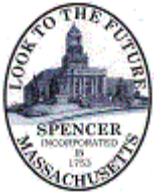


Conservation Commission – Town of Spencer



Minutes

Conservation Commission Meeting
Wednesday, May 9, 2018 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

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

Staff present: Margaret Washburn, Jane Green

Minutes Approved: April 11, 2018-Table May 23, 2018
April 25, 2018-Table May 23, 2018

Signed: Order of Conditions, Maple Street, Muzzy Dam
Order of Conditions, 5 First Street
Order of Conditions, 36 Cranberry Meadow Road

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Forefront Power, LLC

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

Ed Switzer is here regarding 36 Cranberry Meadow Road

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

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

7:18 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Dept. of Conservation and Recreation

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

At the request of the Applicant, the hearing has been continued to May 23, 2018

7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Zero Point Energy Solutions Solar Farm

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

At the request of the Applicant, the hearing has been continued to May 23, 2018

7:22 p.m. Opened the Continuation of Public Hearing for the Notice of Intent for Zero Point Energy Solutions Solar Farm

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

At the request of the Applicant, the hearing has been continued to May 23, 2018

7:23 p.m. Opened the Continuation of Public Meeting for Request for Determination of Applicability for John Stone

Property: 20 Laurel Lane, Spencer, MA

At the request of the Applicant, the meeting has been continued to May 23, 2018

7:25 p.m. Opened the Continuation of Public Hearing for the 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 23, 2018

7:26 p.m. Continuation of Request for Determination of Applicability for Tony Shawki

Property: 9 Donnelly Cross Road, Spencer MA

At the request of the Applicant, the meeting has been continued to May 23, 2108

7:27 p.m. Opened the Public Hearing Notice of Intent for Muzzy Pond Town of Spencer Drawdown

Property: Maple Street, Spencer, MA

A Notice of Intent was filed for the seasonal drawdown of Muzzy Pond. Ruth Cournoyer, an abutter, wanted to know if they were going to lower the pond in the summer. There is no plan to lower the water level.

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

A motion to approve the Order of Conditions (Olivo/Bouley) passed 6/0.

7:35 p.m. Opened the Public Meeting for Request for Determination of Applicability for Laura Silvay

Property: 67 Oakland Drive, Spencer, MA

Ms. McLaughlin inspected the property and took photos. There was a question as to why the trees were taken down. They were not taken down by the owners of 67 Oakland Drive. They were taken down by the abutters at 65 Oakland Drive. Ms. Silvay had Karl Smith of Trees Unlimited inspect, and he gave an estimate of \$6,240.00 to replace the trees that were cut. Ms. Silvay submitted a sketch that showed where she wanted to plant new trees. The neighbor, Pam Price, of 65 Oakland Drive said that the property line is disputed. Ms. Price wanted to ask if they could wait to plant the trees and wait to build the fence, until a surveyor determines the property lines. Ms. Washburn stated that this is a civil matter. The Silvays consulted their Attorney, Denis Murphy, who said there are monuments to confirm the property line.

*A motion to close the public meeting (Bouley) passed 6/0.
A motion for a Negative Determination (Olivo/Snow) passed 6/0.*

Other Business:

12 Point Eastalee: The Commission inspected Anthony Bonaventura's property at his request. Mr. Bonaventura had requested to take down sediment controls, and to cut some trees outside the limits of the disturbance. Mr. Bonaventura has photos and a written request of the proposed changes to the approved plan. Ms. McLaughlin stated that there were huge trees. Mr. Bonaventura said he would make sure they took down the trees when there was no chance of rain in the forecast. Ms. Washburn wanted to know if there was any work done on the beaver holes. Mr. Bonaventura said he hasn't done anything with that yet and asked if anyone had any suggestions. Ms. McLaughlin suggested contacting a beaver expert when the time comes. He spoke to the DEP on how to fill in the beaver holes. Ms. Washburn mentioned to Mr. Bonaventura that the whole reason is so the bank will remain intact. Ms. Washburn requested that when he decides to do it, to notify the Commission and call ODIS.

369 Main Street: Scott Morrison was present regarding the violation of 369 Main St. Art Allen had put together a draft restoration protocol to be submitted within a couple of weeks. Mr. Morrison was talking with the town engineer regarding a blocked culvert under Route 9. There is a culvert on the east side of the building which is blocked. Mr. Allen suggested installing a fence and curb stops, and designating a snow storage area. Ms. McLaughlin had said the problem of fill being pushed by snow plows into wetlands has been occurring for years before ERJC Holdings LLC owned it.

5 Jolicoeur Ave: Notice of Violation. Applicant was not present. Ms Washburn will follow up.

66 GH Wilson Road: Ms. Washburn said they did much more cutting in the vista pruning area than what was approved. The commission asked that they have the resources delineated. The Maloneys wanted to have a plan today but wanted to know the specifics of the complaints. They want to do everything the commission wants them to do. The Maloneys don't want to ignore anything. Scott Morrison said they would submit the plans and attend the June 13th meeting.

65 Oakland Drive: Ms. Washburn said they cut down more trees than they were supposed to. The issue is about whose land the trees were on. Ms. McLaughlin asked why Ms. Price didn't call the commission to let them know about the trees. Pam Price said that it was an emergency and the trees were hanging over her yard, and she didn't want anyone to get hurt. Ms. Price said she believed that the trees were on her property. Ms. McLaughlin said that Ms. Price has to plant two trees to replace those that were taken down. The Commission gave them until Sept 30th to plant the trees so that they could figure out the property lines. Ms. Price must contact the commission to state what species of trees will be planted, and their proposed locations.

184 Greenville Street: Ms. Washburn received a complaint at 184 Greenville Street that every tree on the lot had been cut down and all the soil has been disturbed. There's a drainage problem. George Goulas dug two trenches because there was a lot of water in the basement. The neighbor at 182 Greenville Street was worried about water flooding his land. There are photos of possible wetlands. Ms. Washburn issued a Cease and Desist Order. Mr. Goulas hired Jason Dubois to prepare a plan. Mr. Dubois was going to hire someone like Ecotec to flag the wetlands. Mr. Goulas said when they built the house they never put in a perimeter drain. Mr. Goulas put a perimeter drain in away from the neighbor. Ms. McLaughlin said the abutter at 182 Greenville Street complained because there are wetlands in the area in the buffer. They will try to file by the 6/13.

58 Thompson Pond Road: Mr. Bouley and Ms. McLaughlin inspected the violation of fill that got pushed near the wetlands. Mr. Schwartz has been clearing up old junk and scrapping the metal. Mr. Schwartz wants to grade the land to grow grass. Mr. Schwartz wants to make a fence for goats. Ms. Washburn talked about how goats jump high and she suggested an electric fence. Mr. Snow suggested filing an RDA. Mr. Schwartz is going to meet with Ms. Washburn on Wednesday, May 16 at 2:00 p.m.

McCormick Road: Adgalanis property. Chapter 61A notification of intent to Sell and request for Release from Right of First Refusal. Jan Parke, the President of the Common Ground Land Trust, spoke about the position statement the Land Trust wrote. They are concerned about prime farmland soils and runoff. It's the highest point in the town of Spencer. It drains into a major watershed and feeds Turkey Hill Brook. It also feeds the two town wells for the town water supply. They are concerned with the watershed and public water supply. CGLT is concerned with the solar panels. Paula Orcutt of CGLT asked what are they cleaned with? What happens if they leak 25 years from now?

There is local farmer who would like to purchase the fields. Ms. Orcutt said that they are not against solar panels. They care about the land and future generations. The hay from the fields feeds beef cows and dairy heifers. Attorney Nelson Ezen who represents Peter Adgalanis had two questions. He wanted to know if the letter from the Commission was a done deal. Ms. McLaughlin said yes, it was. Ms. Washburn said she would give him a copy of the letter the commission sent to Tom Gregory. Attorney Ezen asked whether it was understood that the Land Trust has the means to buy the land. Ms. Parke said they are doing their best. CGLT represents Leicester and Spencer. Attorney Ezen said his function is to monitor this meeting for his client.

20 Laurel Lane: Ms. McLaughlin inspected and noticed stones on the bank near the stream and took pictures. The owner of the property, Tom Flannery, spoke and said that the intent of the cobbles was to prevent erosion down the bank. The dirt was washing into the water. It's been an ongoing issue. He's tried mulch and wood chips. Ms. McLaughlin said when you do anything near water you need to let the commission know. Ms. Washburn liked his idea of trying to fix the problem. Ms. Washburn mentioned that corner of Laurel Lane seems to have a lot of runoff. Mr. Flannery hopes that the cobbles will stop the erosion. The commission suggested filing an RDA.

New Applications: 71 Wilson Ave., RDA, Donohue
Spencer landfill solar farm, NOI
55 Lakeshore Drive, RDA - Hartley

A motion to adjourn the meeting at 9:40 p.m. (Olivo/Snow) passed 6/0.

Respectfully submitted by:

Jane Green, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 5/9/18 Spencer Conservation Commission meeting:

Agenda for the 5/9/18 meeting
Margaret's report dated 5/9/18
OofC for 36 Cranberry Meadow Road (signed)
OofC for 5 First Street (signed)
OofC for Maple Street (Muzzy Dam repair) (signed)
Continuation form for 92 McCormick Road (signed)
Continuance form for the East Main Street ZPT solar farm (signed)
Continuance form for the 17 GH Wilson Road ZPT solar farm (signed)
Continuation form for 20 Laurel Lane (signed)
Continuation form for 18 Laurel Lane (signed)
Continuation form for 9 Donnelly Cross Road (signed)
NOI file for Maple Street (Muzzy Dam drawdown)
RDA file for 67 Oakland Drive, including Negative Determination (not signed)
Undated letter from Wood Environment and Infrastructure re: CSX yearly operational plan
5/7/18 letters to CC members from the Law Office of Robert J. Hennigan, Jr., re: public records request for Town drainage relative to 182 Charlton Road
Violation file for Tom and Donna Flannery, Laurel Lane (U31-37)
Violation file for Ryan Schwartz, 58 Thompson Pond Road (U35-1)
Violation file for George Goulas, 184 Greenville Street (R25-48)
Violation file for Pam Price, 65 Oakland Drive (U31-30)
Violation file for ERJC Holdings, LLC, 369 Main Street (R35-1-2)
Inspection report and site photographs for 12 Point Eastalee
Letter from Fuss & O'Neill dated 5/2/18 re: 17 GH Wilson Road solar farm plan revisions
Letter from Fuss & O'Neill dated 5/2/18 re: East Main Street solar farm plan revisions
Stormwater review report from Graves Engineering dated 5/9/18 re: 17 GH Wilson Road solar farm plan revisions
Stormwater review report from Graves Engineering dated 5/9/18 re: East Main Street solar farm plan revisions
Record Survey Drawings Review Report from Graves Engineering dated 5/9/18 re: 144 Mechanic Street