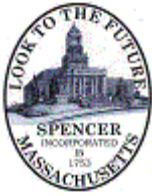


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, November 13, 2019 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 7:00 p.m.

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

Commissioners Absent:

Staff present: George Russell, Jane Green

Staff absent:

**Minutes Approved:** October 23, 2019

**Signed:** Emergency Certificate for the Town of Spencer Bridge repair - North Spencer Road

**7:15 p.m. Continued the Public Hearing for the Notice of Intent for Bill Krukowski  
Property: Donnelly Cross Road Right-of-Way, Spencer, MA DEP#293-0977**

*At the request of the applicant, the hearing has been continued to December 18, 2019.*

**7:20 p.m. Opened the Public Hearing for the Request for Determination of  
Applicability for Cody Berman  
Property: 43 Point Eastalee Drive, Spencer, MA**

The applicant, Cody Berman, was present and explained to the Commission that he would like to rebuild the deck which had already been removed. It will be the same size and there will be no excavation. Heli-posts will be used. The Commission looked at the inspection report. They had inspected back in June due to a Notice of Violation. Mr. Berman did not realize he needed a permit.

*A motion to close the public hearing (Perry/Snow) 5/0 passed.*

*A motion to for a negative #3 determination (Bellemer/Snow) 5/0 passed.*

**7:26 p.m. Opened the Public Hearing for the Notice of Intent for Colin Derhammer  
Property: 133 Ash Street, Spencer, MA no DEP file # has been issued. SW Permit**

Mr. Russell indicated he believed that the application was incomplete, and the DEP also had considered the application incomplete.

*At the request of the applicant, the hearing has been continued to December 18, 2019.*

**7:30 p.m. Opened the Public Hearing for the Notice of Intent for Bill Krukowski  
Property: 40, 80 & 96 Clark Road, Spencer, MA no DEP file # has been issued.**

Keith Nelson, of Gill Engineering presented the plans and gave an overview of the project. They are replacing three culverts. Mr. Nelson discussed the construction sequence. DEP has not issued a file number yet.

*At the request of the applicant, the hearing has been continued to December 18, 2019.*

**7:41 p.m. Opened the Public Hearing for the Request for Determination of  
Applicability for James & Rachel Laliberte  
Property: 195 Charlton Road, Spencer, MA**

The applicant, Rachel Laliberte, was present and told the Commission she would like to fill in an inground swimming pool. The pool will be filled in and leveled, followed by seed.

*A motion to close the public hearing (Perry/Bellemer) 5/0 passed.*

*A motion for a negative #3 determination (Snow/Perry) 5/0 passed.*

**7:47 p.m. Opened the Public Hearing for the Notice of Intent for Rosemary Reis  
Property: 97 Wilson Ave, Spencer, MA DEP # 293-0976**

Jason Dubois, from D.C Engineering was present to explain the project. He plans to replace the concrete wall by the shoreline. It will be the same height and footprint. He showed the plans and discussed them.

*A motion to close the public hearing (Perry/Bellemer) 5/0 passed.*

*A motion to accept the application with the stipulations in the OofC (Snow/Perry) 5/0 passed.*

**7:55 p.m. Opened the Public Hearing for the Request for Determination of  
Applicability for Arthur Tatro  
Property: 8 Bellevue Drive, Spencer, MA**

The applicant, Arthur Tatro and his sister, Patricia Monfette, were present. They would like to replace the sill that is rotted. Wayne Fritz was present and will do the work. The work on the house is on the opposite side from the lake. David Berthume will remove the bushes and open the ground in front of the foundation.

*A motion to close the public hearing (Perry/Snow) 5/0 passed.*

*A motion for a negative #3 and stipulations from the report (Bellemer/Perry) 5/0 passed.*

**7:59 p.m. Opened the Public Hearing for the Request for Determination of Applicability for Andrew Sweet**  
**Property: 53 East Charlton Road, Spencer, MA**

The applicant, Andrew Sweet was present to discuss what needs to be done with the debris and driveway. Prior to Mr. Russell working in Spencer, the Concom required the wetlands to be delineated. Ecotec Incorporated did the delineation. The permit is to accept the line and allow the material to remain. Ms. McLaughlin wanted to know what is going to happen with the driveway. The Commission discussed the completion of the driveway and decided to make the driveway part of the application.

*A motion to close the public hearing (Perry/Bellemer) 5/0 passed.*

*A motion to issue a negative #3 and negative #4 with stipulations to allow the completion of the driveway. (Perry/Bellemer) 5/0 passed.*

**8:05 p.m. Opened the Public Hearing to Request to Amend the Order of Conditions for Jeffrey Donahue**

**Property: 53 Jolicoeur Avenue, Spencer, MA DEP#293-0952**

Jason Dubois of D.C. Engineering was present regarding the Stop Work Order for work that was done, that was not on the plans. The office received a complaint. Mr. Russell discussed the inspection, in which he had to issue a Stop Work Order. The owner would like to Amend the Order of Conditions. Mr. Dubois explained the additional work. They added a sub-drain because the existing sub-drain collapsed. They are adding a pre-made shed. They want to plant Arborvitae inside the fence. They want to add lighting on the walkway. They will add stone to the parking area. And they will add new drains to the front and side of the structure.

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

*A motion to approve the plans as amended (Snow/Perry) 5/0 passed.*

**Other Business:**

**11 Shore Drive:** Postponed until December 18, 2019.

**4 Ethier Drive:** Ray Holmes was present to discuss the wood chips in the buffer zone. Mr. Russell went out on an inspection at a different address and observed the wood chips in jurisdiction. He recommends that an RDA be filed. The Commission explained the 100-ft buffer zone.

*A motion to file an RDA for the wood chips to either remain or get removed (Snow/Perry) 5/0 passed.*

**7 Sycamore Avenue:** Harry Hatch was present regarding the Notice of Violation. Mr. Russell discussed the inspection. There were significant erosion issues, so he stopped work on the site. Mr. Russell lifted the Stop Work Order, when the erosion barriers were fixed, but the Notice of Violation still exists because of a drainage pipe. Mr. Hatch explained what he did. He put in a perimeter drain. He added a T and 16-foot pipe. He said that, in hindsight, he should have added it to the existing perimeter drain. He will take it right back out. Mr. Russell recommended removal of the pipe. The Commission discussed the pipe with the property owner. They agreed and the property owner will remove the pipe.

**Lot 2 Valley View Drive:** Mr. Russell inspected the site and recommended that the CofC be issued.

*A motion to issue the Certificate of Compliance (Perry/Emerson) 5/0 passed.*

**Lot 3 Valley View Drive:** Mr. Russell inspected the site and recommended that the CofC be issued.

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

**Conservation Meeting:** At the last meeting there was a discussion about changing the meeting time to 6 or 6:30 p.m. Ms. Emerson stated that two members have a hard time getting to the meetings at the present time. Ms. McLaughlin agreed that the meeting should remain at 7:00 p.m.

*A motion to continue the meetings at 7:00 p.m. (Emerson/Snow) 5/0 passed.*

**115 Smithville Road:** Postponed until December 18, 2019.

**7 First Street:** Mr. Russell inspected the site and recommended that the CofC be issued.

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

### **Agent's Report**

**Website Postings:** NOI checklist.

*A motion to adopt the NOI checklist (Perry/Snow) 5/0 passed.*

**Regulation Amendments:** Mr. Russell discussed the proposed regulations and the burden of proof. Mr. Russell would like permission to delegate approval authority to the Agent. This would be for projects that would not require an RDA or NOI but would still require an application and consultation with the Agent. Ms. McLaughlin wants to wait until the "Snowbirds" are back. Mr. Perry discussed his thoughts on the regulations and the variance for the no-touch-zone.

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

New Applications:

*5A motion to adjourn the meeting at 8:50 p.m. (Perry/Snow) 5/0 passed.*

Respectfully submitted by:

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Jane Green, Senior Clerk  
Development & Inspectional Services

**Documents Reviewed at the 11/13/19 Spencer Conservation Commission Meeting:**

Emergency Certification North Spencer Road, Town of Spencer Bridge repair

Agenda 11/13/19

Minutes 10/23/19

Agent's Report 11/13/19

195 Charlton Road RDA signed

43 Point Eastalee Drive RDA signed

40, 80 & 96 Clark Road Continuance form

133 Ash Street Continuance form

87 Wilson Ave Order of Conditions signed

8 Bellevue Drive RDA signed

53 East Charlton Road signed

53 Jolicoeur Ave Amended Order of Conditions signed

Lot 2 Valley View Drive Certificate of Compliance signed

Lot 3 Valley View Drive Certificate of Compliance signed

7 First Street Certificate of Compliance signed

115 Smithville Rd information on Violation