

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, July 22, 2020 at 7:00 PM
Town Hall, McCourt Social Hall

NOTE: THIS IS A REMOTE MEETING AND ALL PRESENTATIONS, QUESTIONS, COMMENTS AND/OR DISCUSSIONS WILL TAKE PLACE VIA TELEPHONE CALL IN. IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE CONSERVATION OFFICE BEFORE THE MEETING.

PERSONS SPEAKING CAN ONLY SPEAK WHEN RECOGNIZED BY THE CHAIR AND THEY MUST CLEARLY STATE THEIR NAME AND ADDRESS FOR THE MINUTES.

IN ORDER TO CALL IN, PLEASE CALL: 1-877-309-2073 AND USE ACCESS CODE 686-918-829

TO LISTEN TO THE MEETING ONLY GO TO SCATV.ORG

The Meeting was at 7:00 p.m.

Commissioners Present: Charlie Bellemer, Margaret Emerson, Mary McLaughlin, Robert Perry and Warren Snow

Commissioners Absent:

Staff present: George Russell, Jane Green
Staff absent:

NOTE: ALL VOTES WERE TAKEN AS ROLL CALL VOTES

Minutes Approved: A motion to approve the June 24, 2020 minutes (Snow/Bellemer) passed 5/0 with a roll call vote: Bellemer-yes, Snow-yes, Emerson-yes, McLaughlin-yes, Perry-yes

Signed: Enforcement Order – approved July 8, 2020 -144 Mechanic Street
Certificate of Compliance – approved June 24, 2020 – 102 Chickering Road

7:11 p.m. 4.1 Continued the Public Hearing for the Notice of Intent for Phyllis Brewer

Property: East Charlton Road, Spencer, MA DEP#293-0985

Mr. Russell spoke with the applicant and the applicant's representative about continuing to the next meeting. He would like all the members to visit the site and review the plans in person because of the history of this property.

At the request of the applicant, the hearing has been continued to August 12, 2020. (Perry/Bellemer).

A roll call vote (Perry/Bellemer/Emerson/Snow/McLaughlin) passed 5/0.

7:15 p.m. 4.2 Continued the Public Hearing for the Notice of Intent for the Town of Spencer Highway Department

Property: Paxton Road over Shaw Brook, Spencer, MA DEP#293-0989

There was no representative, so the hearing was recommended to continue to August 12, 2020.

A motion to continue to August 12, 2020 (Perry/Bellemer) passed 5/0.

A roll call vote (Bellemer/Snow/Emerson/Perry/McLaughlin) passed 5/0.

7:20 p.m. 4.3 Continued the Public Hearing for the Notice of Intent for Merrill Sprague-Allen

Property: 41 Oakland Drive, Spencer MA DEP#293-0991

Ms. McLaughlin recused herself from the meeting because she is an abutter. Ms. Emerson took over to Chair for this property. The applicant was not present. Mr. Russell said that the project is to replace the retaining wall on the bank of the pond, and the wall is failing. Mr. Russell recommends approving this work. Mr. Bellemer asked that the project get done when the water has been let down. Mr. Russell said that is a condition.

A motion to close the public hearing (Bellemer/Perry) passed 4/0.

All in favor (Perry/Snow/Bellemer/Emerson) passed 4/0.

A motion to approve the plans with conditions noted in the Agent's report (Perry/Bellemer) passed 4/0.

A roll call vote (Bellemer/Perry/Snow/Emerson) passed 4/0.

Other Business:

5.1 214 North Spencer Road – Ext of OofC: Mr. Russell said that this extension is warranted. He recommended this be granted. Mr. Bellemer would like to know what the permit was for. This was a septic system project. The Commission discussed why it would take so long to do this project. The Commission would like to know why it needs to be extended. Mr. Russell told the Commission he would find out why it took so long to do this project. The Commission wondered if there was a deadline as to when a project gets done. The recommendation is for no action on the extension, until Mr. Russell goes out to the applicant and finds out the rationale behind the extension.

5.2 59 Oakland Drive – CofC: Mr. Russell said that all is ready for the request to be granted. Ms. McLaughlin abstained from the vote because she is an abutter.

A motion to issue the Certificate of Compliance for the retaining wall (Bellemer/Perry) passed 4/0.

A roll call vote (Perry/Bellemer/Emerson/Snow) passed 4/0.

5.3 230 North Spencer Road – Amend OofC: This was continued from 6/24/20 meeting to allow time to solicit an opinion from the Town Attorney. Mr. Russell wanted a legal opinion about changing the name on the OofC. The council recommended against changing the name. The applicant wanted to put their name on the Amended OofC. An Order of Conditions goes with the land and is recorded with the Registry of Deeds by address not by owner. Mr. Bellemer wants the Commission to look at the property because he said the whole development is a mess. All the erosion will wash into the town drain. Mr. Perry mentioned meeting with the new owners to make sure they conform to the conditions.

A motion to vote to release the original bond to accept the new bond from the new owners (Perry/Emerson) passed 5/0.

A roll call vote (Perry/Emerson/Bellemer/Snow/McLaughlin) passed 5/0.

5.4 72 Donnelly Road – Bond release – Vote: The work is complete a Certificate of Compliance has been issued.

A motion to release the bond (Perry/Bellemer) passed 5/0.

A roll call vote (Perry/Bellemer/Emerson/Snow/McLaughlin) passed 5/0.

5.5 167 North Spencer Road – CofC: Mr. Russell said that all is ready for the release: this is the septic repair at the Abbey.

A motion to release the Certificate of Compliance (Perry/Bellemer) passed 5/0.

A roll call vote (Bellemer/Perry/Emerson/Snow/McLaughlin) passed 5/0.

Agent's Report:

Agent's report is appended to and made part of the minutes.

New Applications:

*A motion to adjourn the meeting at 7:58 p.m. (Perry/Bellemer) passed 5/0.
All in favor (Bellemer/Perry/Emerson/Snow/McLaughlin) 5/0.*

Respectfully submitted by:

Jane Green, Senior Clerk
Development & Inspectional Services

Documents Reviewed at 7/22/20 Conservation Commission Meeting

Agent's Report 7/22/20

Minutes 6/24/20

Certificate of Compliance signed 102 Chickering Road

Continuance form East Charlton Road

Continuance form Paxton Road over Shaw Brook

Order of Conditions signed 41 Oakland Drive

Certificate of Compliance signed 59 Oakland Drive

Certificate of Compliance signed 167 North Spencer Road

Conservation Commission packets

Enforcement Order – 144 Mechanic Street

41 Oakland Drive – OofC

Town of Spencer, Massachusetts

Office of Development & Inspectional Services

Planning Board
Zoning Board of Appeals
Conservation
Board of Health

Town Planner
Inspector of Buildings
Health Agent
Wetland/Soil Specialist



Memorial Town Hall
157 Main Street
Spencer, MA 01562

Tel: 508-885-7500 ext.
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If you're going through hell, keep going.
Winston Churchill

TO: Conservation Commission

FM: George Russell, AICP
Conservation Agent

RE: Agent's Report

DATE: 7/22/20 (2)

4.0 PUBLIC HEARINGS/MEETINGS:

Item 4.1. E. Charlton Road NOI: This item was continued to allow the Commission to be able to review the plans "in person"; this was especially important given the history of the site.

4.2. The Town of Spencer Highway Department, NOI: This permit is for a bridge rehab project on Paxton Road over Shaw Brook. This project is also designed to improve drainage. Given that we do NOT have an NOI number, I would recommend the hearing be opened and continued. When approved, I would recommend the following stipulations: 20, 23, 24, 27-30, 34, 35, 37-41, 44, & 49-54.

Item 4.3. 41 Oakland Dr. NOI: This permit was continued to receive the DEP number and it has been received. This permit is to replace the wall on the bank of the lake and the wall is badly in need of replacement I would recommend approval with the following special conditions: 20, 23, 24, 27-30, 34, 35, 37-41, 44, & 49-54.

5.0 OTHER BUSINESS:

Item 5.1 214 Old N. Spencer Road Ext: This permit would have expired on 6/17/20 if not for the stay based on COVID-19. An extension to 6/17/23 is in order.

Item 5.2 59 Oakland COC: All is ready for the release to be granted.

Item 5.3. Amendment of OOC 230 N. Spencer Road: This was continued from the 6/25/20 meeting to allow time to solicit an opinion from the town attorney on whether the requested change is necessary and prudent. Counsel's opinion is in your packet and this change is not recommended. An OOC goes with the land and is recorded with the Registry of Deeds by address NOT by owner. I see no legal or procedural reason why the Commission should amend the orders.

The new owners have however requested that a new bond in their name be substituted for the bond under the developer's name. The commission will need to vote on this part.

Item 5.4. Bond release Donnelly Road: The Release from Conditions was granted by the Commission, but the applicant forgot to request the bond release. All is ready for it to be released.

Item 5.5 167 N. Spencer Road Release from Conditions: This is the Abby property, and all is ready for the release to be granted.

6.0 AGENT REPORTS:

On the agenda, under item 8 are two new NOI applications. All we have are lot numbers at this time. On the NOI's, there is about 1,000' of delineation and there is close proximity to estimated priority habitat. I am thus sending this out for peer review.

At this time, the applications have not been delivered to the peer reviewer and thus we do not have a scope of services.