

Conservation Commission – Town of Spencer



Minutes

Conservation Commission Meeting
Wednesday, February 26, 2020 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at

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

Commissioners Absent: Mary McLaughlin

Staff present: George Russell, Jane Green
Staff absent:

Minutes Approved: February 12, 2020 (Perry/Bellemer) 4/0 passed.

Signed:

7:15 p.m. Continued the Public Hearing for the Notice of Intent for Colin Derhammer

Property: 133 Ash Street, Spencer, MA DEP#293-0978 SW Permit

Mr. Russell said that the Commission has not received the final Peer Review. The application is still not ready to go forward. Elio Qorri, from Bertin Engineering, presented the plans. He said that the plans were updated on February 18th. He gave a brief overview of the changes to the plans. They updated the box culvert that is in the wetlands crossing. Mr. Snow wanted to know if they identified all the vernal pools. Mr. Qorri said that they had. The second change they made was they rearranged the infiltration trenches. Mr. Snow wanted to know if the Snowmobile Club and the Common Ground Land Trust contacted them. Bertin Engineering has not heard from either group. Mr. Snow wanted to see the trails on the plans. Mr. Snow asked Mr. Qorri if he could give his contact information to the Snowmobile Club and CGLT. Mr. Russell said that we do not have the Peer Review for the Planning Board and ConCom Wetlands Review. Mr. Russell that this application has been pending since October and if it is not ready by the next meeting, he recommended that the Commission deny it. Mr. Defosse wanted to know if there was a deadline to get new information in from an applicant. Mr. Snow said that there is a 7-day policy. Mr. Defosse, a resident, wanted to know what the steepest grade on this project was. Mr. Qorri said it's not to exceed fifteen percent. Mr. Defosse wanted to know how

much they are deforesting. Mr. Qorri said they are deforesting 46 percent. Mr. Defosse made a comment that with all the Solar projects rolling in, he thinks there should be a better plan, because they are taking a lot of land in Spencer. Mr. Defosse brought in a board to show all the solar in town.

At the request of the applicant the hearing has been continued to March 11, 2020.

7:31 p.m. Opened the Public Hearing for the Request for Determination of Applicability for Howard McGinn

Property: 40 Irving Street, Spencer, MA

Joseph Hamel, who lives at this address, was present to discuss his father's property. He told the Commission that they were unaware that they were working in the resource area. They put vegetative debris on the bank. Mr. Russell recommended that they leave the Debris in place. If the debris is moved it may destabilize the bank. The plan is to burn a little of it at a time in a fire pit.

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

A motion to issue a negative #3 determination (Emerson/Perry) 4/0 passed.

7:35 p.m. Opened the Public Hearing for the Request for Determination of Applicability for K4K LLC

Property: 14 Blueberry Hill Drive, Spencer, MA

Mr. Russell said that the owners are in Delaware. Mr. Russell asked if the owners need to be present; the Commission decided "no". Folks have been dumping vegetative debris on this property for some time now. The owner is going to place chains across the entrance with a sign saying, "no dumping". Mr. Russell recommended a negative # 3.

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

A motion to issue a negative #3 determination (Emerson/Bellemer) 4/0 passed.

7:40 p.m. Opened the Public Hearing for the Request for Determination of Applicability for Steven Cutler

Property: 175 Paxton Road, Spencer, MA

Mr. Russell was out on an inspection and discovered logs in the buffer zone. He said they were 25' from the BVW. After discussing the issue it was decided, they will move the wood out of the buffer zone. Eventually the plan is to chop the wood for firewood.

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

A motion to issue a negative #3 determination (Perry/Bellemer) 4/0 passed.

Other Business:

25 Kingsbury Road: Mr. Russell wanted to discuss the Enforcement Order and if anything needs to be done now. Mr. Bellemer said that they did all that was asked of them in the Enforcement Order. There was a discussion about an RDA.

Agent's Report:

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

New Applications: Charlton & Bacon Hill Roads – NOI
 7.5 Meadow Road & Row along Meadow Rd &
 Wire Village Rd - NOI

A motion to adjourn the meeting at 7:42p.m. (Perry/ Bellemer) 4/0 passed.

Respectfully submitted by:

Jane Green, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 2/26/20 Spencer Conservation Commission Meeting:

Agenda 2-26-20

Minutes 2-12-20

Agent's report 2-26-20

Information - Enforcement Status

RDA – 40 Irving Street

RDA – 14 Blueberry Hill Drive

RDA – 175 Paxton Road

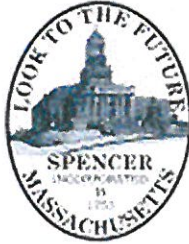
Enforcement Order – 25 Kingsbury Road

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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TO: Conservation Commission

FM: George Russell, AICP
Conservation Agent

RE: Agent's Report

DATE: 2/26/20

4.0 PUBLIC HEARINGS:

Item 4.1. 133 Ash St. NOI: We are still waiting on the peer review report and the revised plans. I recommend the hearing be again continued unless we receive a final peer review report on the peer review by the meeting. There will be a packet of the "Wetland Compliance Report" at the meeting but this does not take the place of the peer review report.

Item 4.2. 40 Irving St. RDA: This permit was filed at my recommendation and as a result of a violation I notice at this address while undertaking an inspection next door. The issue concerns vegetative debris piled on the bank of the stream channel and some that actually encroaches on the channel itself. However, the debris has been in place for some time and removing it may destabilize the bank resulting in a greater problem. Therefore, I would recommend the debris not be removed, but obviously no more placed within Jurisdiction. The owner does have plans to remove some of the burnable material slowly over time to burn in his fire pit with the OK of the SFD. It is my opinion the Commission should vote a negative #3 for this permit.

Item 4.3. 14 Blueberry Hill RDA: Please see information in your packets on this permit. This is a permit to request that vegetative debris remain in place at this address. The debris is at the very end of the 200' Riverfront and was placed there by unknown persons. The owner of the property is a non-profit out of Delaware and they have filed the RDA on my recommendation. They plan to fence off the area and place "no dumping" signs.

One of the questions I would pose to the Commission is do you want the owner to attend a hearing. If so, I would suggest the hearing be recessed until the next meeting. If not, I would recommend a negative number 3.

Item 4.4 175 Paxton Road, RDA: this RDA has been submitted on my recommendation and is based on the deposition of logs in the buffer zone but more than 25' from the BVW. (Please see the letters and photo in you packet on this.) The owner indicated to me that he eventually will cut this wood into firewood.

I would recommend a negative #3.

5.0 OTHER BUSINESS:

Item 5.1

6.0 AGENT REPORTS:

Item 6.1. 25 Kingsbury Road: I have come across the enforcement order for this address and after a review of the files, I cannot find a disposition. What should we be doing with this?