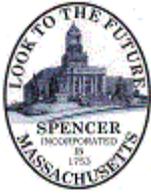


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, March 26, 2014, at 7:00 PM  
Town Hall, McCourt Social Hall

---

---

The Meeting was opened at 7:04 p.m.

Commissioners Present: Mary McLaughlin, Dana Reed, Margaret Emerson, Warren Snow, Brian Roode

Staff present: Margaret Washburn

**Minutes Approved:** February 26, 2014 – *A motion to approve the minutes as amended (Emerson/Roode) passed 5/0.*

**Signed:** 8 Oak Lane, Certificate of Compliance – Ms. Washburn inspected. The Order of Conditions was issued in 1989. She saw no issues. *A motion to issue a Certificate of Compliance (Snow/Reed) passed 5/0.*  
40 South Spencer Road, Continuation Form  
10 & 12 Sherman Grove, Continuation Form

**7:40 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Doug Cutler**

**Property: 10 Sherman Grove, Spencer, MA DEP#293-0819**

*At the request of the applicant, the hearing has been continued to April 9, 2014.*

**7:41 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Doug Cutler**

**Property: 12 Sherman Grove, Spencer, MA DEP#293-0820**

*At the request of the applicant, the hearing has been continued to April 9, 2014.*

**7:43 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Kristian Rondeau**

**Property: 40 South Spencer Road, Spencer, MA DEP#293-0822**

*At the request of the applicant, the hearing has been continued to April 9, 2014.*

**7:45 p.m. Opened the Public Hearing for Notice of Intent for Southbridge Savings Bank**

**Property: 130 West Main Street, Spencer, MA DEP#293-**

Jason Dubois, from Bertin Engineering, said that Southbridge Savings Bank is proposing to construct a drive-thru for a bank and also proposing to install a new septic system. He said the wetlands are located on the eastern portion along the back side of the land. Mr. Dubois said the project does trigger the provisions of DEP Regulations as well as those of the local stormwater bylaw. Grass swales and check dams will be installed along with a grassy area for the water to settle into with overflow over the embankment. Mr. Dubois said Lenard Engineering and Steve Tyler have submitted their comments. The plans will be revised showing roof runoff and treating of the untreated stormwater. Ms. McLaughlin asked if there will be an area for snow storage. Mr. Dubois said there will be two areas. Mr. Dubois said also that there is a Riverfront Area of a perennial stream on the property.

Ms. Washburn read the peer review quotes. Ms. McLaughlin said to let the applicant choose which company they want to use. Ms. Washburn read Steve Tyler's comments to the Commission. *At the request of the applicant, the hearing has been continued to April 23, 2014.*

**Other Business:**

**Envirothon Team, 7 p.m.:** The team introduced themselves to the Commission then began to ask their questions.

Q. What is the official job of the Conservation Commission?

A. Mr. Snow said there is a job description for the Conservation Commission in the MACC Manual. He will email the description to Ms. McLaughlin and she will give it to the team.

Q. What are some opportunities for renewable agriculture in the area?

A. Ms. Washburn said forestry is a renewable resource. She said we keep the forest cutting plans in the office if they would like to view them. Ms. McLaughlin said the mushroom farmer would be a good resource for the team to speak with.

Q. What can you tell us about our locally grown food, such as, what percent of the food people buy and consume come from local grown areas?

A. Ms. Washburn said the Commission has been trying to help get the Small Farm as preserved space. The people that operate that farm operate Breezy Gardens in Leicester. She also said Robert Moschini on Howe Road has a beef farm. Ms. Snow said to ask the tax collector who has a farm. Mr. Reed said that Petruzzi Farms in East Brookfield is a huge farm that sells vegetables.

Q. What makes soils of Spencer/East Brookfield beneficial or problematic for farming?

A. Ms. Washburn said both towns have a lot of glacial outwash, which are sands and gravels that were deposited by the last glacier that melted 14,000 years ago. Those sands

and gravels tend to be dry in the summer because they don't hold a lot of water and they tend to be nutrient poor which is challenging for agriculture.

Q. How could the problems of a dry be overcome?

A. Ms. Washburn said by building up organic matter in the soil which increases the water holding capacity of the soil and the use of mulch.

Q. What kind of fertilizers do people tend to use? Ms. Washburn said you can go to the store and buy chemical fertilizers. Chemical fertilizers and organic fertilizers each have their good points and bad points. Ms. Washburn suspects that most people buy Miracle Gro or some kind of chemical fertilizer.

Q. Are greenhouses considered sustainable agriculture?

A. Ms. Washburn said it would depend on how much they heat the greenhouses and what the source of heat is.

Q. Are there genetically modified organisms (GMO) grown around this area? Does the Commission support genetically modified foods?

A. Ms. Washburn said yes. Most of the corn that is grown in Massachusetts is genetically modified to make them resistant to ear worm. She also said most of the food in the grocery store is genetically modified, unless it says organic on it. Ms. Washburn said she supports some, but not all GMOs. There are good points and bad points of GMOs.

**44 Buteau Road:** An Enforcement Order had been issued for filling in the wetlands. A remediation plan was submitted. The Commission reviewed the plan. Mr. Jason Dubois said "in 1995, the fill could be seen in an aerial photo". In 2010, photos show this pile of fill between wetland flags two and three has grown vegetation. Mr. Dubois said that Bertin Engineering feels it would be more detrimental to cut the trees. Mr. Dubois said there are five wells on the property. He doesn't think stumps were dumped in the wetland. An access road is proposed to be constructed after the installation of the hay bales and silt fence. A bucket from a machine will make a trench to look for hydric soil. The stumps will be completely removed when looking for hydric soil.

Ms. Washburn said a plan needs to be submitted showing where clear-cut occurred along with any wetlands flagged within 100 feet of the clear-cut. A peer review should be conducted. Ms. Washburn said Mr. Kuchinski stated to her that he wants permission to remove the logs that were made from the trees cut in the clear-cut logged area. He also wants to build a pipe tent in that vicinity. Ms. Washburn said all future work in the buffer zone needs to be addressed in a NOI. She also said she believes the delineation needs to be reviewed as well. Ms. Dubois said he should be able to submit the revised plan by April 9<sup>th</sup>.

**Clark Road:** Mr. Murphy presented the plan to the Commission. He said the fill will be drawn out of the filled wetland. A 15-foot buffer will be created before the fill is sloped at 2.5:1. The slope will be seeded. Mr. Murphy said the process could be done within

two days pending good weather. He will have it done before June 21<sup>st</sup>. They will start on a Monday. There will be a pre-construction meeting to inspect the erosion controls. At the time of inspection, they will know who the contractor will be. The condition of the plants will be assessed on June 30<sup>th</sup> and October 30<sup>th</sup>. Mr. Murphy said that on June 30<sup>th</sup>, monitoring reports will be submitted to the Commission. Mr. Murphy will tell Mr. Williamson to let neighbors know they can't dump yard waste in the wetlands.

**Point Eastalee & Donnelly Crossroad:** Mr. Bonaventura requested an Extension to the Order of Conditions for these two properties. Ms. Washburn said the original Orders were issued on 6/6/2001. This is the seventh request for extension. Mr. Bonaventura said he has had a lot of personal issues with getting the projects started. Ms. Washburn said the flags have been missing for at least seven years. The topography on the plans is not accurate for the current conditions. Ms. McLaughlin said Mr. Bonaventura would have to have the wetlands re-flagged no matter what. It's been 14 years. *A motion to deny the extensions for U-34/37-4 and U-34/37-2 (Snow/Emerson) passed 4/0. Mr. Reed abstained.*

**Stiles Reservoir Drawdown:** Mr. Bob Fournier complained that the Stiles Reservoir drawdown affects his well. Ms. McLaughlin said the Stiles Water District is in charge of the drawdown. The gate/dam is in Leicester and they control the drawdown. Mr. Fournier said this Commission has written letters of caution to the Stiles Reservoir Water District. Ms. Washburn said if the dam is compromised and leaking, the Office of Dam Safety has to repair the dam. Ms. Washburn said any letter the Commission issues will not change anything in regards to the water level affecting Mr. Fournier's well. This would be a civil matter between Mr. Fournier and the Lake Water District.

**Recorded Audio Files:** Lisa will save the audio files of the meetings until minutes are approved and/or all hearings are closed.

**160 Greenville Street:** Ms. Washburn said a complaint came into the office about unregistered vehicles in the buffer zone. Ms. Washburn said the truck appears to be a junk parked on the very edge of the wetland. Steve Tyler is urging the Commission to protect the wetland by enforcing the regulations to get the derelict truck off the wetland edge. It is literally teetering on the edge of the swamp. It has been there for years and may be leaking. The Commission told Ms. Washburn to have Mr. Labelle attend the next meeting.

**158 Greenville Street, Nelson Labelle:** Jason Jarmulowicz constructed the new house without recording the Order of Conditions, without calling for an ESC inspection, and without putting up a DEP file number sign. On March 10<sup>th</sup>, Ms. Washburn left messages for Mr. Jarmulowicz and Nelson Labelle. Ms. Washburn inspected, took photos and spoke to Mr. Jarmulowicz on March 11<sup>th</sup>. She told him he could not work on the house until these matters were addressed. The Order of Conditions was recorded on March 12<sup>th</sup>. Complaints were received in the office about unregistered/junk vehicles in the buffer zone. Mr. Lee Jarvis issued a fine.

**13 Lake Avenue:** Ms. Washburn said there was a fire. Ms. Lois Williamson called Ms. Washburn to see what she needed to do. Ms. Washburn inspected and told Ms. Williamson she must file a NOI before demolishing the house.

**64 Chickering Road:** Ms. Washburn inspected on March 10<sup>th</sup>. The tree cutting is done and the water line has been relocated. Ms. Washburn gave permission to remove the boom. The wattles will stay in place until grass has been mowed three times.

**Maple Street Solar Project:** Ms. Washburn received an email from Ecos Energy regarding permitting for a solar farm on R23-41. Ms. Washburn called Mr. Bob Moschini and he said Bertin Engineering is involved.

**Lake Whittemore Drive:** Ms. Washburn said the ZBA approved an application on March 11<sup>th</sup> for a variance for lack of frontage on this lot at the end of Lake Whittemore Drive. A stream runs through this lot, which borders on Lake Whittemore. Ms. Washburn sent Mr. Cormier a letter informing him that he will need to file for a permit from Conservation if disturbing vegetation or land within 100 feet of any resource area(s).

**22 Longview Drive:** Ms. Washburn said she contacted both the abutters, Ed Lockhart and Steve Evilia, to ask if the stabilization of disturbed areas on their properties was completed to their satisfaction. There was still too much snow to see the soil, so Ms. Washburn asked them to contact her after they have been able to assess the stabilization. Ms. Washburn also contacted Mr. Huard's contractor, Warren Monette, who said he would contact Ms. Washburn before doing any further work there this spring. Mr. Huard apparently wants Mr. Monette to construct the pad for the proposed gazebo in the spring.

**New England Automotive Gateway:** Ms. Washburn said on March 25<sup>th</sup>, she attended a pre-construction conference with Michelle Buck, Chris Taylor, of Beals and Thomas, Steve Eisenberg, General Contractor of Landmark Structures, and Joe Comeau, Site Work Contractor of Comeau Excavation. Ms. Washburn said she had previously received and reviewed the Stormwater Pollution Prevention Plan (SWPPP) prepared for this project. Work won't begin for at least two weeks due to the cold weather.

**Abbey Solar Development:** On March 5, Michele Padula (Central Region Administrator of the MA State APR program) sent Ms. Washburn this email in regards to the proposed improvement of an old farm road (on land owned by Bigelow Nurseries) into a 14-foot-wide gravel access road:

*"The owners of the restricted land will need to apply for a Certificate of Approval for an Agricultural Improvement on APR land. I will contact Pat Bigelow directly and send the application to her.*

*The Town of Spencer is a co-holder of the APR and will need to approve the request as well. Would you like me to forward the completed COA application to you when I receive it, or would you prefer to work directly with the Bigelows? Please let me know."*

Ms. Washburn replied to the email asking Ms. Padula to forward us the completed Certificate of Approval (COA) application.

Ginny Scarlet sent this email: *“Note that the Town also would have to review and approve the road across APR land. That would be through the Conservation Commission. It looks like the road comes down a steep slope, so drainage will be an issue there too.”*

If the road is steep, we may need to ask for water bars and a drainage swale as constructed on the Donnelly Road cell tower driveway.

On 3/26, Ms. Washburn asked Michele Padula if there were any updates. She sent this reply: *“No. I don't think we will see an application for at least a few months. The Bigelows are selling the property and the Commonwealth has a Right of First Refusal on the APR land. That means we have to approve a sale and the new owner would have to apply for a COA.”*

Ms. Washburn sent Michelle Buck photographs of the problematic “swales” and other erosion problems at the 115 Wilson Street solar project. It is recommended that she show the Planning Board, who seem to be interested in learning about potential problems with solar developments during the construction phase.

On 3/25, Ms. Washburn received Graves Engineering’s Peer Review Response letter (dated 3/18/14) and Lenard Engineering’s 3/25/14 peer review letter. She is still in the process of reviewing these.

**Site Visits:** The Commission will do a site visit to 115 Wilson Street on Tuesday, April 22<sup>nd</sup>. Meet at 2 p.m. at Town Hall.

Mr. Snow will not be at the April 23<sup>rd</sup> Conservation Meeting.

**Volunteers:** James Bouley and John Haverty have submitted volunteer forms to be on the Commission. Ms. Washburn will send a letter inviting them to attend the April 9<sup>th</sup> meeting.

New Applications: Bacon Hill Road, NOI – application has been withdrawn

*A motion to adjourn the meeting at 9:50 p.m. (Snow/Emerson) passed 5/0.*

Respectfully submitted by:

---

Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 3/26/14 Spencer Conservation Commission meeting:

Agenda for the 3/26/14 meeting  
Minutes from the 2/26/14 Spencer Conservation Commission meeting (approved as amended)  
Margaret's report dated 3/26/14  
Certificate of Compliance for 8 Oak Lane (signed)  
Continuance form for 10 and 12 Sherman Grove NOIs (signed)  
Continuance form for 40 South Spencer Road NOI (signed)  
NOI file for 130 West Main Street  
Continuance form for 130 West Main Street NOI (signed)  
Wetland Remediation Plan for Clark Road (U27-73, Ralph Williamson)  
Enforcement Order file and Wetland Remediation Plan for 44 Buteau Road  
Letter dated 1/29/14 from Commonwealth of Massachusetts Land Court re: 106 Clark Road  
Lake Whittemore 2013 Aquatic Vegetation Management Report, dated 1/31/14, from Lycott Environmental  
Volunteer forms from James Bouley and John P. Haverty  
Report from Common Ground Land Trust re: the condition of Sibley Farm  
File for U16-17, Lake Whittemore Drive (Richard Cormier)  
File for 13 Lake Avenue, Ralph and Lois Williamson  
Field file for 158 Greenville Street  
File for 160 Greenville Street  
File for Point Eastalee Drive (U34-37-4)  
File for Donnelly Cross Road (U34-37-2)