Attendance at upcoming meetings: Ms. Olivo will not be at the May 23rd or the June 13th meeting. Mr. Bouley may be absent for May 23rd meeting. Ms. McLaughlin will be late to the May 23rd meeting.

Stormwater Bonds: The Commission discussed if basing the stormwater bonds on impervious surfaces would be a good idea. Ms. Washburn will consult with Steve Tyler and Corey Brodeur, from Lenard Engineering.

144 Mechanic Street: Ms. Washburn said that Mr. Broyer wants to dig out a wetland and have her inspect while they are digging. Ms. Washburn said the driveway has a giant rut in it. She said a Notice of Violation needs to be issued stating that none of the requested work is allowed until after the driveway is fixed.

Site Inspections: The Commission will be doing site inspections on May 3rd at 5 p.m.

New Applications: Maple Street (Muzzy Pond), NOI
 67 Oakland Drive, RDA

A motion to adjourn the meeting at 9:48 p.m. (Bouley/Bellemer) passed 5/0.

Respectfully submitted by:

Lisa Daoust
Development & Inspectional Services

Documents reviewed at the 4/25/18 Spencer Conservation Commission meeting:

Agenda for the 4/25/18 meeting
Margaret's report dated 4/25/18
Minutes from the 3/28/18 meeting
OofC for 72 Donnelly Road (signed)
OofC for 26 Point Eastalee (signed)
OofC for 56 Northwest Road (re-signed)
Negative Determination for 31 Point Eastalee (re-signed)
Continuance form for 20 Laurel Lane (signed)
Continuance form for 18 Laurel Lane (signed)
RDA file for 99 Maple Street, including Negative Determination (signed)
Continuance form for the Main Street ZPT solar farm (signed)
Continuance form for the 17 GH Wilson Road ZPT solar farm (signed)
NOI file for 5 First Street
RDA file for 9 Donnelly Cross Road, including Continuance form (signed)
NOI file for Maple Street, Muzzy Pond Dam repair
Sketch and letter submitted by Anthony Bonaventura for 12 Point Eastalee
Inspection report, site photographs and NOV/Cease and Desist Order for 66 GH Wilson Road
Site sketch for 53 Thompson Pond Road submitted by Deborah and Gary Milliard
Inspection report and site photographs for 102 Chickering Road
Inspection report and site photographs for Muzzy Pond, across from 10 Adams Street

Cease and Desist Order for 10 Adams Street
Inspection report and site photographs for 66 Browning Pond Road
Document submitted on 4/25/18 by Steven Broyer for 144 Mechanic Street